

STATE OF OREGON
 COUNTY OF JOSEPHINE
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES B. DARBY
 1120 HUFFMAN RD SUITE 24-374
 ANCHORAGE AK 99515

confirms the right to store water perfected under the terms of Permit R-15216. 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-88295

SOURCE OF WATER: JIMMY CREEK, TRIBUTARY TO ILLINOIS RIVER

STORAGE FACILITY: STELLA JANE RESERVOIR

MAXIMUM VOLUME: 4.0 ACRE-FEET

DATE OF PRIORITY: SEPTEMBER 30, 2016

WATER MAY BE APPROPRIATED AS FOLLOWS: DECEMBER 1 THROUGH APRIL 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 W	WM	17	NE SW	POD - 730 FEET SOUTH AND 15 FEET WEST FROM C1/4 CORNER, SECTION 17
39 S	8 W	WM	17	NW SE	DAM -1075 FEET SOUTH AND 330 FEET EAST FROM C1/4 CORNER, SECTION 17

The Area Submerged by the Reservoir is as Follows:

Twp	Rng	Mer	Sec	Q-Q
39 S	8 W	WM	17	NW SE

Measurement devices, and recording/reporting of annual water storage conditions:

- A. The Director may require the water user to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. If the Director notifies the water user to install a staff gage, the water user shall install such device within the period stated in the notice. Once installed, the water user shall maintain the device in good working order and shall allow the watermaster access to the device.

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, right 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.

- B. The Director may require the water user to keep and maintain a record of the volume of water stored, and may require the water user to report water-storage 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.
- C. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

Diversion of water under this right is contingent on designated scenic waterway flows being met downstream. No appropriate gage currently exists for this scenic waterway, however at the discretion of the Director, the water user may be required to monitor streamflow at a specific location and discontinue diversion when the flows specified below are unmet at the gage. Should the Director require such streamflow monitoring, the location and nature of monitoring is subject to change at the discretion of the Director. Notwithstanding the lack of a gage, 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.

Illinois Scenic Waterway	
Month	Minimum Flow (cfs)
December	1500
January	1500
February	1500
March	1500
April	1500

The storage of water allowed herein is subject to the installation and 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 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 implementation 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.

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 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.

As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any water of this state that are inhabited or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in right status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the Department prior to construction, right modification, or abandonment of the AO. Approved fish-passage plans, waivers and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

The water user shall install, 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 proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The user may submit

evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

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 a suitable freshwater condition, an additional 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.

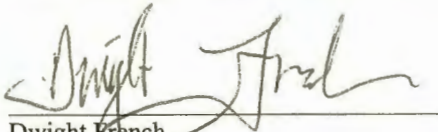
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Issued **DEC 09 2022**



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