

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHARLES KELLEY
PO BOX 711
LAKEVIEW OR 97630

confirms the right to use the waters of MUDDY CREEK, tributary to COTTONWOOD CREEK for IRRIGATION of 110.5 ACRES AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Lake County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 7, at Page 233. The date of priority is 1881. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.76 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
39 S	18 E	WM	2	NE SE			1650 FEET NORTH & 650 FEET WEST FROM SE CORNER, SECTION 2

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed three-fourths acre foot per acre during any 30-day period prior to June 1st, and one-half acre foot per acre during any 30-day period after June 1st of each year; and two and one-half acre feet per acre during any irrigation season; to be diverted under a head of not to exceed one-fortieth of a second foot per acre.

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
39 S	18 E	WM	12	NW SW			3.7
39 S	18 E	WM	12	SW SW			33.0
39 S	18 E	WM	12	SE SW			28.9
39 S	18 E	WM	12	SW SE			0.2
39 S	18 E	WM	13	NW NE			10.7
39 S	18 E	WM	13	SW NE			1.0
39 S	18 E	WM	13	NE NW			30.3
39 S	18 E	WM	13	NW NW			0.9
39 S	18 E	WM	13	SE NW			1.8

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 2.76 cubic feet per second. The old point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
39 S	19 E	WM	18	NE NE			1300 FEET SOUTH & 100 FEET WEST FROM NE CORNER, SECTION 18

When in the judgment of the Department it becomes necessary to install headgates and measuring devices:

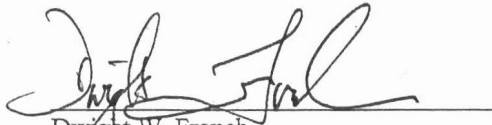
The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water which the water user is entitled;

The type and plans of the measuring device must be approved by the Department prior to beginning construction and that the weir or measuring device shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 8, 1986, at Special Order Volume 40, Page 143, approving Transfer Application 5729, and together with Certificate 86418, supersedes Certificate 5214, State record of Water Right Certificates.

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 and is subject to all other conditions and limitations contained in said decree.

Issued JUL 09 2010.


Dwight W. French
Administrator Water Rights and Adjudications, for
Philip C. Ward, Director