

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

SUTHERLIN WATER CONTROL DISTRICT  
PO BOX 1167  
SUTHERLIN, OR 97479

confirms the right to store the waters of SUTHERLIN CREEK, A TRIBUTARY OF NORTH UMPQUA RIVER IN AN ENLARGEMENT PLAT I RESERVOIR, ORIGINALLY CONSTRUCTED UNDER PERMIT R-4751, for PRIMARY IRRIGATION OF 137.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 533.7 ACRES.

The right to store and use these waters was perfected under Reservoir Application R-74271. The date of priority is January 1, 1993. The amount of water entitled to be stored and used each year under this right is not more than 450.0 ACRE-FEET.

The reservoir is located as follows:

SW 1/4 NW 1/4  
NW 1/4 SW 1/4  
SW 1/4 SW 1/4  
BOTH AS PROJECTED WITH J. SUTHERLIN DLC 42  
SECTION 13  
SE 1/4 NE 1/4  
SE 1/4  
ALL AS PROJECTED WITHIN J. SUTHERLIN DLC 41  
SECTION 14  
N 1/2 NE 1/4  
SE 1/4 NE 1/4  
BOTH AS PROJECTED WITHIN J. SUTHERLIN DLC 41  
LOT 3 (SE 1/4 NE 1/4)  
NE 1/4 SE 1/4  
SECTION 23  
TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use 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, including the place and nature of use of water under this right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The operation and maintenance of the reservoir is subject to the following conditions:

1. The structure shall be constructed under the supervision of a registered engineer licensed in Oregon;
2. The structure shall be operated and maintained in accordance with the approved plans and specifications and with the design intent;
3. The outlet gate shall be cycled at least once each year in order to assure smooth operation;
4. The embankment and spillway shall be kept clear of trees, brush and other debris; and
5. The embankment shall be kept free of burrowing animals.

The project will be operated as follows:

1. February 1 or later, close the 4 by 4 gate. The water surface elevation will go to 582.0 feet.
2. February 15 or later, close the inlet gate. The water surface elevation will go to 585.6 feet.
3. March 1 or later, close weir gates. The water surface elevation will go to 588.5 feet.
4. Open weir gates as soon as irrigation drawdown lowers the water surface elevation to 585.6 feet.
5. Open weir gates as soon as irrigation drawdown lowers the water surface elevation to 582.0 feet.
6. Open the 4 by 4 gate as soon as irrigation drawdown lowers the water surface elevation to 576.0 feet, or prior to October 15, whichever comes first.

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

**PRIMARY**

NE 1/4 NE 1/4 5.0 ACRES  
 SW 1/4 NW 1/4 14.3 ACRES  
 SE 1/4 NW 1/4 12.1 ACRES  
 SE 1/4 SW 1/4 2.0 ACRES

SECTION 14

NW 1/4 NE 1/4 6.6 ACRES  
 NE 1/4 NW 1/4 0.8 ACRE  
 NE 1/4 SW 1/4 29.4 ACRES  
 NW 1/4 SW 1/4 15.6 ACRES  
 SW 1/4 SW 1/4 13.6 ACRES  
 SE 1/4 SW 1/4 13.6 ACRES

ALL AS PROJECTED WITHIN T. SUTHERLIN DLC 40

SE 1/4 SE 1/4 3.7 ACRES

SECTION 15

NE 1/4 SE 1/4 3.4 ACRES  
 SE 1/4 SE 1/4 9.7 ACRES

BOTH AS PROJECTED WITHIN T. SUTHERLIN DLC 40

SECTION 16

SW 1/4 NE 1/4 3.9 ACRES  
 SE 1/4 NE 1/4 2.4 ACRES

SECTION 22

NE 1/4 NW 1/4 1.0 ACRE

SECTION 23

TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M.

