

STATE OF OREGON
COUNTY OF JEFFERSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KELLY BRUUN OR BARBARA BRUUN
10990 SE GRIZZLY MOUNTAIN RD
MADRAS OR 97741

confirms the right to store water perfected under the terms of Permit R-15048. 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-87832

SOURCE OF WATER: NEWBILL CREEK, A TRIBUTARY OF WILLOW CREEK

STORAGE FACILITY: NEWBILL CREEK RESERVOIR, AN ENLARGEMENT OF PERMIT R-13317

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

MAXIMUM VOLUME: 122.55 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: MARCH 1 THROUGH APRIL 14

DATE OF PRIORITY: AUGUST 9, 2012

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	15 E	WM	34	SE NE	733 FEET NORTH AND 1324 FEET EAST FROM C1/4 CORNER, SECTION 34

THE AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q
12 S	15 E	WM	34	SW NE
12 S	15 E	WM	34	SE NE
12 S	15 E	WM	34	NE SE
12 S	15 E	WM	34	NW 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 the staff gage that measures the entire range and stage between full reservoir level and dead-pool storage in good working order.
- B. The water user shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The water user shall keep a complete record of the amount of water stored each month, and shall submit a report which includes the recorded report water-storage 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, the place and nature of use of water under the right.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The use of water allowed herein may be made only at times when waters from Newbill Creek would not otherwise flow into Willow Creek or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Water may be diverted only when Department of Environmental Quality sediment standards are being met.

The storage of water allowed herein is subject to the maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when determined necessary.

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

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implantation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

This right allows an annual appropriation (not to exceed the specified volume). 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 to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or suitable freshwater condition, an additional water right is required.

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.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

Diversion of water under this right is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

Deschutes River Scenic Waterway	
Month	Minimum Flow (CFS)
March 1 -15	4500
March 16 - 31	4000
April 1 - 14	4000

DAM CONDITIONS

Routine maintenance or repair of the dam, its conduits and all appurtenant structures shall be performed to include, but not limited to, removal of woody or high vegetation from the embankment, abutments, conduits, removal of debris from the reservoir, and annual or more frequent cycling of the valve or gate for the low level conduit.

Flow control structure for the 18-inch PVC outlet pipe must be kept in operable condition, and be replaced if it is not fully functional. No valve shall be installed at the downstream end of the pipe, and the conduit shall not be operated in a pressurized condition.

Repair or replacement of defective or worn-out equipment (including but not limited to gates, valves, and conduits) shall be completed as needed to keep the dam safe.

Flashboards shall be maintained in good condition, replaced as needed and removed temporarily as necessary prior to forecasted extreme flood events. Determination of such flood events is the responsibility of the dam owner.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or an appurtenant structure.

The height of the emergency spillway weir shall not be increased.

STANDARD CONDITIONS

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.

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

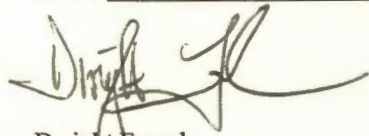
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 **NOV 18 2022**

A handwritten signature in dark ink, appearing to read "Dwight French", written over a horizontal line.

Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department