

STATE OF OREGON
COUNTY OF LINCOLN
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PAUL B. AND LETHA E. WEAVER
406 THORNTON CREEK RD
TOLEDO, OREGON 97391

confirms the right to use the waters of AN UNNAMED SPRING AND THORNTON CREEK, tributaries of YAQUINA RIVER, for DOMESTIC USE FOR ONE FAMILY AND IRRIGATION OF UP TO ONE-HALF ACRE.

This right was perfected under Permit 52174. The date of priority is OCTOBER 29, 1992. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.01 CUBIC FOOT PER SECOND (CFS); BEING 0.005 CFS FROM THE SPRING FOR DOMESTIC USE AND 0.005 CFS FROM THORNTON CREEK FOR IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion from the source. THE USE OF WATER FROM THE UNNAMED SPRING IS LIMITED TO HUMAN CONSUMPTION USE ONLY DURING THE PERIOD OF MAY 1 THROUGH NOVEMBER 30 OF EACH YEAR. THE USE OF WATER FROM THORNTON CREEK FOR IRRIGATION IS LIMITED TO THE MONTHS OF MARCH AND APRIL OF EACH YEAR.

The points of diversion are located as follows:

SPRING - NW 1/4 NE 1/4, SECTION 31, SOUTH 12 DEGREES, 30 MINUTES EAST 730 FEET FROM THE N 1/4 CORNER OF SECTION 31; AND

THORNTON CREEK - NW 1/4 NE 1/4, SECTION 31, SOUTH 17 DEGREES EAST 1320 FEET FROM THE N 1/4 CORNER OF SECTION 31.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 NE 1/4
SECTION 31
TOWNSHIP 10 SOUTH, RANGE 9 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.

- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use 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. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening to prevent fish from entering the diversions. The water user shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

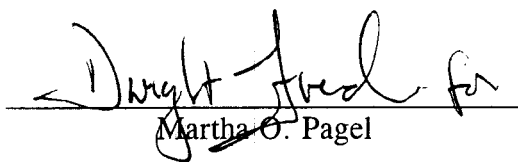
Failure to comply with any of the provision of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require 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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76410.