

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DUANE SMITH
NORTH MYRTLE ROUTE, BOX 242
MYRTLE CREEK, OREGON 97457

confirms the right to use the waters of SPRING A AND UNNAMED STREAM, FROZEN CREEK AND RESERVOIR CONSTRUCTED UNDER PERMIT R-6616, a tributary of NORTH MYRTLE CREEK, for DOMESTIC USE FOR ONE FAMILY FROM THE SPRING AND UNNAMED STREAM; IRRIGATION OF 5.9 ACRES FROM FROZEN CREEK AND RESERVOIR.

This right was perfected under Permit 41808. The date of priority is MARCH 2, 1977 FOR FROZEN CREEK AND RESERVOIR AND MAY 5, 1977 FOR SPRING AND UNNAMED STREAM. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.075 CUBIC FOOT PER SECOND (CFS); BEING 0.005 CFS FROM SPRING A AND UNNAMED STREAM AND 0.07 CFS FROM FROZEN CREEK AND RESERVOIR 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 NE 1/4, NE 1/4 NE 1/4, SW 1/4 NE 1/4 SECTION 32, SW 1/4 SE 1/4, SECTION 29, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; SPRING A - 1980 FEET SOUTH AND 450 FEET WEST; UNNAMED STREAM - 1230 FEET SOUTH AND 200 FEET WEST; FROZEN CREEK #1 - 2400 FEET SOUTH AND 1900 FEET WEST; FROZEN CREEK #2 - 1600 FEET SOUTH AND 1650 FEET WEST; FROZEN CREEK #3 - 1400 FEET SOUTH AND 1640 FEET WEST; FROZEN CREEK #4 - 30 FEET NORTH AND 1770 FEET WEST; ALL FROM THE NE CORNER OF SECTION 32.

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 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit R-6616.

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:

FROZEN CREEK AND RESERVOIR

NE 1/4 NE 1/4 0.7 ACRE
NW 1/4 NE 1/4 3.2 ACRES

FROZEN CREEK

NW 1/4 NE 1/4 2.0 ACRES

SPRING AND UNNAMED STREAM

NE 1/4 NE 1/4 DOMESTIC

SECTION 32
TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.

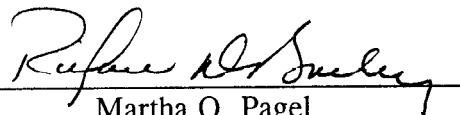
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This certificate describes that portion of the water right confirmed by A PROOF OF APPROPRIATION FOR PERMIT NO. 41808 APPROVED BY THE DIRECTOR, NOT modified by the provisions of an order of the Water Resources Director entered FEBRUARY 18, 1982, approving Transfer Application 4802.

The issuance of this 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 SEPTEMBER 2, 1998.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75785.