

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DONALD R AND WANDA L MCELROY  
P.O. BOX 43, 13530 RIVER LN  
SWISSHOME OR 97480

confirms the right to use the waters of LAKE CREEK, A TRIBUTARY OF SIUSLAW RIVER for IRRIGATION of 0.5 ACRE.

This right was perfected under Permit 53288. The date of priority is FEBRUARY 12, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.006 CUBIC FOOT PER SECOND, measured at the point of diversion.

Maximum volume allowed for the season shall be no more than 20,000 gallons, with a total volume of no more than 4,000 gallons per month.

Period of use is March 1 through July 31.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
17 S	9 W	WM	29	NE SE			1143 FEET SOUTH & 378 FEET WEST FROM E1/4 CORNER, SECTION 29

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. 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.

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
17 S	9 W	WM	29	NE SE			0.50

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an 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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing meter 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 water user shall keep a complete record of the rate and volume of water diverted from Lake Creek each month and submit a report which includes this information to the Department on a monthly basis.

The water user shall maintain and operate fish screening to Oregon Department of Fish and Wildlife specifications.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish.


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 of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued SEP 16 2008

  
Phillip C. Ward, Director  
Water Resources Department