

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.

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NW FARM CREDIT SVCS, ACA
PO BOX 148
KLAMATH FALLS OR 97601

WITHERS RANCH, INC.
28580 HWY 31
PAISLEY OR 97636

confirms the right to use the waters of WITHERS CREEK, HAMPTON CREEK, AND HADLEY CREEK a tributary of SUMMER LAKE, for IRRIGATION OF 314.6 ACRES AND STOCK WATER.

This right was perfected under Permit 45595. The date of priority is DECEMBER 4, 1980. This right is limited to 7.86 CUBIC FEET PER SECOND (CFS), BEING 0.05 CFS EACH FOR STOCK WATER FROM WITHERS CREEK, HAMPTON CREEK, AND HADLEY CREEK, AND 4.57 CFS FOR IRRIGATION FROM WITHERS CREEK, 3.08 CFS FOR IRRIGATION FROM HAMPTON CREEK, AND 0.21 CFS FOR IRRIGATION FROM HADLEY CREEK, from January 1 of each year through the irrigation season and stock use, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion (POD) are located as follows:

WITHERS CREEK POD 1: SW 1/4 SE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 890 FEET NORTH AND 2360 FEET WEST FROM SE CORNER, SECTION 10.

WITHERS CREEK POD 2: NW 1/4 NE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 1250 FEET SOUTH AND 1330 FEET WEST FROM NE CORNER, SECTION 10.

HAMPTON CREEK: NW 1/4 NE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 550 FEET SOUTH AND 2600 FEET WEST FROM NE CORNER, SECTION 10.

HADLEY CREEK: NW 1/4 SW 1/4, SECTION 11, T 33 S, R 17 E, W.M.; 1930 FEET NORTH AND 380 FEET EAST FROM SW CORNER, SECTION 11.

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 (CFS) (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, provided further that during the irrigation season the water for stock shall be a part of that diverted for irrigation and shall not at any time exceed 0.05 CFS from each source.

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

NW 1/4 NE 1/4	0.3 ACRE & STOCK USE
SW 1/4 NE 1/4	1.6 ACRES & STOCK USE
NE 1/4 NW 1/4	9.4 ACRES & STOCK USE
SW 1/4 NW 1/4	35.6 ACRES & STOCK USE
SE 1/4 NW 1/4	32.4 ACRES & STOCK USE
NE 1/4 SW 1/4	0.1 ACRE & STOCK USE
NW 1/4 SW 1/4	2.1 ACRES & STOCK USE
SW 1/4 SW 1/4	6.4 ACRES & STOCK USE

SECTION 2

NE 1/4 NE 1/4	8.1 ACRES & STOCK USE
NW 1/4 NE 1/4	1.7 ACRES & STOCK USE
SW 1/4 NE 1/4	6.0 ACRES & STOCK USE
SE 1/4 NE 1/4	37.2 ACRES & STOCK USE
NE 1/4 SE 1/4	34.4 ACRES & STOCK USE
NW 1/4 SE 1/4	9.6 ACRES & STOCK USE
SW 1/4 SE 1/4	24.4 ACRES & STOCK USE
SE 1/4 SE 1/4	24.8 ACRES & STOCK USE

SECTION 3

NE 1/4 NE 1/4	10.8 ACRES & STOCK USE
NW 1/4 NE 1/4	18.8 ACRES & STOCK USE
SW 1/4 NE 1/4	1.6 ACRES & STOCK USE
SE 1/4 NE 1/4	0.3 ACRE & STOCK USE
NE 1/4 SE 1/4	23.6 ACRES & STOCK USE
NW 1/4 SE 1/4	17.2 ACRES & STOCK USE

SECTION 10

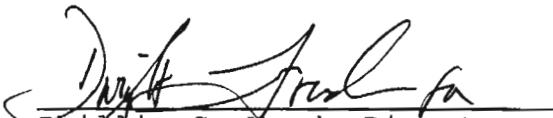
NW 1/4 NW 1/4	8.2 ACRES & STOCK USE
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SECTION 11

TOWNSHIP 33 SOUTH, RANGE 17 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.

WITNESS the signature of the Water Resources Director, affixed **NOV 28 2006**


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates numbered 82694.

S-61048.JWG