

STATE OF OREGON

COUNTY OF LINCOLN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

YACHATS VALLEY LANDOWNERS ASSOCIATION
JIM ADLER
PO BOX 28
YACHATS, OREGON 97498

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

APPLICATION FILE NUMBER: S-84251

PERMIT NUMBER: 53704

SOURCE OF WATER: DAWSON CREEK (USERS 22 AND 23), UNNAMED SPRINGS (USERS 2, 8, AND 11), UNNAMED STREAMS (USERS 16 AND 21, 20, 13 AND 10), AND AN UNNAMED SPRING/STREAM (USER 12), ALL TRIBUTARIES TO YACHATS RIVER

PURPOSE OR USE: HUMAN CONSUMPTION USE FOR 11 HOUSEHOLDS

MAXIMUM RATE ALLOWED: 0.055 CUBIC FOOT PER SECOND, BEING 0.005 CUBIC FOOT PER SECOND ONLY FOR EACH HOUSEHOLD

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 26, 1999

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

USER 12 - SW 1/4 NE 1/4, SECTION 31, TOWNSHIP 14 SOUTH, RANGE 11 WEST, W.M.; 346 FEET NORTH AND 205 FEET EAST OF THE C 1/4 CORNER OF SECTION 31;

USERS 16 AND 21 - NE 1/4 SW 1/4, SECTION 32, TOWNSHIP 14 SOUTH, RANGE 11 WEST, W.M.; 351 FEET NORTH AND 252 FEET EAST OF THE SW 1/16 CORNER OF SECTION 32;

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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USERS 22 AND 23 - LOT 3 (SE 1/4 NW 1/4), SECTION 4, TOWNSHIP 15 SOUTH, RANGE 11 WEST, W.M.; 975 FEET SOUTH AND 600 FEET WEST OF THE N 1/4 CORNER OF SECTION 4;

USER 20 - NW 1/4 NE 1/4, SECTION 11, TOWNSHIP 15 SOUTH, RANGE 11 WEST, W.M.; 891 FEET SOUTH AND 697 FEET EAST OF THE N 1/4 CORNER OF SECTION 11;

USER 2 - NE 1/4 NE 1/4, SECTION 11, TOWNSHIP 15 SOUTH, RANGE 11 WEST, W.M.; 276 FEET SOUTH AND 65 FEET WEST OF THE NE CORNER OF SECTION 11;

USER 13 - NW 1/4 NW 1/4, SECTION 12, TOWNSHIP 15 SOUTH, RANGE 11 WEST, W.M.; 73 FEET SOUTH AND 40 FEET WEST OF THE W 1/16 CORNER BETWEEN SECTION 1 AND SECTION 12;

USER 8 - SE 1/4 SW 1/4, SECTION 1, TOWNSHIP 15 SOUTH, RANGE 11 WEST, W.M.; 210 FEET NORTH AND 74 FEET EAST OF THE W 1/16 CORNER BETWEEN SECTION 1 AND SECTION 12;

USER 10 - SW 1/4 SE 1/4, SECTION 1, TOWNSHIP 15 SOUTH, RANGE 11 WEST, W.M.; 235 FEET NORTH AND 676 FEET EAST OF THE S 1/4 CORNER OF SECTION 1; AND

USER 11 - SE 1/4 SE 1/4, SECTION 36, TOWNSHIP 14 SOUTH, RANGE 11 WEST, W.M.; 54 FEET NORTH AND 48 FEET WEST OF THE SE CORNER OF SECTION 36.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	NW 1/4 SE 1/4	ADLER	(USER 12)
	SECTION 31		
	NE 1/4 SW 1/4	JACKSON	(USER 16)
	SE 1/4 SW 1/4	FOGG	(USER 21)
	SECTION 32		
	TOWNSHIP 14 SOUTH, RANGE 11 WEST, W.M.		
LOT 1	(SE 1/4 NE 1/4)	ROSE/GARNER	(USER 11)
	SW 1/4 SW 1/4	HENDERSON	(USER 13)
	SE 1/4 SW 1/4	GOUGHENOUR	(USER 8)
	SE 1/4 SW 1/4	WIEBE	(USER 10)
	SECTION 1		
LOT 3	(SE 1/4 NW 1/4)	PETRICK	(USER 22)
LOT 3	(SE 1/4 NW 1/4)	HAMILTON	(USER 23)
	SECTION 4		
	NE 1/4 NE 1/4	CARRASCO	(USER 2)
	NW 1/4 NE 1/4	DOYLE	(USER 20)
	SECTION 11		
	TOWNSHIP 15 SOUTH, RANGE 11 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 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.

Use of water under this right is subject to the installation and maintenance of low flow shower heads, bathroom and kitchen faucets, and toilets.

The riparian cover (native vegetation) shall be maintained on the mainstem and all tributaries of the Yachats River for properties involved with this right.

Landowners with property used now or in the future for livestock grazing will erect and maintain fences that will prevent livestock access to all watercourses of properties involved with this right.

STANDARD CONDITIONS

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.

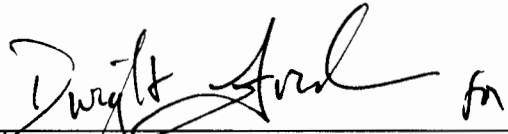
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 September 23, 2004.



Phillip C. Ward, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Recorded in State Record of Water Right Certificates Number 80943.

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