

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID C. MALPASS  
32255 BOWERS DRIVE  
HARRISBURG, OR 97446

confirms the right to use the waters of MCKENZIE RIVER, a tributary of WILLAMETTE RIVER, for IRRIGATION OF 6.3 ACRES.

This right was perfected under Permit 50921. The date of priority is August 13, 1986 for 0.003 CUBIC FOOT PER SECOND (CFS) and October 2, 1986 for 0.08 CFS. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.083 CFS, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

MCKENZIE RIVER - NE 1/4 NE 1/4, AS PROJECTED WITHIN SPORES DLC 38, TOWNSHIP 17 SOUTH, RANGE 3 WEST, W.M.; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF MANSFIELD DLC 79;

MUDDY CREEK RE-DIVERSION - SE 1/4 SW 1/4, SECTION 32, TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.; 870 FEET NORTH AND 2660 FEET WEST FROM THE SE CORNER OF SECTION 32; AND

MUDDY CREEK RE-DIVERSION - SW 1/4 SE 1/4, SECTION 32, TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.; 830 FEET NORTH AND 2625 FEET WEST FROM THE SE CORNER OF SECTION 32.

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.

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

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.

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

SE 1/4 SW 1/4      6.3 ACRES  
SECTION 32  
TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.

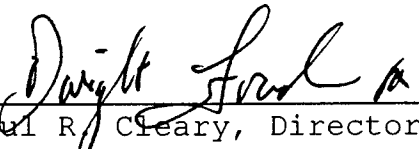
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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 OCTOBER 20, 1997, and along with Certificate 75439 and Order entered JANUARY 15, 1998, approving Transfer Application 7230, supersedes Certificate 75228, 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.

Issued October 15, 2003.

  
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Paul R. Cleary, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80363.

T-7127C.SB