

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LONNIE LEONARD
8767 HUBBARD CREEK ROAD
UMPQUA, OR 97486

confirms the right to use the waters of DAY CREEK, a tributary of HUBBARD CREEK, for SUPPLEMENTAL IRRIGATION OF 2.3 ACRES, DOMESTIC USE EXPANDED FOR TWO HOUSEHOLDS, FURTHER LIMITED TO HUMAN CONSUMPTION AND LIVESTOCK CONSUMPTION DURING THE PERIOD LISTED BELOW.

This right was perfected under Permit 52178. The date of priority is DECEMBER 30, 1991. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 CUBIC FOOT PER SECOND (CFS), BEING 0.03 CFS FOR SUPPLEMENTAL IRRIGATION OF 2.3 ACRES AND 0.01 CFS FOR DOMESTIC USE EXPANDED FOR TWO HOUSEHOLDS, or its equivalent in case of rotation, measured at the point of diversion from the source. SUPPLEMENTAL IRRIGATION IS ALLOWED MARCH 1 THROUGH APRIL 30. DOMESTIC USE EXPANDED FOR TWO HOUSEHOLDS IS ALLOWED FROM DECEMBER 1 THROUGH APRIL 30 OF EACH YEAR, AND FURTHER RESTRICTED TO 0.005 CFS FOR HUMAN CONSUMPTION AND LIVESTOCK CONSUMPTION EACH FOR EACH OF TWO HOUSEHOLDS DURING THE PERIOD MAY 1 THROUGH NOVEMBER 30 OF EACH YEAR.

The points of diversion are located as follows:

- POD 1 - NE 1/4 SE 1/4, SECTION 36, TOWNSHIP 25 SOUTH, RANGE 8 WEST, W.M.; 3180 FEET SOUTH AND 1180 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 36; AND
POD 2 - NE 1/4 SE 1/4, SECTION 36, TOWNSHIP 25 SOUTH, RANGE 8 WEST, W.M.; 3170 FEET SOUTH AND 1030 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 36.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year. The right allowed herein for irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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.

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:

NE 1/4 SE 1/4 2.3 ACRES AND DOMESTIC
SECTION 36
TOWNSHIP 25 SOUTH, RANGE 8 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 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.

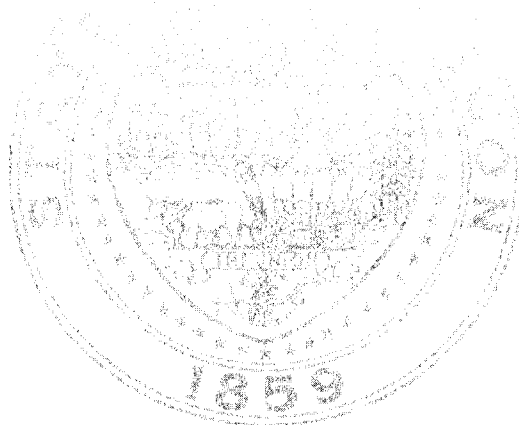
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 79590.