

STATE OF OREGON

COUNTIES OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID C. MALPASS  
32255 BOWERS DRIVE  
HARRISBURG, OREGON 97446

confirms the right to use the waters of MCKENZIE RIVER AND MUDDY CREEK, tributaries of the WILLAMETTE RIVER, for IRRIGATION OF 58.1 ACRES.

This right was perfected under Permit 17510. The date of priority is FEBRUARY 9, 1939. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.73 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

MCKENZIE RIVER: NE 1/4 NE 1/4, AS PROJECTED WITHIN SPORES DLC 38, SECTION 9, T 17 S, R 3 W, W.M.; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF MANSFIELD DLC 79, SECTION 5, T 17 S, R 3 W, W.M.

MUDDY CREEK: SW 1/4 NW 1/4, SECTION 16, T 16 S, R 3 W, W.M., 5035 FEET NORTH AND 1785 FEET EAST FROM THE NW CORNER OF DLC 41.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 3.0 acre-feet per acre 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:

CHANGE IN POINT OF DIVERSION ONLY

SW 1/4 NW 1/4 11.0 ACRES  
NW 1/4 SW 1/4 3.6 ACRES  
BOTH AS PROJECTED WITHIN SMITH DLC 53  
SECTION 16

SE 1/4 NE 1/4 14.2 ACRES  
NE 1/4 SE 1/4 4.0 ACRES  
BOTH AS PROJECTED WITHIN SMITH DLC 53  
SECTION 17

CHANGE IN PLACE OF USE AND POINT OF DIVERSION

SE 1/4 NE 1/4 15.5 ACRES  
NE 1/4 SE 1/4 9.8 ACRES  
BOTH AS PROJECTED WITHIN SMITH DLC 53  
SECTION 17  
TOWNSHIP 16 SOUTH, RANGE 3 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.

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The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the original point of diversion.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE SOURCE AND SUPERSEDES CERTIFICATE 72173.

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.

WITNESS the signature of the Water Resources Director, affixed MAY 20 , 1996.

     Steven P. Applegate  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72345.