

STATE OF OREGON  
COUNTY OF JACKSON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLENN J. AND JERILYNN BARTON  
26200 HWY 62  
TRAIL, OREGON 97541

confirms the right to use the waters of ELK CREEK (ROGUE RIVER), a tributary of ROGUE RIVER, for IRRIGATION OF 1.7 ACRES.

This 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 1894.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION AT ELK CREEK DESCRIBED AS BEING WITHIN THE SW 1/4 SW 1/4, SECTION 20, TOWNSHIP 33 SOUTH, RANGE 1 WEST, W.M.; 1075 FEET NORTH AND 935 FEET EAST FROM THE SOUTHWEST CORNER SECTION 20), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

ROGUE RIVER - NE 1/4 SE 1/4, SECTION 35, TOWNSHIP 33 SOUTH, RANGE 1 WEST, W.M.; 490 FEET SOUTH AND 410 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 NE 1/4 0.2 ACRE  
NE 1/4 SE 1/4 1.5 ACRES  
SECTION 35  
TOWNSHIP 33 SOUTH, RANGE 1 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered DECEMBER 2, 2002, and together with Certificate 79699, supersedes Certificate 68432, State Record of Water Right Certificates.

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.

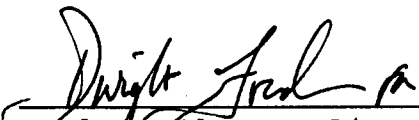
The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department and shall be installed under the general supervision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

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.

Issued October 15, 2003.

  
Paul A. Cleary, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80426.

T-8081.SB