

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NEWTON J. ELDER
4255 FOOTS CREEK ROAD
GOLD HILL, OR 97525

confirms the right to use the waters of AN UNNAMED STREAM AND MIDDLE FORK FOOTS CREEK, a tributary of FOOTS CREEK, for IRRIGATING 8.7 ACRES.

This right was perfected under Permit 39067. The date of priority is MAY 10, 1974. This right is limited to 0.11 CUBIC FOOT PER SECOND. THE WATER IS TO BE DIVERTED FROM UNNAMED STREAM WHEN AVAILABLE WITH ANY DEFICIENCY IN THE AVAILABLE SUPPLY FROM THE UNNAMED STREAM TO BE MADE UP FROM MIDDLE FORK FOOTS CREEK, PROVIDED FURTHER THAT THE TOTAL QUANTITY OF WATER DIVERTED DOES NOT EXCEED 0.11 CFS or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SE 1/4 SW 1/4 AND SW 1/4 SE 1/4, SECTION 13, T 37 S, R 4 W, W.M.; MIDDLE FORK FOOTS CREEK - 110 FEET NORTH AND 80 FEET WEST, UNNAMED STREAM - 660 FEET NORTH AND 770 FEET EAST, AND 840 FEET NORTH AND 490 FEET EAST, ALL FROM THE SOUTH QUARTER CORNER OF SECTION 13.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

SW 1/4 SE 1/4 6.3 ACRES
SE 1/4 SE 1/4 2.4 ACRES
SECTION 13
TOWNSHIP 37 SOUTH, RANGE 4 WEST, W.M.

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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed NOVEMBER 25, 1991.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 66874.

51927.LMJ