

AFFIDAVIT OF DIMINUTION OF A WATER RIGHT

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SEP 24 1985

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)
)ss.
County of Douglas)

We, Gene B. and Evelyn R. Gary of South Myrtle Route, Box 206, Myrtle Creek, Oregon 97457 being first duly sworn, depose and say that we are the owners of the Southeast quarter of the Northwest quarter of Section 29, Township 29 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, and the water right appurtenant thereto.

The portion of the water right in question is for appropriation of not to exceed 0.04 cubic foot per second of water from South Myrtle Creek for irrigation of 3.5 acres in SE 1/4 NW 1/4 of Section 29, Township 29 South, Range 4 West, WM, with a date of priority of August 5, 1977, as evidenced by the certificate recorded at page 53222, Volume 48, State Record of Water Right Certificates issued to us. Said 3.5 acres being illustrated on the attached copy of the map supporting our Application 68421.

Having obtained a more economical source of water for the primary irrigation of the 3.5 acres, we request the right heretofore described be diminished from a right for primary irrigation to a right for supplemental irrigation of the same lands subject to the issuance of a permit approving our Application 68421.

We agree that if this change is approved, it is permanent and the right to the use of water from South Myrtle Creek cannot be changed back to the primary source. We also agree that so long as there is sufficient water available from the new primary source, we are not entitled to use any water from South Myrtle Creek for irrigation of said lands.

IN WITNESS WHEREOF, we have hereunto set our hands this 23 day of September, 1985.

Gene B Gary
Evelyn R Gary

Subscribed and sworn to before me this 23 day of September, 1985.

James E Cooper
Notary Public for Oregon
My Commission Expires: 1-26-87

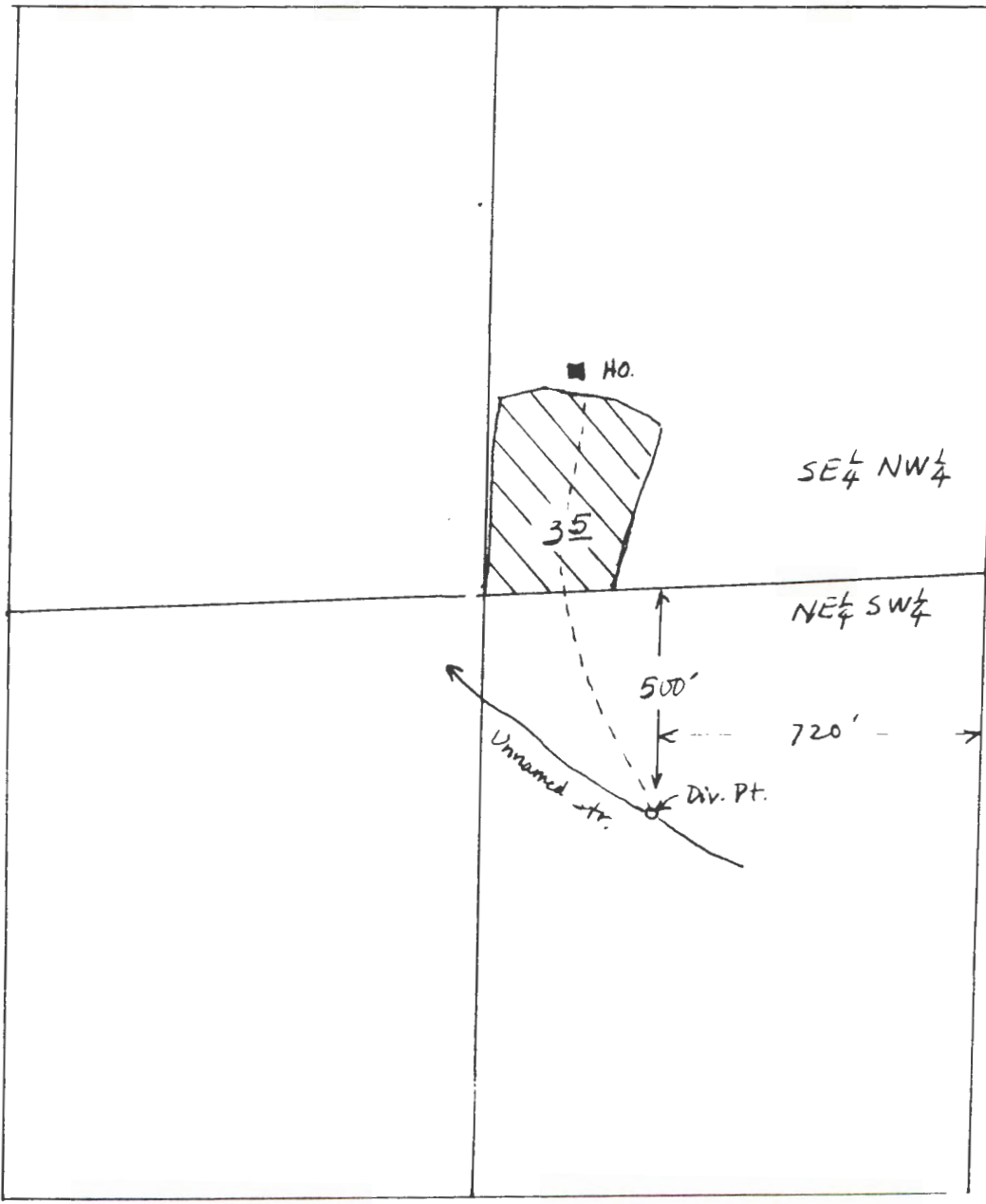
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T. 29S. R. 4W. W.M.
Section 29



Scale 1" = 400 ft.

Application No. 68421
Permit No.