

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

THIS CERTIFICATE ISSUED TO

RICHARD KINDWALL
14550 ORCHARD KNOB ROAD
DALLAS, OREGON 97338

confirms the right to use the waters of an UNNAMED STREAM, TRIBUTARY OF the LITTLE LUCKIAMUTE RIVER, for MAINTENANCE OF KINDWALL RESERVOIR approved by Certificate 83300 (HB-2153) AND DOMESTIC USE EXPANDED FOR ONE FAMILY INCLUDING IRRIGATION OF ONE-HALF ACRE LAWN AND NON-COMMERCIAL GARDEN.

This right was perfected under Permit 52062. The date of priority is DECEMBER 29, 1993, FOR DOMESTIC USE EXPANDED and MAY 20, 1994, FOR RESERVOIR MAINTENANCE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.09 CUBIC FOOT PER SECOND (CFS), BEING 0.08 CFS FOR RESERVOIR MAINTENANCE AND 0.01 CFS FOR DOMESTIC USE EXPANDED.

The period of allowed use is NOVEMBER 1 THROUGH APRIL 30 FOR RESERVOIR MAINTENANCE AND YEAR ROUND FOR DOMESTIC USE EXPANDED.

The point of diversion is located as follows:

DAM: NE $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN JONES DLC 38, SECTION 1, T 9 S, R 6 W, WM; 2380 FEET NORTH AND 850 FEET EAST FROM THE SW CORNER, JONES DLC 38.

A description of the place of use to which this right is appurtenant is 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.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If diverting water directly from the Reservoir, the water user shall install, maintain, and operate upstream fish ways, fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion. The required upstream fish ways, screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water directly from the reservoir.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

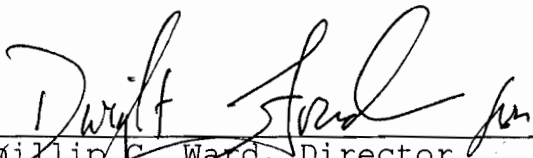
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

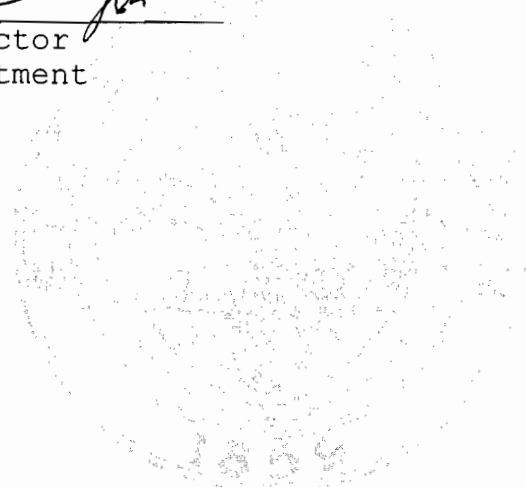
The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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 Number 83301.

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