

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT F. FESSLER AND MARTHA J. FESSLER
11796 MONITOR-MCKEE ROAD
WOODBURN, OREGON 97071

confirms the right to use the waters of ZOLLNER CREEK, a tributary of the PUDDING RIVER, for IRRIGATION OF 8.9 ACRES.

This right was perfected under Permit 23108. The date of priority is FEBRUARY 15, 1954. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.11 CUBIC FOOT PER SECOND 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 $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33, T 5 S, R 1 W, W.M.

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 2 $\frac{1}{2}$ 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 $\frac{1}{4}$ NE $\frac{1}{4}$ 6.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.3 ACRES

SECTION 33
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 22402, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 21 1998, approving Transfer Application 7335.

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 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 AUG 21 1998.

/s/ Tom Paul (for)
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 75776.

T-7335.PKS