

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY E SWARTZ
PO BOX 88
LAKESIDE, OREGON 97449

confirms the right to use the waters of PROSPECT CREEK, a tributary of NESKOWIN CREEK, for DOMESTIC USE FOR ONE FAMILY AND IRRIGATION OF 1.4 ACRES.

This right was perfected under Permit 42181. The date of priority is JUNE 8, 1977. This right is limited to 0.022 CUBIC FOOT PER SECOND (CFS); BEING 0.005 CFS FOR DOMESTIC USE AND 0.017 FOR IRRIGATION or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SW 1/4, SECTION 5, T 6 S, R 10 W, W.M.; 260 FEET SOUTH AND 25 FEET EAST FROM THE WEST 1/4 CORNER SECTION 5.

S-56038.JWG

Certificate Number 82040

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.

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

NW 1/4 SW 1/4 1.3 ACRES AND DOMESTIC
SECTION 5

NE 1/4 SE 1/4 0.1 ACRE
SECTION 6
TOWNSHIP 6 SOUTH, RANGE 10 WEST, W.M.

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.

WITNESS the signature of the Water Resources Director, affixed

June 30, 2006.


Philip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82040.

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