

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that KENNETH GARDNER, of 17400 GARDNER ROAD, DALLAS, OREGON 97338, has a right to the use of the waters of LITTLE LUCKIAMUTE RIVER, a tributary of LUCKIAMUTE RIVER, for the purpose of IRRIGATING 24.0 ACRES.

The right has been perfected under Permit 31428. The date of priority is MARCH 15, 1966. The right is limited to not more than 0.26 CUBIC FOOT PER SECOND IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: LOT 1 (SE 1/4 SW 1/4), SECTION 25, T 8 S, R 6 W, W.M. or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 26, T 8 S, R 6 W, W.M., AS PROJECTED WITHIN GARDNER DLC 42; 190 FEET SOUTH AND 1460 FEET WEST FROM NE CORNER OF DLC 42.

The amount of water used for irrigation, together with the amount secured under any other right existing for the 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

SW 1/4 SW 1/4 8.7 ACRES
SECTION 25
SE 1/4 SE 1/4 2.0 ACRES
SECTION 26
NE 1/4 NE 1/4 6.3 ACRES
SECTION 35
NW 1/4 NW 1/4 7.0 ACRES
ALL AS PROJECTED WITHIN GARDNER DLC 42
SECTION 36
TOWNSHIP 8 SOUTH, RANGE 6 WEST, W.M.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered APRIL 28, 1978, and together with certificate 45808, & 57699 supersedes certificate 39287, State Record of Water Right Certificates.

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 above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57700