

STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

DANIEL R SMITH
FRANCES SMITH
441 NANDY DR
ROSEBURG, OR 97470

confirms the right to store the waters of RUNOFF, A TRIBUTARY OF
LOOKINGGLASS CREEK IN TWO RESERVOIRS for WILDLIFE AND LIVESTOCK.

The right to store and use these waters was perfected under Reservoir
Application R-75241. The date of priority is January 1, 1993. The
amount of water entitled to be stored and used each year under this
right is not more than 3.8 ACRE-FEET, BEING 3.2 AF IN RESERVOIR 1 AND
0.6 AF IN RESERVOIR 2.

The reservoirs are located as follows:

NW 1/4 SE 1/4 SECTION 25, TOWNSHIP 27 SOUTH, RANGE 7 WEST, W.M.
NW 1/4 SE 1/4 SECTION 25, TOWNSHIP 27 SOUTH, RANGE 7 WEST, W.M.

ORS 498.351 and ORS 509.605 through 509.625 provides that no person
shall construct an artificial obstruction across a waterway in which
anadromous, game or food fish exist unless that person provides a
fishway deemed adequate by the Oregon Department of Fish and Wildlife
(ODFW). If the subject pond is in-channel and fish are present, the
certificate holder is directed to contact the ODFW Fish Passage
Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish
presence is in question, the certificate holder should contact the
nearest ODFW Fish District office for a determination.

If water is to be diverted from an in-channel pond where fish are
present, the certificate holder shall install, maintain and operate
fish screening and by-pass devices as required by ORS 498.306 through
ORS 498.346 and approved by ODFW. Contact the ODFW Fish Screening
Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish
presence is in question, the certificate holder should contact the
nearest ODFW Fish District office for a determination.

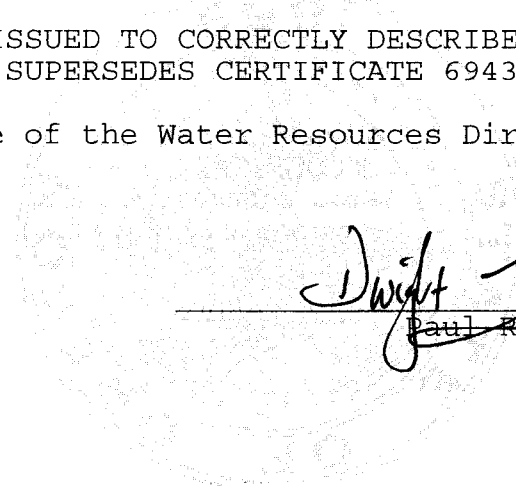
This is a final order in other than contested case. This order is
subject to judicial review under ORS 183.484. Any petition for
judicial review of the order must be filed within the 60 days of
the date of service.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use listed above.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE SOURCE OF WATER AND PLACE OF USE AND SUPERSEDES CERTIFICATE 69437.

WITNESS the signature of the Water Resources Director, affixed October 3, 2002.



Dwight J. Cleary

Paul R. Cleary

Recorded in State Record of Water Right Certificates Number 79655.

R-75241COR