

STATE OF OREGON

COUNTY OF LINCOLN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KERVILLE-GLENEDEN BEACH-LINCOLN BEACH WATER DISTRICT  
PO BOX 96  
GLENEDEN BEACH, OR 97388

confirms the right to use the waters of AN UNNAMED STREAM, A TRIBUTARY OF DRIFT CREEK, for SUPPLEMENTAL MUNICIPAL USE.

This right was perfected under Permit 54237. The date of priority is APRIL 21, 2000. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is October 15 through May 15.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
8 S	11 W	WM	12	NW NE			210 FEET SOUTH AND 1380 FEET WEST FROM NE CORNER, SECTION 12

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

**WITHIN THE SERVICE DISTRICT BOUNDARY OF KERVILLE-GLENEDEN BEACH-LINCOLN BEACH WATER DISTRICT**

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.

**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.

- 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.

The use of water under this right may be made only when the water user cannot divert water under Permits S 54186 and S 54187 (superseding permits S 29267 and S 35106, respectively), during high flow events which result in turbidity levels on Drift Creek that are unacceptable for adequate filtering or due to equipment failure. Water diverted under this right shall be limited to the amount of water by which use of water under Permits 29267 or 35106 for the service district boundary of Kernville-Gleneden Beach-Lincoln Beach Water District is reduced due to unacceptable turbidity levels or equipment failures at the water user's Drift Creek point of diversion and further limited to a maximum diversion of 2.0 cfs.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Any instream work shall be accomplished during a work window specified by the Oregon Department of Fish and Wildlife and increases in turbidity and/or sediment shall be kept to a minimum (no more than 10 percent cumulative increase in natural stream turbidity as measured relative to a point immediately upstream of the project).

During diversion of water under this right a bypass flow of 1.0 CFS shall be maintained in the unnamed tributary to Drift Creek.

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.

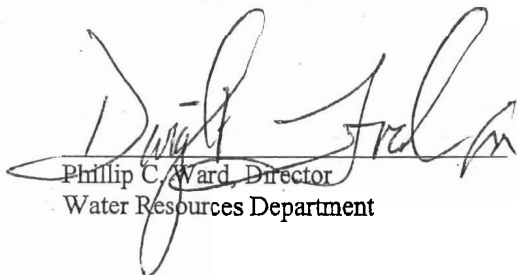
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

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 DEC 18 2009

  
Phillip C. Ward, Director  
Water Resources Department