

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.

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GERALD JOHNSTON
YONCOLLA, OREGON 97499

confirms the right to use the waters of ELK CREEK, tributary of the UMPQUA RIVER for IRRIGATION OF 24.07 ACRES.

This right was perfected under Permit 13488. The date of priority is FEBRUARY 16, 1939. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.30 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

NE 1/4 SE 1/4, SE 1/4 NE 1/4, SW 1/4 NE 1/4, NW 1/4 NE 1/4 AS
PROJECTED WITHIN W. J. J. SCOTT DLC 38, SECTION 31, TOWNSHIP 22
SOUTH, RANGE 4 WEST, 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-EIGHTIETH 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

NE 1/4 NE 1/4	4.60 ACRES
NW 1/4 NE 1/4	4.00 ACRES
SW 1/4 NE 1/4	7.17 ACRES
SE 1/4 NE 1/4	2.90 ACRES
NE 1/4 SE 1/4	5.40 ACRES

ALL AS PROJECTED WITHIN W. J. J. SCOTT DLC 38
SECTION 31
TOWNSHIP 22 SOUTH, RANGE 4 WEST, W.M.

Land on which water is to be used is a part of the property more explicitly described by appropriator as follows:

Beginning at the Southwest corner of the William J. J. Scott donation land claim, being Claim No. 38 in Section 31 Township 22 South, Range 4 East of the Willamette Meridian, and running thence East 40 chains; thence North 40 chains; thence West 40 chains and thence South 40 chains to the place of beginning, containing 160 acres.

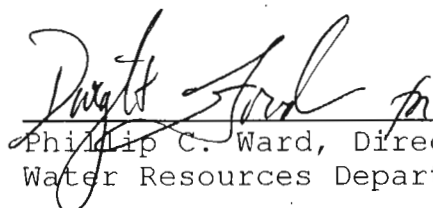
This certificate describes that portion of the water right confirmed by Certificate 14635, Volume 12, State Record of Water Right certificates, NOT modified by the provisions of an order of the Water Resources Director entered DECEMBER 16, 1977, approving Transfer 3745.

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 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

DEC 15 2006



Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82862.