

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This is to certify, That BEN GERWICK JR. AND MARTELLE GERWICK

of 5874 Margarido Drive, Oakland, State of California 94618, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Applegate River and a swale

a tributary of Rogue River for the purpose of irrigation of 2.0 acres

under Permit No. 42214 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 May 27, 1977

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 0.03 cubic foot per second, being 0.02 cfs from the swale with any deficiency in the available supply from the swale to be made up by diversion from Applegate River, and 0.01 cfs from the Applegate River or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 NW 1/4 as projected within Davidson DLC 37, Section 10, T39S, R3W, WM; #1 - 350 feet South and 350 feet West; #2 - 580 feet South and 350 feet West, both from N 1/4 Corner, Section 10.

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 1/2 acre-feet per acre for each acre irrigated during the irrigation season 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:

SWALE AND APPLGATE RIVER

1.8 acres NE 1/4 NW 1/4 as projected within Davidson DLC 37

APPLGATE RIVER

0.2 acre NE 1/4 NW 1/4 as projected within Davidson DLC 37 Section 10 Township 39 South, Range 3 West, WM

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 minimum flows established by the Water Policy Review Board with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. May 7, 1985

/s/ William H. Young Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48, page 53050