

STATE OF OREGON  
 COUNTY OF JACKSON  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE H. AND HENDRIKA NEARY, TRUSTEES  
 C/O CLEMENT J. KONG, ESQ.  
 2430 J STREET  
 SACRAMENTO, CA 95816

confirms the right to use the waters of the ROGUE RIVER, a tributary to the PACIFIC OCEAN for IRRIGATION of 92.1 ACRES.

This right was perfected under Permit S-23796. The date of priority is JULY 28, 1955. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.15 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the original point of diversion located in the SWNE of Section 18, Township 36 S, Range 2 W, W.M., described as: 2350 feet South and 1840 feet West from the NE Corner of Section 18.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	2 W	WM	18	NE SE	1130 FEET SOUTH AND 2510 FEET WEST FROM THE E¼ CORNER OF SECTION 18

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-EIGHTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. 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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	17	NE NW	2.9
36 S	2 W	WM	17	NW NW	0.3
36 S	2 W	WM	17	SW NW	8.2
36 S	2 W	WM	17	SE NW	8.4
36 S	2 W	WM	18	NE NE	7.7
36 S	2 W	WM	18	NW NE	2.5
36 S	2 W	WM	18	SW NE	28.9
36 S	2 W	WM	18	SE NE	13.7
36 S	2 W	WM	18	NE NW	2.3
36 S	2 W	WM	18	SE NW	17.1
36 S	2 W	WM	18	NW SE	0.1

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 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.

Water use measurement conditions:

- a. Before water use may begin under this right, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the point of diversion.
- b. The water user shall maintain the meter or measuring device in good working order.
- c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.

Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

This certificate is issued to confirm a CHANGE IN POINT OF DIVERSION DUE TO GOVERNMENT ACTION approved by an Order of the Water Resources Director entered SEP 14 2011, approving Transfer Application T-11277 and together with Certificate 87230, supersedes Certificate 86997, 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.

WITNESS the signature of the Water Resources Director, affixed SEP 14 2011

  
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Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR