

STATE OF OREGON

COUNTY OF LINCOLN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF LINCOLN CITY
PO BOX 50
LINCOLN CITY OR 97367

confirms the right to use the waters of GORDEY CREEK, tributary to DRIFT CREEK for MUNICIPAL USE.

This right was perfected under permit S-16370. The date of priority is JUNE 11, 1945. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.50 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	11 W	WM	36	SE SW	959 FEET NORTH AND 2367 FEET EAST FROM SW CORNER, SECTION 36.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available from the original point of diversion located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	11 W	WM	1	NE NE	

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 is as follows:

Twp	Rng	Mer	Sec	Q-Q
6 S	11 W	WM	25	ALL
6 S	11 W	WM	26	ALL
6 S	11 W	WM	27	ALL
6 S	11 W	WM	34	ALL
6 S	11 W	WM	35	ALL
6 S	11 W	WM	36	ALL
7 S	10 W	WM	6	NW 1/4
7 S	10 W	WM	6	SW 1/4
7 S	10 W	WM	19	ALL
7 S	10 W	WM	30	ALL

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

Twp	Rng	Mer	Sec	Q-Q
7 S	11 W	WM	1	ALL
7 S	11 W	WM	2	ALL
7 S	11 W	WM	3	ALL
7 S	11 W	WM	10	ALL
7 S	11 W	WM	11	ALL
7 S	11 W	WM	12	ALL
7 S	11 W	WM	13	ALL
7 S	11 W	WM	14	ALL
7 S	11 W	WM	15	ALL
7 S	11 W	WM	22	ALL
7 S	11 W	WM	23	ALL
7 S	11 W	WM	24	ALL
7 S	11 W	WM	25	ALL
7 S	11 W	WM	26	ALL
7 S	11 W	WM	27	ALL
7 S	11 W	WM	34	ALL
7 S	11 W	WM	35	ALL
7 S	11 W	WM	36	ALL
8 S	11 W	WM	3	NE 1/4

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable measuring device for measuring and recording the quantity of water diverted.

The water user shall maintain a real time stream flow monitoring and recording device at or near the authorized point of diversion on Gordey Creek. The device shall measure and record the quantity of water available in Gordey Creek. The real time stream flow data shall be made available to the Watermaster.

In lieu of a permanent stream flow monitoring plan, the water user may select one of the following conditions:

- a) After five years from the implementation of the real time monitoring plan, the water user may request the Department to review the stream flow data to determine the lowest legally available flow in Gordey Creek at the authorized point of diversion. Once the lowest legally available flow is calculated, then the rate of water diverted at the point of diversion shall not exceed the quantity of water determined to be the lowest legally available flow the original point of diversion on Gordey Creek. If the Department does not receive such a request, then the stream flow monitoring plan shall remain in effect, or
- b) The water user shall divert water at a rate estimated from water use reporting records. The estimated rate would be calculated from the average water amount used per year for the past five years prior to the filing date of transfer application T-9305 and shall not exceed 0.50 cfs.

CONDITIONS

- 1. There exists an 11 cfs daily average minimum by-pass flow in Drift Creek, measured pursuant to Condition 3 below at point approximately 240 feet downstream of the new point of diversion, during the period of July 1 through October 15 of each year. No diversions under these rights may occur from the point of diversion in Drift Creek when daily average flows are at or below 11 cfs, as measured pursuant to Condition 3, except for up to five days during the period of July 1 through October 15 of each year when the daily average flow downstream of the new point of diversion could fall to 7 cfs, as measured pursuant to Condition 3, with the City still able to withdraw water from Drift Creek under these rights.

2. No diversions under these rights from the new point of diversion is allowed during the five-day period if the daily average flow downstream of the City's intake falls below 7 cfs, as measured pursuant to Condition 2.
3. Readings of daily average flows in Drift Creek at or below 11 cfs or 7 cfs will be confirmed by physical inspection of the stream and by reading the staff gauge at approximately the same location as the mechanical/electronic stream gauge, approximately 240 feet downstream of the City's intake. The City will regularly inspect and maintain the mechanical/electronic stream gauge and the staff gauge. Readings from the staff gauge will be converted to cfs, logged and will be used to confirm the mechanical/electronic stream gauge readings. If confirmation of daily average flows at or below 11 cfs or 7 cfs is obtained from the mechanical/electronic stream gauge through the use of the staff gauge, then diversions from Drift Creek Intake will be discontinued. If the mechanical/electronic stream gauge readings are not confirmed, then the City will maintain diversions from Drift Creek and will, while it is diverting from Drift Creek, take staff gauge measurements three times daily, every eight hours, until the mechanical/electronic stream gauges readings and the staff gauge readings are consistent. These staff gauge readings will be used to meet the terms and conditions of its water rights until the mechanical/electronic stream gauge can be repaired or replaced.

The water user shall maintain and operate fish screening as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered February 13, 2006, at Special Order Volume 68, Page 56, approving Transfer Application 9305, and supersedes Certificate 22260, State Record of Water Right Certificates.

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.

Issued NOV 06 2013



Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Oregon Water Resources Department