

STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACKSONS FOOD STORES INC.
3450 COMMERCIAL COURT
MERIDIAN ID 83642

confirms the right to store water perfected under the terms of Permit R-14401. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-86685

SOURCE: SNAKE RIVER, TRIBUTARY TO COLUMBIA RIVER

STORAGE FACILITY: A RESERVOIR

PURPOSE or USE: WILDLIFE

MAXIMUM STORAGE VOLUME: 6.7 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: OCTOBER 1 THROUGH MARCH 31

DATE OF PRIORITY: SEPTEMBER 22, 2006

DAM LOCATION (CENTER OF RESERVOIR):

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
22 S	46 E	WM	10	SE NE	1	1200 FEET SOUTH AND 800 FEET WEST FROM NE CORNER, SECTION 10

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
22 S	46 E	WM	10	SE NE	1	200 FEET SOUTH AND 150 FEET EAST FROM NW CORNER, SENE, SECTION 10

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot
22 S	46 E	WM	10	NE NE	1
22 S	46 E	WM	10	NW NE	2
22 S	46 E	WM	10	SE NE	1

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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

CONDITIONS OF USE

1. Measurement, recording and reporting:
 - A. The Director may require the water user to install a meter or other suitable measuring device at each point of diversion 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.
2. The storage of water allowed herein is subject to the maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Director to satisfy prior downstream rights.
3. The water user shall pass all live flow outside the storage season described above.
4. The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.
5. This right does not provide for the appropriation of water for any out-of-reservoir uses, the maintenance of the water level, or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.
6. The water user shall maintain and operate fish-screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards.
7. 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.
8. This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
9. 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.
10. 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.

11. This right does not authorize the water user to interfere with or affect adjacent property not under the ownership of the water user.

Issued JULY 3 2012

E. Timothy Wall. for

Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department