

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to use the waters of EAST FORK OF FROZEN CREEK, a tributary of NORTH MYRTLE CREEK, for IRRIGATION OF 37.0 ACRES.

This right was perfected under Permit 3334. The date of priority is MARCH 7, 1917. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.46 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:

SW 1/4 SE 1/4, SECTION 29, NW 1/4 NE 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, SECTION 32, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; FROZEN CREEK #1 - 5210 FEET NORTH AND 890 FEET EAST; FROZEN CREEK #2 - 4510 FEET NORTH AND 1000 FEET EAST; FROZEN CREEK #3 - 4040 FEET NORTH AND 1050 FEET EAST; FROZEN CREEK #4 - 3020 FEET NORTH AND 950 FEET EAST; FROZEN CREEK #5 - 2540 FEET NORTH AND 510 FEET EAST; FROZEN CREEK #6 - 1830 FEET NORTH AND 40 FEET EAST; ALL FROM THE S 1/4 CORNER OF SECTION 32.

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:

NE 1/4 NE 1/4	11.1 ACRES
SW 1/4 NE 1/4	13.1 ACRES
SE 1/4 NE 1/4	0.1 ACRE
NE 1/4 SW 1/4	5.2 ACRES
SE 1/4 SW 1/4	1.9 ACRES
NW 1/4 SE 1/4	4.2 ACRES
SW 1/4 SE 1/4	1.4 ACRES

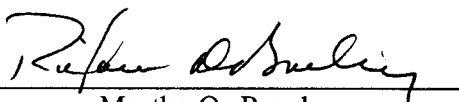
SECTION 32
TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered JANUARY 3, 1979 AND FEBRUARY 18, 1982, APPROVING TRANSFERS NO. 'S 4063 AND T-4803 AND supersedes Certificate 1990, 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 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 75788.

T-4803.SB