

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That TRIANGLE 3 RANCH

of Kerby, State of Oregon 97531, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of an unnamed gulch and reservoir constructed under Permit R-3085

a tributary of Montgomery Creek for the purpose of irrigation of 4.0 acres

under Permit No. 28189 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 June 19, 1962 for 0.038 cubic foot per second, July 30, 1962 for 0.022 cfs and* 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 0.08 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 NW 1/4 SE 1/4, Section 28, T38S, R8W, W4; 450 feet North and 440 feet West from Center Southeast Quarter, Section 28.

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-fiftieth of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 3 1/2 acre-feet per acre for each acre irrigated during the irrigation season from direct flow and storage from reservoir constructed under Permit R-3085; provided further that the right to use of direct flow is limited to the period when the flow of the Illinois River is more than 80 cfs at its mouth and the flow of the Rogue River is more than 735 cfs at its mouth;

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:

*September 12, 1962 for 0.020 cfs.

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4.0 acres SW 1/4 SE 1/4
Section 28
Township 38 South, Range 8 West, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 34167, Volume 26, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 12, 1984, approving Transfer Application 5485, and cancelling a portion of said right.

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 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. August 27, 1985

/s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48 , page 53345