

STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MICHAEL W BURWELL  
201 STARBUCK LANE  
MYRTLE CREEK OR 97457

ANTHONY L AND TERRIE R FRANSSSEN  
199 STARBUCK LANE  
MYRTLE CREEK OR 97457

confirms the right to use the waters of NORTH MYRTLE CREEK, tributary to MYRTLE CREEK for IRRIGATION of 3.1 ACRES.

This right was perfected under Permit S-38522. The date of priority is JULY 14, 1974. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.039 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

| POD | Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances  |
|-----|------|-----|-----|-----|-------|---|
| 1   | 29 S | 4 W | WM  | 8   | NE SW | 545 FEET SOUTH AND 1260 FEET WEST FROM C1/4 CORNER, SECTION 8 |
| 2   | 29 S | 4 W | WM  | 8   | NE SW | 320 FEET SOUTH AND 820 FEET WEST FROM C1/4 CORNER, SECTION 8  |

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 2.5 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 is as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | Acres |
|------|-----|-----|-----|-------|-------|
| 29 S | 4 W | WM  | 8   | SE NW | 1.35  |
| 29 S | 4 W | WM  | 8   | NE SW | 1.75  |

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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 points of diversion shall not exceed the quantity of water available from the original point of diversion described as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | Measured Distances  |
|------|-----|-----|-----|-------|---|
| 29 S | 4 W | WM  | 8   | NE SW | 260 FEET SOUTH AND 820 FEET WEST FROM C ¼ CORNER, SECTION 8 |

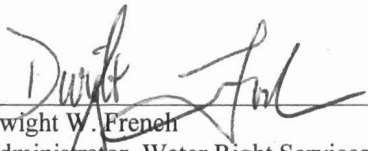
The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with Oregon Department of Fish and Wildlife's operational and maintenance standards.

When required by the Department the water user shall install, maintain, and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a CHANGE IN POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered AUGUST 28, 2007, at Special Order Volume 73, Page 164, approving Transfer Application 8075, and together with Certificate 83458, supercedes Certificate 55157, 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.

Issued OCT 18 2013

  
Dwight W. French  
Administrator, Water Right Services, for  
Phillip C. Ward, Director