

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID G. AND LANI KIMOTO TERRY
939 SOUTH DEER CREEK ROAD
ROSEBURG, OREGON 97470

confirms the right to use the waters of SOUTH FORK DEER CREEK, a tributary of DEER CREEK, for IRRIGATION OF 4.3 ACRES.

This right was perfected under Permit 50976. The date of priority is JANUARY 21, 1990. This right is limited to 0.054 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source. **DURING THE PERIOD JULY 15 THROUGH SEPTEMBER 30 OF EACH YEAR, THE USE OF WATER IS LIMITED TO IRRIGATION OF A NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE.**

The point of diversion is located as follows:

NW 1/4 NE 1/4, AS PROJECTED WITHIN J. BARKER DLC 43, SECTION 1, TOWNSHIP 28 SOUTH, RANGE 5 WEST, W.M.; 520 FEET SOUTH AND 2070 FEET WEST FROM NE CORNER OF SECTION 1.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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 NE 1/4 4.3 ACRES
AS PROJECTED WITHIN J. BARKER DLC 43
SECTION 1
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.

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 user must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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.

Issued MARCH 18, 2004.


Paul R. Cleary, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80635.

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