

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON DEPARTMENT OF CORRECTIONS;
WARNER CREEK CORRECTIONAL FACILITY
PO BOX 1500
LAKEVIEW OR 97630

confirms the right to store water perfected under the terms of Permit R-14577. 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-86815

SOURCE OF WATER: RUNOFF, TRIBUTARY TO WARNER CREEK

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 0.683 ACRE-FOOT

WATER MAY BE APPROPRIATED DURING THE PERIOD: NOVEMBER 1 – JANUARY 31

DATE OF PRIORITY: MARCH 26, 2007

The dam is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	20 E	WM	29	NE SE	2266 FEET NORTH AND 437 FEET WEST FROM SE CORNER, SECTION 29

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
38 S	20 E	WM	29	NE SE

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 water user shall maintain a staff gage that measures the entire range and stage between full reservoir level and dead pool in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, or I. Additionally, if the reservoir is located in-channel, then weirs or other suitable measuring devices must be maintained upstream and downstream of the reservoir, and a gated outlet valve must be maintained. The water user shall maintain such devices 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. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit. The Director may provide an opportunity for the water user to submit alternative procedures for review and approval.
- B. The water user shall allow the watermaster access to the devices; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

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 Water Resources Director to satisfy prior downstream rights.

The water user shall pass all live flow outside the storage season described above.

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

The water user shall maintain and operate fish-screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the diversion while by-pass devices provide adequate upstream and downstream passage for fish.

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.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for 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 purposes, or any live flow is appropriated to maintain either the water level or maintaining a suitable fresh water condition, a secondary water right is required.

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.

The right does not allow unauthorized inundation of property not under the ownership of the water user.

Issued FEB 28 2020.



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

