

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NANCY AUSTIN
18032 OLD HWY 99 N.
OAKLAND, OR 97462

confirms the right to use the waters of A SPRING, WITH ANY DEFICIENCY IN SUPPLY TO BE MADE UP FROM CABIN CREEK AND CALAPOOYA CREEK, all tributaries of UMPQUA RIVER, for DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING THE IRRIGATION OF UP TO ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN, FURTHER LIMITED TO HUMAN CONSUMPTION INCLUDING THE IRRIGATION OF UP TO ONE-HALF ACRE NONCOMMERCIAL GARDEN DURING THE PERIOD FROM MAY 1 THROUGH NOVEMBER 30 OF EACH YEAR.

This right was perfected under Permit 54016. The date of priority is MAY 3, 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 INCLUDING THE IRRIGATION OF UP TO ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN FROM DECEMBER 1 THROUGH APRIL 30, FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION INCLUDING THE IRRIGATION OF UP TO ONE-HALF ACRE NONCOMMERCIAL GARDEN DURING THE PERIOD FROM MAY 1 THROUGH NOVEMBER 30 OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SPRING - NE 1/4 NE 1/4, SECTION 5, TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M. 430 FEET SOUTH AND 525 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 5; AND
POD 1 (CABIN CREEK) - NE 1/4 NE 1/4, SECTION 5, TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M.; 360 FEET SOUTH AND 20 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 5; AND
POD 2 (CALAPOOYA CREEK) - NW 1/4 NW 1/4, SECTION 4, TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M.; 540 FEET SOUTH AND 240 FEET EAST FROM THE NORTHEAST CORNER OF SECTION 5.

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

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

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

NE 1/4 NE 1/4
SECTION 5 .
TOWNSHIP 25 SOUTH, RANGE 5 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 on Cabin Creek and Calapooya Creek. The water user shall also maintain 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.

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.


The right to the use of the 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 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 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 September 3, 2002.



Paul R. Cleary



Recorded in State Record of Water Right Certificates Number 79589.