

STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SUPERIOR LUMBER COMPANY  
P.O. BOX 250  
GLENDALE, OREGON 97442

confirms the right to use the waters of WINDY CREEK, a tributary of COW CREEK, for OPERATION OF A MILL POND.

This right was confirmed by decree of the Circuit Court of the State of Oregon for DOUGLAS COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 11, at Page 1. The date of priority is 1886.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.77 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source. The period of use of water under this right is limited to the irrigation season fixed as the period from April 1<sup>ST</sup> to October 1<sup>ST</sup> of each year.

The points of diversion are located as follows:

CUNNINGHAM DITCH DIVERSION - NW 1/4 SW 1/4, SECTION 27, TOWNSHIP 32 SOUTH, RANGE 6 WEST, W.M.; 1810 FEET NORTH AND 760 FEET EAST FROM THE SW CORNER OF SECTION 27; AND

WINDY CREEK PUMP DIVERSION - SE 1/4 SW 1/4, SECTION 33, TOWNSHIP 32 SOUTH, RANGE 6 WEST, W.M.; 258 FEET NORTH AND 857 FEET WEST FROM THE N 1/4 CORNER OF SECTION 4, TOWNSHIP 33 SOUTH, RANGE 6 WEST, W.M.

THE APPROPRIATION OF WATER UNDER THIS RIGHT AT THE WINDY CREEK PUMP DIVERSION IS SUBJECT TO WATER BEING AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS THE CUNNINGHAM DITCH DIVERSION.

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

W 1/2 SW 1/4  
SECTION 33  
TOWNSHIP 32 SOUTH, RANGE 6 WEST, W.M.

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.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.


The use of water under this right from the **Windy Creek Pump Diversion** is subject to maintenance of a fish screen or fish by-pass device approved by the Oregon Department of Fish and Wildlife.


This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JUNE 9, 1999, and supersedes Certificate 20682, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed September 25, 2002.

  
Paul R. Cleary



Recorded in State Record of Water Right Certificates Number 79631.