

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 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 0.025 CUBIC FOOT PER SECOND. The original 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.; 196 FEET SOUTH AND 616 FEET EAST FROM THE NW CORNER OF NE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 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 0.030 CUBIC FOOT PER SECOND. The original 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.; 385 FEET SOUTH AND 158 FEET EAST FROM THE NW CORNER OF NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12.

The instream right created by these rights is limited to 0.055 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. This instream right shall replace portions of and is not additive to the existing instream water rights for Evans Creek, evidenced by Certificate 73027.

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

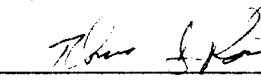
The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

This certificate is issued to confirm an ALLOCATION OF CONSERVED WATER. The ALLOCATION OF CONSERVED WATER (Conserved Water Application # 1) was approved by an order of the Water Resources Director entered NOVEMBER 13, 1996 (Special Order Volume 50, Page 853). For the FIRST right, this certificate together with Certificate 76665 supercedes Certificate 72139, State Record of Water Right Certificates. For the SECOND right, this certificate together with Certificate 76666, supercedes Certificate 72140, 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 DECEMBER 12, 2000.



Paul R. Cleary