

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO .

KEN KEARNEY
12265 GARDEN VALLEY
ROSEBURG, OR 97470

confirms the right to use the waters of SOUTH UMPQUA RIVER, a tributary of UMPQUA RIVER, for IRRIGATION OF 0.5 ACRE.

This right was perfected under Permit 21867. The date of priority is OCTOBER 27, 1952. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.006 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS BEING WITHIN THE NW 1/4 SE 1/4, SECTION 22, TOWNSHIP 28 SOUTH, RANGE 6 WEST W.M.), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 2 (NW 1/4 SW 1/4), SECTION 5, TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M.; 80 FEET NORTH AND 320 FEET EAST FROM THE ENE CORNER OF DLC 62.

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:

LOT 2 (NW 1/4 SW 1/4) 0.5 ACRE
SECTION 5
TOWNSHIP 26 SOUTH, RANGE 6 WEST, 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 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

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

The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device shall be approved by the Oregon Department of Fish and Wildlife and be installed under the supervision of the Department of Fish and Wildlife.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION, approved by an order of the Water Resources Director entered MAY 11, 2001, and together with Certificates 76628, AND 79549, supersedes Certificate 22386, 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 January 10, 2003.



Paul R. Cleary
Paul R. Cleary

Recorded in State Record of Water Right Certificates Number 79550.