

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MICHAEL TOWNSEND
23400 NE TOWNSEND WAY
FAIRVIEW OR 97024

confirms the right to store water perfected under the terms of Permit R-15674. 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-88642

SOURCE OF WATER: RUNOFF, TRIBUTARY TO NORTH FORK DEEP CREEK

STORAGE FACILITIES: C1, C2, C3, S2, AND S3

PURPOSE OR USE OF THE STORED WATER: IRRIGATION

MAXIMUM VOLUME: 32.1 ACRE FEET (AF), BEING 1.9 AF IN C1, 7.6 AF IN C2, 13.2 AF IN C3, 2.2 AF IN S2, AND 7.2 AF IN S3

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JULY 18, 2018

DAM LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	3 E	WM	14	SE NE	C1 - 1420 FEET SOUTH AND 170 FEET WEST FROM NW CORNER, SECTION 13
2 S	3 E	WM	13	NW NW	C2 - 1115 FEET SOUTH AND 310 FEET EAST FROM NW CORNER, SECTION 13
2 S	3 E	WM	13	NW NW	C3 - 910 FEET SOUTH AND 880 FEET EAST FROM FROM NW CORNER, SECTION 13

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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	3 E	WM	13	SW NW	S2 - 2175 FEET SOUTH AND 525 FEET EAST FROM NW CORNER, SECTION 13
2 S	3 E	WM	13	SW NW	S-3 - 1850 FEET SOUTH AND 1050 FEET EAST FROM NW CORNER, SECTION 13

THE AREA SUBMERGED BY THE RESERVOIRS:

Twp	Rng	Mer	Sec	Q-Q
2 S	3 E	WM	13	NW NW
2 S	3 E	WM	13	SW NW
2 S	3 E	WM	14	NE NE
2 S	3 E	WM	14	SE NE

Water Use Measurement, Recording and Reporting:

- A. The water user shall maintain, in good working order, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage in the reservoirs. If no dead-pool, the gage must measure the full depth of the reservoirs. The watermaster may determine an alternate measuring device is suitable.
- 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.
- C. 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.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

All water use under this right shall comply with state and federal water quality laws. The water user shall not violate any state and 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 and federal permits.

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

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.

Any in-water work related to construction, development, or maintenance of the use shall be conducted during the preferred work period of July 15 through August 31, unless an alternate time is approved by the Oregon Department of Fish and Wildlife.

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 that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.

Diversion of water under this right is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at Clackamas River near Estacada, OR, gage 14210000, 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 are 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.

Clackamas Scenic Waterway	
Month	Minimum Flow (cfs)
January	1000
February	1000
March	1000
April	1000
December	1000

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 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.

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.

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.

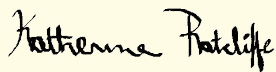
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 the source stream decreases to the point that it 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 August 14, 2026.



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

