

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Brian and Katy Spencer
69684 Craig Loop Road
Summerville, Oregon 97876

confirms the right to use the waters of SMITH CREEK (aka Spring Branch of Willow Creek) and a RESERVOIR CONSTRUCTED UNDER PERMIT R-8473, tributaries of Willow Creek, for IRRIGATION of 19.5 acres and SUPPLEMENTAL IRRIGATION of 12.5 acres.

This right was perfected under Permit 46910. The date of priority is February 26, 1981. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.40 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

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

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

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre 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:

SMITH CREEK AND RESERVOIR
PRIMARY IRRIGATION

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 19.5 ACRES
SECTION 33
TOWNSHIP 1 NORTH, RANGE 38 EAST, W.M.

RESERVOIR
SUPPLEMENTAL IRRIGATION

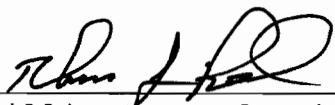
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.5 ACRES
SECTION 33
TOWNSHIP 1 NORTH, RANGE 38 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 81402 , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 29 2005 , approving Transfer Application T-9556.

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 JUNE 29, 2005 .


for Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81522.