

STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EDWARD BIRKENFELD JR.  
213 SURREY LANE  
MYRTLE CREEK, OR 97457

confirms the right to use the waters of AN UNNAMED STREAM AND AN UNNAMED RESERVOIR CONSTRUCTED UNDER PERMIT R-12478, TRIBUTARIES OF SOUTH MYRTLE CREEK, for SUPPLEMENTAL IRRIGATION OF 2.0 ACRES AND DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA.

This right was perfected under Permit 53410. The date of priority is FEBRUARY 7, 1997. 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) OF DIRECT FLOW FROM THE UNNAMED STREAM FOR DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA ONLY DURING THE PERIOD OF DECEMBER 1 THROUGH MAY 31, AND 0.34 ACRE-FOOT FROM THE UNNAMED RESERVOIR FOR SUPPLEMENTAL IRRIGATION DURING THE PERIOD MAY 1 THROUGH OCTOBER 31 AND DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA AT ANY TIME OF THE YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NE 1/4, SECTION 25, TOWNSHIP 29 SOUTH, RANGE 5 WEST, W.M.; 440 FEET NORTH AND 540 FEET WEST FROM THE SE CORNER, SW 1/4 NE 1/4, SECTION 25.

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

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

S-81951.DIP

Certificate Number 79715

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

NW 1/4 NE 1/4 DOMESTIC  
AS PROJECTED WITHIN H. CARLSON DLC 50  
LOT 2 (NW 1/4 NE 1/4) 0.8 ACRE  
SW 1/4 NE 1/4 1.2 ACRES  
SECTION 25  
TOWNSHIP 29 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.

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 December 13, 2002.

  
Paul R. Cleary



Recorded in State Record of Water Right Certificates Number 79715.

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