

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN FITZSIMMONS
ROUTE 1 BOX 129
BROOKS, OREGON 97305

confirms the right to use the waters of NORTH AND SOUTH DRAINAGE
DITCHES AND THE PUDDING RIVER, a tributary of the WILLAMETTE RIVER,
for IRRIGATION OF 68.2 ACRES.

This right was perfected under Permit 20271. The date of priority is
MARCH 28, 1951. The amount of water to which this right is entitled
is limited to an amount actually beneficially used and shall not
exceed 0.24 CUBIC FOOT PER SECOND (CFS), being 0.14 cfs from the North
drainage ditch and 0.10 cfs from the South drainage ditch with any
deficiency in the available supply in the South drainage ditch to be
made up by diversion from the Pudding River, providing that the total
quantity diverted from the South drainage ditch and the Pudding River
shall not exceed one-eightieth cubic foot per second for each acre
irrigated, 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 $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN PARKER DLC 49; NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, BOTH AS PROJECTED WITHIN CAREY DLC 58, SECTION 5, T 6 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:

PUDDING RIVER AND SOUTH DRAINAGE DITCH

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 9.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 14.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.2 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4.6 ACRES
AS PROJECTED WITHIN CAREY DLC 58
SECTION 5

NORTH DRAINAGE DITCH

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.7 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30.2 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.8 ACRE
ALL AS PROJECTED WITHIN CAREY DLC 58
SECTION 5

TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

76023

This certificate describes that portion of the water right confirmed by Certificate 45427, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 12 1999, approving Transfer Application 7363.

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 MAR 12 1999.

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

Recorded in State Record of Water Right Certificates numbered 76023.

T-7363.PKS