

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARVIN DERA EVE
8701 PACIFIC HWY W
RICKREALL OR 97371

confirms the right to enlarge AN UNNAMED RESERVOIR ORIGINALLY CONSTRUCTED UNDER PERMIT R-10482, and to store the waters of AN UNNAMED STREAM, a tributary of ASH SWALE, appropriated and maintained under Permit 51470, for SUPPLEMENTAL IRRIGATION OR FISH CULTURE.

The right to store these waters was perfected under Reservoir Permit R-11459. The date of priority is MAY 10, 1991. The amount of water entitled to be stored each year under this right is not more than 16.0 acre-feet.

Water may be appropriated for storage during the period November 1 through April 30.

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
6 S	4 W	WM	7	SE SW		46	3720 FEET SOUTH & 2056 FEET WEST FROM NE CORNER, DLC 46

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
6 S	4 W	WM	7	SE SW		46
6 S	4 W	WM	18	NE NW		46
6 S	4 W	WM	18	NW NW		46

The outlet gate shall be cycled at least once each year and shall be fully operational. The embankment and spillway shall be kept clear of brush, debris, and burrowing animals.

The dam shall be operated and maintained according to the approved plans and specifications dated February 5, 1992, on file with the Water Resources Department.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.


The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provisions of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Failure to comply with any 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 store and use the water for the above purpose is restricted to beneficial use at the place of use described.

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

Issued FEB 27 2009 .



Phillip C. Ward, Director
Water Resources Department