

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACQUELINE AND WILLIAM CLARK
3013 BUCK CREEK ROAD
DRAIN, OREGON 97435

confirms the right to use the waters of BUCK CREEK, a tributary of PASS CREEK, for DOMESTIC USE INCLUDING THE IRRIGATION OF LAWN OR NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR ONE HOUSEHOLD; GRAY WATER SYSTEM, for DOMESTIC PURPOSES INCLUDING THE IRRIGATION OF LAWN OR NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA.

This right was perfected under Permit 53743. The date of priority is December 22, 1999. 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) FROM BUCK CREEK FOR DOMESTIC USE INCLUDING THE IRRIGATION OF LAWN OR NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA DURING THE PERIOD FROM DECEMBER 1 THROUGH MARCH 31 AND AUGUST 1 THROUGH AUGUST 31 OF EACH YEAR; AND FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION ONLY DURING THE PERIOD FROM APRIL 1 THROUGH JULY 31 AND SEPTEMBER 1 THROUGH NOVEMBER 30 OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source. WATER FROM THE GRAY WATER SYSTEM MAY BE USED YEAR ROUND WITHOUT LIMITATION.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 33, TOWNSHIP 21 SOUTH, RANGE 4 WEST, W.M.; 1569 FEET NORTH AND 512 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 33.

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 SE 1/4
SECTION 33

TOWNSHIP 21 SOUTH, RANGE 4 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.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. 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 permit. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

Planting of native plants including 8 conifers per 100 feet of riparian length is required to mitigate for the impact of the use.

The water user shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

Prior to use the water user shall install low flow water fixtures including faucets, showers, and toilets.

The use of water beyond the purposes of drinking, cooking, and sanitation shall be made from a gray water system during the period April 1 through November 30.

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.

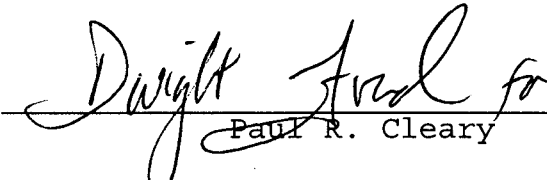
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 January 10, 2003.


Paul R. Cleary



Recorded in State Record of Water Right Certificates Number 79840.

S-84312.DIP