

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY WEISS
1147 W FROZEN CREEK RD
MYRTLE CREEK, OREGON 97457

confirms the right to use the waters of AN UNNAMED STREAM WITH ANY DEFICIENCY IN THE SUPPLY TO BE APPROPRIATED FROM WEST FORK FROZEN CREEK, tributaries of FROZEN CREEK, for DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD.

This right was perfected under Permit 52754. The date of priority is JULY 10, 1991. 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); FURTHER LIMITED TO 0.005 CFS FOR HUMAN CONSUMPTION ONLY DURING THE PERIOD FROM JULY 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:

UNNAMED STREAM - SE 1/4 SE 1/4, SECTION 30, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; 770 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF SECTION 30; AND

WEST FORK FROZEN CREEK - SW 1/4 SE 1/4, SECTION 30, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; 70 FEET NORTH AND 1650 FEET WEST FROM THE SE CORNER OF SECTION 30.

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 30
TOWNSHIP 28 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. 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 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 required screen and by-pass devices are to be in place, functional, and approved by Oregon Department of Fish and Wildlife.

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.

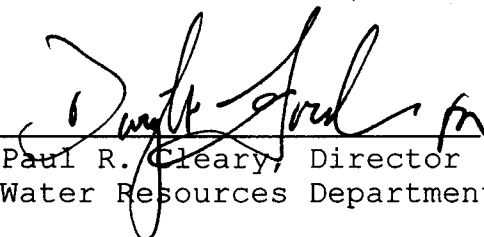
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Issued November 20, 2003.


Paul R. Cleary, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80459.

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