

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LARRY R. AND DEBORAH DAVIS
62665 DRY CREEK LANE
SUMMERVILLE, OREGON 97876

BRIAN AND KATY SPENCER
69684 CRAIG LP RD
SUMMERVILLE, OREGON 97876

confirms the right to use the waters of SMITH CREEK (SPRING BRANCH WILLOW CREEK) AND A RESERVOIR CONSTRUCTED UNDER PERMIT R-8473 FOR THE PRIMARY IRRIGATION OF 19.5 ACRES; A RESERVOIR CONSTRUCTED UNDER PERMIT R-8473 FOR THE SUPPLEMENTAL IRRIGATION OF 12.5 ACRES; SMITH CREEK FOR THE PRIMARY IRRIGATION OF 158.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 45.0 ACRES, tributaries of WILLOW CREEK, for PRIMARY IRRIGATION OF 178.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 57.5 ACRES (AS TABULATED BELOW).

This right was perfected under Permit 46910. The date of priority is FEBRUARY 26, 1981. This right is limited to 2.94 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SMITH CREEK - NE 1/4 NE 1/4, SECTION 33, TOWNSHIP 1 NORTH, RANGE 38 EAST, W.M.; 550 FEET SOUTH AND 1150 FEET WEST FROM THE NE CORNER OF SECTION 33;

SMITH CREEK - NE 1/4 NE 1/4, SECTION 33, TOWNSHIP 1 NORTH, RANGE 38 EAST, W.M.; 550 FEET SOUTH AND 930 FEET WEST FROM THE NE CORNER OF SECTION 33; AND

RESERVOIR - NE 1/4 NE 1/4, SECTION 33, TOWNSHIP 1 NORTH, RANGE 38 EAST, W.M.; 550 FEET SOUTH AND 830 FEET WEST FROM THE NE CORNER OF SECTION 33.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

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-FORTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-8473. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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:

SPENCER

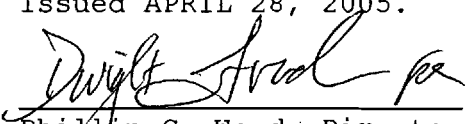
	SMITH CREEK AND RESERVOIR <u>PRIMARY IRRIGATION</u>	RESERVOIR <u>SUPPLEMENTAL IRRIGATION</u>
NE 1/4 NE 1/4	19.5 ACRES	12.5 ACRES
SECTION 33		
TOWNSHIP 1 NORTH, RANGE 38 EAST, W.M.		

DAVIS

	SMITH CREEK <u>PRIMARY IRRIGATION</u>	SMITH CREEK <u>SUPPLEMENTAL IRRIGATION</u>
SW 1/4 SW 1/4	40.0 ACRES	
SE 1/4 SW 1/4	40.0 ACRES	
SECTION 27		
NE 1/4 NW 1/4	12.5 ACRES	25.0 ACRES
NW 1/4 NW 1/4	3.0 ACRES	20.0 ACRES
SW 1/4 NW 1/4	26.5 ACRES	
SE 1/4 NW 1/4	36.5 ACRES	
SECTION 34		
TOWNSHIP 1 NORTH, RANGE 38 EAST, W.M.		

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 APRIL 28, 2005.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81402.

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