

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HARRY M. KIMBALL

of Star Route 1, Box 79, Jacksonville, State of Oregon, 97530, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of irrigation of 9.75 acres

under Permit No. 19116 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 28, 1949

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.124 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Long DLC 39, Section 30, T. 38 S., R. 3 W., W. M., Kubli Ditch-2510 feet South and 3370 feet West from the NE Corner, Long DLC 39

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season from April 2, to October 31, of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

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9.75 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 23
T. 38 S., R. 4 W., W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows:
Government Lots 2 and 3 in Section 23, Township 38 South, of Range 4 West of the Willamette Meridian in Jackson County, Oregon; also, beginning at the Northeast corner of Donation Land Claim No. 38, in Township 38 South of Range 4 West of the Willamette Meridian in Oregon; thence South 15 $\frac{1}{2}$ degrees West 4 chains and 66 links; thence South 41 degrees - West 6 chains; thence South 54 $\frac{1}{2}$ degrees West 10 chains; thence South 80 degrees West 8 chains to a post near the confluence of Humbug Creek with Applegate Creek thence South 45 $\frac{3}{4}$ degrees East along the West bank of Applegate Creek 29 chains and 59 links to the Southeast corner of Said DLC 38; thence North along the east boundary line of said DLC 38, 36 chains and 85 links to the place of beginning.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered February 15, 1966 and supersedes certificate of water right recorded on Page 20207, Volume 14, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 29, 1978


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 39 , page 46557