

STATE OF OREGON
COUNTY OF MULTNOMAH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRADLEY C FACKRELL
DIANE S FACKRELL
LAKESIDE GARDENS
16211 SE FOSTER RD
PORTLAND OR 97326

confirms the right to store water perfected under the terms of Permit R-13336. 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-84599

SOURCE OF WATER: KELLY CREEK, TRIBUTARY OF JOHNSON CREEK, TRIBUTARIES OF WILLAMETTE RIVER, AND A WELL

STORAGE FACILITIES: POND #1 AND POND #2

PURPOSE OR USE OF THE STORED WATER: AESTHETICS, FISH, WILDLIFE AND RECREATION

MAXIMUM VOLUME: 2.15 ACRE-FEET (AF) EACH YEAR; BEING 1.67 AF IN POND #1 AND 0.48 AF IN POND #2

WATER MAY BE APPROPRIATED FOR STORAGE: DECEMBER 1 THROUGH JUNE 1 FROM KELLY CREEK AND YEAR ROUND FROM A WELL UNDER APPLICATION G-15259, PERMIT G-15139

DATE OF PRIORITY: APRIL 26, 2001

The dams are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	2 E	WM	13	SE SE	60	DAM #1 - 273 FEET NORTH AND 253 FEET WEST FROM MOST NORTHERLY SE CORNER, DLC 60
1 S	2 E	WM	13	SE SE	60	DAM #2 - 451 FEET NORTH AND 310 FEET WEST FROM MOST NORTHERLY SE CORNER, DLC 60

The area submerged by the reservoirs are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	2 E	WM	13	SE SE	60
1 S	2 E	WM	24	NE 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.

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.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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

The water user shall maintain and operate a fishway at the obstruction, as required by the Oregon Department of Fish and Wildlife, to provide adequate upstream and downstream passage for fish.

No water from the reservoir shall be returned to Kelly Creek.

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.

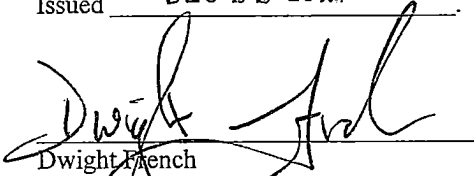
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 DEC 22 2017



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