

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

COOS BAY-NORTH BEND WATER BOARD
PO BOX 539
COOS BAY OR 97420

confirms the right to store water perfected under the terms of Permit R-12870. 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 FILE NUMBER: R-80301

SOURCE OF WATER: PONY CREEK, A TRIBUTARY OF PONY SLOUGH

STORAGE FACILITY: UPPER PONY RESERVOIR, CONSTRUCTED UNDER PERMITS R-1064 AND R-8518

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER PERMIT 53671 FOR MUNICIPAL USE

MAXIMUM VOLUME: 4,100.0 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: MAY 11, 1995

The dam is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	13 W	WM	28	SW SW	1989 FEET SOUTH AND 503 FEET EAST FROM W1/4 CORNER, SECTION 28

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
25 S	13 W	WM	28	NW SW
25 S	13 W	WM	28	SW SW
25 S	13 W	WM	29	SE SW
25 S	13 W	WM	29	NE SE
25 S	13 W	WM	29	SW SE
25 S	13 W	WM	29	SE SE
25 S	13 W	WM	32	NE NE
25 S	13 W	WM	32	NW NE

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.

Twp	Rng	Mer	Sec	Q-Q
25 S	13 W	WM	32	SW NE
25 S	13 W	WM	32	SE NE
25 S	13 W	WM	32	NE NW
25 S	13 W	WM	32	NW NW
25 S	13 W	WM	32	SE NW
25 S	13 W	WM	32	NE SE
25 S	13 W	WM	32	SW SE
25 S	13 W	WM	32	SE SE
25 S	13 W	WM	33	NW NW
25 S	13 W	WM	33	SW NW
25 S	13 W	WM	33	NW SW
25 S	13 W	WM	33	SW SW
26 S	13 W	WM	4	NW NW
26 S	13 W	WM	4	SW NW
26 S	13 W	WM	5	NE NE
26 S	13 W	WM	5	NW NE
26 S	13 W	WM	5	SW NE
26 S	13 W	WM	5	SE NE

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam and all appurtenant structures shall be performed as determined necessary by the Water Resources Dam Safety program for the timely removal of trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The Emergency Action Plan shall be updated on an annual basis.

Neither the completed dam nor any appurtenant structure shall be enlarged, modified, or otherwise altered without the prior written approval of the Water Resources Dam Safety program. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed professional engineer are required for any significant modification to alteration of the dam or any appurtenant structure.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

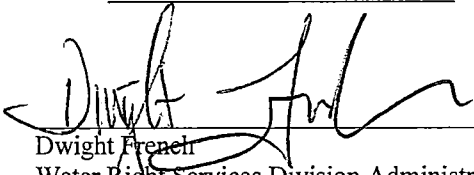
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 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.

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

Issued JUN 15 2018



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department