

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WELLS CREEK DISTRICT IMPROVEMENT CO.
MARY JANE FEARELL
115 OLD WAGON RD.
COOS BAY, OR 97420

confirms the right to use the waters of AN UNNAMED SPRING, a tributary of WELLS CREEK, for DOMESTIC USE FOR FIVE HOUSEHOLDS INCLUDING IRRIGATION OF LAWN AND NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH HOUSEHOLD.

This right was perfected under Permit 52159. The date of priority is SEPTEMBER 24, 1992. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 5 (SW 1/4 NW 1/4), SECTION 5, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.; 3010 FEET NORTH AND 300 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5.

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 PARTIAL DOMESTIC (TAX LOT 1200)
NE 1/4 NW 1/4 2 DOMESTICS (TAX LOTS 1101 & 100) AND A PARTIAL
DOMESTIC (TAX LOT 1200)
SE 1/4 NW 1/4 2 DOMESTICS (TAX LOTS 2600 & 2700)
ALL AS PROJECTED WITHIN E. SPICER DLC 39
SECTION 8
TOWNSHIP 22 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.

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.

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.

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 79595.