

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CARY AND GAIL ZINK
19110 ALDERWOOD DRIVE
NEHALEM, OREGON 97131

confirms the right to use the waters of LITTLE RACKHEAP CREEK, a tributary of the NORTH FORK NEHALEM RIVER, for DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION OF UP TO ONE-HALF ACRE NON-COMMERCIAL LAWN AND GARDEN.

This right was perfected under Permit 52068. The date of priority is OCTOBER 6, 1993. 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 HOUSEHOLD INCLUDING IRRIGATION OF UP TO ONE-HALF ACRE NON-COMMERCIAL LAWN AND GARDEN, AND FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION ONLY FROM APRIL 1 THROUGH NOVEMBER 30 OF EACH 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 7, TOWNSHIP 3 NORTH, RANGE 9 WEST, W.M., 1236
FEET SOUTH AND 10 FEET EAST FROM THE C-N 1/16 CORNER OF SECTION 7.

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

SW 1/4 NE 1/4
SECTION 7
TOWNSHIP 3 NORTH, RANGE 9 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

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.

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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.

The water user shall 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.

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

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.

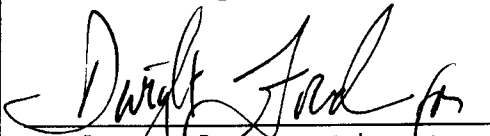
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Issued July 11, 2003.


Paul R. Cleary, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80153.

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