

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LEONARD E. FRICK, TRUSTEE, ET-AL
P.O. BOX 3305
KERBY, OREGON 97531

confirms the right to use the waters of ILLINOIS RIVER, a tributary of ROGUE RIVER, for SUPPLEMENTAL IRRIGATION OF 1.0 ACRES.

This right was perfected under Permit 26436. The date of priority is NOVEMBER 3, 1959. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.02 CUBIC FOOT PER SECOND 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 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 9, T 39 S, R 8 W, 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-FIFTIETH 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 3 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year, PROVIDED FURTHER THAT THE RIGHT TO THE USE OF WATER IS LIMITED TO THE PERIOD WHEN THE FLOW OF WATER IN THE ILLINOIS RIVER IS 80 CFS OR MORE AT ITS MOUTH AND THE FLOW OF THE ROGUE RIVER IS 735 CFS OR MORE AT ITS MOUTH.

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:

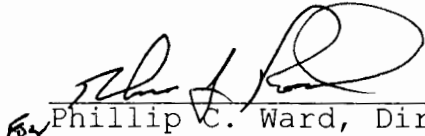
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRES
AS PROJECTED WITHIN POST DLC 43
SECTION 9
TOWNSHIP 39 SOUTH, RANGE 8 WEST W.M.

This certificate describes that portion of the water right confirmed by Certificate 31579, State Record of Water Right Certificates, modified by the provisions of an order of the Water Resources Director entered at Special Order Volume 62, Pages 296-297 diminishing the right and correcting an inadvertent omission from Certificate 80384.

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 DECEMBER 1, 2004.


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 80922