

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES AND SHIRLEY HEATER
4672 DRIFT CREEK ROAD SE
SUBLIMITY, OREGON 97385

confirms the right to use the waters of WELLS 1, 2, AND 3, in the BEAVER CREEK BASIN for IRRIGATION OF 164.1 ACRES.

This right was perfected under Permit G-5718. The date of priority is MARCH 16, 1973. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.881 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION DESCRIBED AS WELL 1), or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

WELL 1 - SE $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN FINE DLC 59, SECTION 14, T 8 S, R 1 W, W.M.; 630 FEET NORTH AND 1620 FEET EAST FROM THE SW CORNER OF DLC 59;

WELL 2 - SE $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN FINE DLC 59, SECTION 14, T 8 S, R 1 W, W.M.; 620 FEET NORTH AND 730 FEET EAST FROM THE SW CORNER OF DLC 59; AND

WELL 3 - SE $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN FINE DLC 59, SECTION 14, T 8 S, R 1 W, W.M.; 780 FEET NORTH AND 480 FEET EAST FROM THE SW CORNER OF DLC 59.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 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.

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18.2 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.6 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.6 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.6 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7.5 ACRES

ALL AS PROJECTED WITHIN FINE DLC 59
SECTION 14

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 17.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0 ACRES

ALL AS PROJECTED WITHIN FILE DLC 59
SECTION 23

TOWNSHIP 8 SOUTH, RANGE 1 WEST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The water user shall install in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate describes that portion of the water right confirmed by Certificate 80788, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered OCT 25 2004, approving Transfer Application T-9407.

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.

WITNESS the signature of the Water Resources Director,
affixed October 25, 2004.


for Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80997.

T-9407.PKS

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