

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GERALD & JEANETTE A. CLARK
PO BOX 794
MYRTLE CREEK, OREGON 97457

confirms the right to use the waters of AN UNNAMED SPRING, a tributary of BILGER CREEK, for DOMESTIC USE FOR ONE FAMILY INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA.

This right was perfected under Permit 53281. The date of priority is JULY 3, 1996. 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) FOR DOMESTIC USE FOR ONE FAMILY INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE IN AREA DURING THE PERIOD JANUARY 1 THROUGH MARCH 31, AND FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION DURING THE PERIOD FROM APRIL 1 THROUGH JULY 31 AND SEPTEMBER 1 THROUGH DECEMBER 31 OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source. IN ADDITION, USE OF WATER FROM THE UNNAMED SPRING DURING THE MONTH OF AUGUST FOR HUMAN CONSUMPTION USE IS ALLOWABLE ONLY IF THE SPRING DOES NOT FLOW INTO ANOTHER WATER COURSE.

The point of diversion is located as follows:

NE 1/4 SE 1/4, SECTION 36, TOWNSHIP 28 SOUTH, RANGE 5 WEST, W.M.; 15 FEET SOUTH AND 290 FEET WEST OF FROM EAST 1/4 CORNER, SECTION 36.

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:

SW 1/4 SE 1/4
SECTION 36
TOWNSHIP 28 SOUTH, RANGE 5 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. 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 right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

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 use of water allowed herein may be made only at times when waters from the Unnamed Spring would not otherwise flow into a tributary of the South Umpqua River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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 March 28, 2003.



Paul R. Cleary



Recorded in State Record of Water Right Certificates Number 79968.

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53281.GEC