SUPPLEMENTAL

SE 1/4 SE 1/4 0.7 ACRE

SECTION 10

NE 1/4 SW 1/4 0.9 ACRE

SW 1/4 SW 1/4 25.0 ACRES

SE 1/4 SW 1/4 31.7 ACRES

BOTH AS PROJECTED WITHIN CROUCH DLC 45

LOT 2 (SE 1/4 SW 1/4) 2.6 ACRES

SECTION 11

SW 1/4 NW 1/4 3.2 ACRES

SE 1/4 NW 1/4 4.0 ACRES

NE 1/4 SW 1/4 1.4 ACRES

NW 1/4 SW 1/4 10.0 ACRES

SW 1/4 SW 1/4 28.8 ACRES

SE 1/4 SW 1/4 2.5 ACRES

ALL AS PROJECTED WITHIN SUTHERLIN DLC 42

NE 1/4 NW 1/4 12.4 ACRES

SECTION 13

NE 1/4 NE 1/4 2.9 ACRES

NW 1/4 NE 1/4 10.4 ACRES

LOT 2 (SW 1/4 NE 1/4) 3.8 ACRES

LOT 1 (SE 1/4 NE 1/4) 19.0 ACRES

SW 1/4 NE 1/4 6.6 ACRES

SE 1/4 NE 1/4 11.8 ACRES

BOTH AS PROJECTED WITHIN J. SUTHERLIN DLC 41

NE 1/4 NW 1/4 32.0 ACRES

NW 1/4 NW 1/4 29.6 ACRES

SW 1/4 NW 1/4 13.4 ACRES

SE 1/4 NW 1/4 5.2 ACRES

ALL AS PROJECTED WITHIN CROUCH DLC 45

LOT 3 (SW 1/4 NW 1/4) 3.2 ACRES

SW 1/4 NW 1/4 1.7 ACRES

SE 1/4 NW 1/4 12.8 ACRES

NE 1/4 SW 1/4 22.0 ACRES

NW 1/4 SW 1/4 3.3 ACRES

ALL AS PROJECTED WITHIN J. SUTHERLIN DLC 41

LOT 5 (NE 1/4 SW 1/4) 4.9 ACRES

LOT 4 (NW 1/4 SW 1/4) 22.7 ACRES

SW 1/4 SE 1/4 2.0 ACRES

SE 1/4 SE 1/4 5.9 ACRES

BOTH AS PROJECTED WITHIN J. SUTHERLIN DLC 41

SECTION 14

NE 1/4 NE 1/4 5.8 ACRES

NW 1/4 NE 1/4 2.8 ACRES

SW 1/4 NE 1/4 3.6 ACRES

SE 1/4 NE 1/4 8.3 ACRES

ALL AS PROJECTED WITH CROUCH DLC 45

NW 1/4 NE 1/4 2.3 ACRES

SW 1/4 NE 1/4 12.9 ACRES

BOTH AS PROJECTED WITHIN T. SUTHERLIN DLC 40

SECTION 15

LOT 4 (SW 1/4 NE 1/4) 1.2 ACRES  
 LOT 7 (SE 1/4 NE 1/4) 4.0 ACRES  
 NE 1/4 NW 1/4 1.2 ACRES  
 SW 1/4 NW 1/4 2.2 ACRES  
 SE 1/4 NW 1/4 18.4 ACRES  
 NE 1/4 SW 1/4 9.4 ACRES  
 NW 1/4 SW 1/4 2.7 ACRES  
 NW 1/4 SE 1/4 18.6 ACRES  
 SW 1/4 SE 1/4 6.6 ACRES

ALL AS PROJECTED WITHIN DLC 40

NE 1/4 SE 1/4 40.0 ACRES  
 LOT 5 (NW 1/4 SE 1/4) 20.0 ACRES  
 LOT 6 (SW 1/4 SE 1/4) 14.4 ACRES  
 SE 1/4 SE 1/4 11.6 ACRES

SECTION 15

NE 1/4 NE 1/4 3.9 ACRES  
 NW 1/4 NE 1/4 6.4 ACRES

BOTH AS PROJECTED WITH J. SUTHERLIN DLC 41

SECTION 23

TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M.

ORS 498.351 and ORS 509.605 through 509.625 provides that no person shall construct an artificial obstruction across a waterway in which anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife (ODFW). If the subject pond is in-channel and fish are present, the certificate holder is directed to contact the ODFW Fish Passage Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

If water is to be diverted from an in-channel pond where fish are present, the certificate holder shall install, maintain and operate fish screening and by-pass devices as required by ORS 498.306 through ORS 498.346 and approved by ODFW. Contact the ODFW Fish Screening Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

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

WITNESS the signature of the Water Resources Director, affixed AUGUST 17, 2000.

**/S/ Richard D. Bailey**

Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76600.