

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97301

confirms the right to use the waters of EVANS CREEK, a tributary of the ROGUE RIVER, to maintain instream flow for INSTREAM USES.

The FIRST right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16 at Page 523. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.022 CUBIC FOOT PER SECOND. The point of diversion for this right is: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.; SOUTH 77 DEGREES 40 MINUTES EAST 1997 FEET FROM THE NW CORNER, SECTION 12.

The SECOND right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16 at Page 523. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.026 CUBIC FOOT PER SECOND. The point of diversion for this right is: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.; SOUTH 63 DEGREES 47 MINUTES EAST 1832 FEET FROM THE NW CORNER, SECTION 12.

The THIRD right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16 at Page 523. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.015 CUBIC FOOT PER SECOND. The point of diversion for this right is: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.; SOUTH 54 DEGREES 23 MINUTES EAST 1766 FEET FROM THE NW CORNER, SECTION 12.

The FOURTH right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16 at Page 523. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.021 CUBIC FOOT PER SECOND. The point of diversion for this right is: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.; SOUTH 38 DEGREES 13 MINUTES EAST 1405 FEET FROM THE NW CORNER, SECTION 12.

The FIFTH right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16 at Page 523. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.011 CUBIC FOOT PER SECOND. The point of diversion for this right is: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 12, TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.; SOUTH 23 DEGREES 23 MINUTES EAST 1246 FEET FROM THE NW CORNER, SECTION 12.

The SIXTH right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4 at Page 1. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.023 CUBIC FOOT PER SECOND. The point of diversion for this right is: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.; SOUTH 33 DEGREES 05 MINUTES WEST 318 FEET FROM THE NE CORNER, SECTION 12.

The SEVENTH right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4 at Page 1. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.021 CUBIC FOOT PER SECOND. The point of diversion for this right is: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.; SOUTH 63 DEGREES 57 MINUTES WEST 461 FEET FROM THE NE CORNER, SECTION 12.

The EIGHTH right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16 at Page 523. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.008 CUBIC FOOT PER SECOND. The point of diversion for this right is: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.; SOUTH 00 DEGREES 24 MINUTES WEST 1305 FEET FROM THE NW CORNER, SECTION 12.

The NINTH right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 16 at Page 523. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.005 CUBIC FOOT PER SECOND. The point of diversion for this right is: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.; SOUTH 12 DEGREES 09 MINUTES WEST 1772 FEET FROM THE NW CORNER, SECTION 12.

The instream right created by these rights is limited to 0.152 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source, DURING THE PERIOD OF THE IRRIGATION SEASON OF APRIL 1 TO OCTOBER 31 OF EACH YEAR, if available at the original point of diversion of the rights. The date of priority is 1896 PLUS ONE MINUTE.

The reach of the instream right is described as follows:

Upstream point (Evans Creek) - from the respective points of diversion, described above
Downstream point (River Mile 8 - Evans Creek) - Wimer Bridge

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

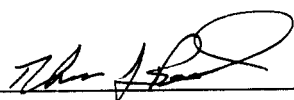
This instream right shall replace portions of and is not additive to the existing instream water rights for Evans Creek, evidenced by Certificate 73027.

This certificate is issued to confirm an ALLOCATION OF CONSERVED WATER. The ALLOCATION OF CONSERVED WATER (Conserved Water Application # 6) was approved by Special Order Volume 53, pages 870 - 873 by the Water Resources Director entered JUNE 10, 1999. A Correcting Order was approved by the Water Resources Director entered FEBRUARY 16, 2001. For the FIRST, SECOND, THIRD, FOURTH and FIFTH rights, this certificate together with Certificates 76652, 76653, 76654, 76655, 76656, and 76657, supercedes Certificate 32772, State Record of Water Right Certificates. For the SIXTH and SEVENTH rights, this certificate together with Certificates 76658, 76659, and 76660, supercedes Certificate 68497, State Record of Water Right Certificates. For the EIGHTH and NINTH rights, this certificate together with Certificate 76661, and 76662, supercedes Certificate 76182, 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 in said decree.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 16, 2001.



for Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76664.