

## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** HARRY M. KIMBALL and THORNTON S. GAPEN

of Route 1, Box 79, Applegate, 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 7.0 acres

under Permit No. 3743 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 March 25, 1918

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 0.09 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, T38S, R3W, WM; Kubli Ditch - 2,510 feet South and 3,370 feet West from 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:

4.0 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
3.0 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 23

Township 38 South, Range 4 West, WM

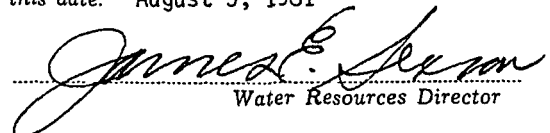
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 46562, Volume 39, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 17, 1979, approving Transfer Application 4245.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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. August 5, 1981

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50140