

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

L. F. LESEMAN, PRESIDENT
L & S CATTLE CO.
2612 HOLLAND LOOP ROAD
CAVE JUNCTION, OR 97523

confirms the right to use the waters of SUCKER CREEK, a tributary of EAST FORK ILLINOIS RIVER, for IRRIGATION OF 19.7 ACRES, DOMESTIC AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volumes 1 AND 3, at Pages 252 AND 396. The date of priority is 1857.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.39 CUBIC FOOT PER SECOND AND THAT THE USE OF WATER FOR IRRIGATION PURPOSES SHALL BE CONFINED TO THE SEASON APRIL 1ST TO OCTOBER 31ST OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

OLD DIVERSION - NW 1/4 SE 1/4, SECTION 35, TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.; 930 FEET SOUTH AND 1620 FEET WEST FROM THE E 1/4 CORNER, SECTION 35;
AND

NEW DIVERSION - NE 1/4 SW 1/4, SECTION 35, AS PROJECTED WITHIN DLC 40, TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M., 445 FEET SOUTH AND 3025 FEET WEST FROM THE E 1/4 CORNER OF SECTION 35.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 NW 1/4 16.4 ACRES
NE 1/4 SW 1/4 3.3 ACRES
BOTH AS PROJECTED WITHIN DLC 40
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.

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

The water user shall install and maintain a head gate, 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 head gate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

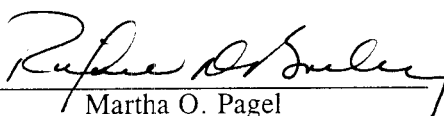
Regulation will be as a surface diversion. If Sucker Creek goes dry immediately upstream of the new diversion point, water use will be curtailed.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered SEPTEMBER 30, 1996, and ALONG WITH CERTIFICATE 72773, supersedes Certificate 33022, 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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed SEPTEMBER 16, 1999.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76292.

T-7528.SB