

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SARAH KING  
DAVID KING  
16520 NE NELSON RD  
NEWBERG OR 97132

confirms the right to store water perfected under the terms of Permit R-15641. 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-89428

SOURCE OF WATER: RUNOFF, TRIBUTARY TO BYRAN CREEK

STORAGE FACILITY: UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: MULTIPLEPURPOSE USE

MAXIMUM VOLUME: 1.93 ACRE-FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MARCH 31

DATE OF PRIORITY: DECEMBER 29, 2023

DAM LOCATION/POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	3 W	WM	3	NE SE	1816 FEET SOUTH AND 1040 FEET WEST FROM NE CORNER, DLC 74

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
3 S	3 W	WM	3	NE SE

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

**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.

Water Use Measurement, Recording, and Reporting:

- 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. The watermaster may determine an alternate measuring device is suitable. If the Director notifies the water user to install the 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.
- 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.

The water user shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The water user shall protect riparian areas, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The water user shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the water user may be required to screen the inlet and outlet of the reservoir to ensure fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.

Once allocated volume has been stored, water user shall pass all live flow downstream at a rate equal to inflow, using methods to protect instream water quality.

The water user shall not release polluted water from this off-channel reservoir into waters of the state except when release is directed by the State Engineer to prevent dam failure.

All water use under this right shall comply with state and federal water quality laws. The water user shall not violate any state or federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards. Water user is responsible for obtaining any necessary state or federal permits.

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 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 permittee 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.

The water user may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the diversion and to provide adequate upstream and downstream passage for fish.

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.

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 MAR 06 2026.



Katherine Ratcliffe  
Water Right Services Division Administrator, for  
Ivan Gall, Director  
Oregon Water Resources Department

