Permit—C-8770—900—5-27

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This is to Certify, *That* Boyd Miller

of Trail *, State of* Oregon *, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of* Elk Creek and Yellow Back Canyon *a tributary of* Rogue River *for the purpose of* Irrigation *under Permit No.* 6123 *of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from* December 1, 1923;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.04 cubic foot per second;

The point of diversion is located in the NE¼SE¼ *of Section* 8 *, Township* 38S, *Range* 1E, *W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.*

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 3 acres in the SW¼SE¼, Section 8, Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer, affixed this 9th *day of* July *, 19*30

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8 *, page* 8709