

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT (HB-2153)

THIS CERTIFICATE ISSUED TO

RICHARD KINDWALL
14550 ORCHARD KNOB ROAD
DALLAS, OREGON 97338

confirms the right to store the water of AN UNNAMED STREAM, a tributary of the LITTLE LUCKIAMUTE RIVER, in KINDWALL RESERVOIR for DOMESTIC USE EXPANDED FOR ONE FAMILY INCLUDING IRRIGATION OF ONE-HALF ACRE OF LAWN AND NON-COMMERCIAL GARDEN AND RECREATION.

The right to store and use these waters was perfected under Reservoir Application R-73821. The date of priority is JANUARY 1, 1993. The amount of water entitled to be stored and used each year under this right is not more than 8.14 ACRE-FEET (af), BEING 2.14 AF FOR DOMESTIC EXPANDED AND 6.0 AF FOR RECREATION.

The reservoir is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$
AS PROJECTED WITHIN JONES DLC 38
SECTION 1
TOWNSHIP 9 SOUTH, RANGE 6 WEST, W.M.

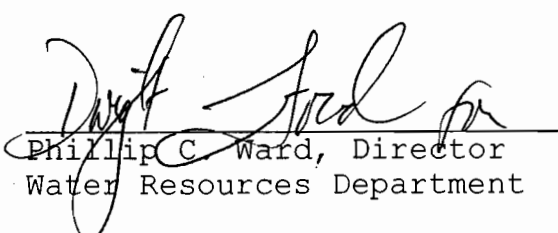
ORS 498.351 and ORS 509.605 through ORS 509.625 provides that no person shall construct an artificial obstruction across a waterway in which anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife (ODFW). If the subject pond is in-channel and fish are present, the certificate holder is directed to contact the ODFW Fish Passage Program Coordinator, 3406 Cherry Avenue NE, Salem, OR 97303. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination. If water is to be diverted from an in-channel pond where fish are present, the certificate holder shall install, maintain and operate fish screening and by-pass devices as required by ORS 498.306 through ORS 498.346 and approved by ODFW. Contact the ODFW Fish Screening Program Coordinator, 3406 Cherry Avenue NE, Salem, OR 97303. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream right as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use listed above.

WITNESS the signature of the Water Resources Director, affixed

APR 18 2007


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 83300.

R-73821 (HB-2153).LHN