

STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT F. SMITH  
8125 S. MYRTLE RD  
MYRTLE CREEK, OR 97457

confirms the right to use the waters of BEN BRANCH CREEK, a tributary of SOUTH MYRTLE CREEK, for DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD.

This right was perfected under Permit 52147. The date of priority is NOVEMBER 15, 1991. 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) FOR DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD FROM DECEMBER 1 THROUGH JUNE 30 OF EACH YEAR, AND FURTHER LIMITED TO HUMAN CONSUMPTION INCLUDING THE IRRIGATION OF  $\frac{1}{2}$  ACRE NON-COMMERCIAL GARDEN JULY 1 THROUGH NOVEMBER 30 OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NE 1/4, AS PROJECTED WITHIN STEPHENS DLC 38, SECTION 22, T 29 S, R 4 W, W.M.; NORTH 62 DEGREES 5 MINUTES WEST FROM THE EAST 1/4 CORNER OF SECTION 22.

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

SW 1/4 NE 1/4  
AS PROJECTED WITHIN STEPHENS DLC 38  
SECTION 22  
TOWNSHIP 29 SOUTH, RANGE 4 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 diversion. The water user shall also install a fishway at any 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.

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

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

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.

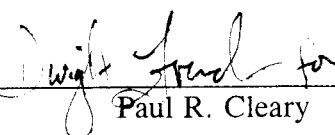
The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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 right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

WITNESS the signature of the Water Resources Director, affixed MARCH 8, 2001.

  
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Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76803.