

**UNLESS A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO THE FOLLOWING ADDRESS:**

N/A

**AFTER RECORDING, RETURN TO:**

Jared Bottcher  
Klamath Basin Rangeland Trust  
700 Main Street, Suite 201A  
Klamath Falls, OR 97601

**GRANTOR:**

JaCox Ranches, Oregon, LTD  
P.O. Box 435  
Fort Klamath, OR 97626

**GRANTEE:**

Klamath Basin Rangeland Trust  
700 Main Street, Suite 201A  
Klamath Falls, OR 97601

(space above reserved for recorder)

**EASEMENT AND USE RESTRICTION AGREEMENT**

THIS EASEMENT AND USE RESTRICTION AGREEMENT (this "Agreement") is made as of this 22 day of September, 2014, by and between JaCox Ranches, Oreg., LTD., an Oregon Limited Partnership, ("Grantor") and the KLAMATH BASIN RANGELAND TRUST, an Oregon nonprofit corporation ("Grantee").

**RECITALS**

A. Grantor and Grantee are parties to that certain Option to Transfer Water Rights Agreement (the "**Option Agreement**"), whereby Grantor agreed to sell to Grantee water rights then appurtenant to certain real property owned by Grantor in Klamath County, Oregon, as more particularly described on attached Exhibit 1 (the "**Property**"). The terms and conditions of the Option Agreement are incorporated herein and made a part hereof. Such water rights have been transferred instream pursuant to the Option Agreement (the "**Instream Water Rights**") by virtue of water right Certificates or Final Order attached hereto as Exhibit 2.

B. As a material inducement for Grantee to enter into the Option Agreement, Grantor has agreed to execute this Agreement.

NOW THEREFORE, for \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Easement. Grantor hereby grants to Grantee a non-exclusive easement for ingress and egress over and across the Property for purposes of monitoring (i) water use on the Property, and (ii) instream water flow and fisheries habitat within flowing water bodies on the Property (the "**Easement**").

2. Use Restriction. Grantor agrees and covenants that the development of new irrigation permits, rights, or certificates from groundwater or surface water on the Property is strictly prohibited.

3. Delay in Enforcement. A delay in enforcement shall not be construed as a waiver of the Grantee's right to eventually enforce the terms of this Agreement.

4. Notice and Demand. If the Grantee determines that the Grantor is in violation of this Agreement, or that a violation is threatened, the Grantee may provide written notice to the Grantor unless the violation constitutes immediate and irreparable harm. The written notice will identify the violation and request corrective action to cure the violation or to restore the Property

5. Failure to Act. If, for a thirty (30)-day period after written notice, the Grantor continues violating this Agreement, or if the Grantor does not abate the violation and implement corrective measures requested by the Grantee, the Grantee may bring an action in law or in equity to enforce the terms of this Agreement. The Grantee is also entitled to enjoin the violation through injunctive relief, seek specific performance, declaratory relief, restitution, reimbursement of expenses, or an order compelling restoration of the Property. If any arbitration, suit, or action is instituted to interpret or enforce the provisions of this Agreement, to rescind this Agreement, or otherwise with respect to the subject matter of this Agreement, the party prevailing on an issue will be entitled to recover with respect to such issue, in addition to costs, reasonable attorney fees incurred in the preparation, prosecution, or defense of such arbitration, suit, or action as determined by the arbitrator or trial court, and if any appeal is taken from such decision, reasonable attorney fees as determined on appeal.

6. Actual or Threatened Non-Compliance. Grantor acknowledges that actual or threatened events of non-compliance under the Agreement constitute immediate and irreparable harm. The Grantee is entitled to invoke the equitable jurisdiction of the court to enforce this Agreement.

7. Cumulative Remedies. The preceding remedies of the Grantee are cumulative. Any, or all, of the remedies may be invoked by the Grantee if there is an actual or threatened violation of this Agreement.

8. Grantee's Entry Onto Property. Grantee may enter the Property only upon 24 hours notice to Grantor, up to four times per year. If non-compliance with Option Agreement is found, the Grantee may access the property as needed to resolve the non-compliance.

9. Easement in Gross. The Easement shall be considered in gross, shall burden the Property, and shall benefit Grantee, its successors and assigns. The burdens of the this Agreement and the Easement herein shall be construed and considered as a covenant running with the land and appurtenant to the Instream Water Rights. Every purchaser and grantee of any or all of the Property, by acceptance of a deed or other instrument of conveyance thereto, or other document evidencing any interest therein, accepts and agrees to the agreements and covenants herein. The rights and responsibilities set forth in this Agreement and the Easement herein shall be perpetual and shall be binding on the successors and assigns of Grantor and Grantee.

10. Use of Property. Grantee hereby acknowledges that the Property is currently operated as a working cattle ranch and (i) agrees to use the Easement in a manner that reasonably minimizes the impact upon ongoing ranching operations, and (ii) assumes the ordinary risks associated with use of the Property while such ranching operations are under way.

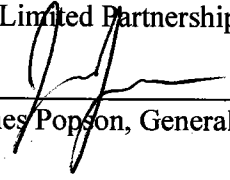
11. This Easement shall be perpetual.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first written above.

KLAMATH BASIN RANGELAND TRUST,  
an Oregon nonprofit corporation

By:   
Chrysten Lambert, Director of Water Transactions

JACOX RANCHES, OREG., LTD.,  
an Oregon Limited Partnership

By:   
James Popson, General Partner

STATE OF OREGON )  
County of Klamath ) ss.

This instrument was acknowledged before me on September 22, 2014 by  
Chrysten Lambert, Director of Water Transactions of the Klamath Basin Rangeland  
Trust, an Oregon nonprofit corporation.



Cherice F. Treasure  
Notary Public for Oregon 6/17/2016  
My commission expires: 6/17/2016

STATE OF OREGON )  
County of Klamath ) ss.

This instrument was acknowledged before me on September 22, 2013 by  
James Popson as General Partner of JaCox Ranches, Oreg., LTD.



Cherice F. Treasure  
Notary Public for Oregon 6/17/2016  
My commission expires: 6/17/2016

**EXHIBIT 1  
TO  
ACCESS EASEMENT**

**Property**

The Property includes the following land located in Township 33 South, Range 6 East of the Willamette Meridian:

the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , and the SE  $\frac{1}{4}$  of Section 13; and

all of Section 24 except the E  $\frac{1}{2}$  E  $\frac{1}{2}$  NE  $\frac{1}{4}$  and the E  $\frac{1}{2}$  E  $\frac{1}{2}$  SE  $\frac{1}{4}$ ;

and the following land located in Township 33 South, Range 7.5 East of the Willamette Meridian:

the SW  $\frac{1}{4}$  of Section 18;

all located in Klamath County, Oregon.

**EXHIBIT 2  
TO  
ACCESS EASEMENT  
Water Rights**

STATE OF OREGON  
COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of SEVENMILE CREEK, tributary to Agency Lake, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Klamath County. The date of priority is 1891. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Instream Reach No.	Instream Rate	Instream Period
Reach No. 1	10.5 Cubic Feet per Second (CFS)	April 1 through July 19
	8.98 CFS	July 20 through September 30
Reach No. 2	10.46 CFS	April 1 through July 19
	8.95 CFS	July 20 through September 30

or its equivalent in case of rotation, measured at the point of diversion (for Reach No. 1).

The description of the stream reaches in which flows are to be maintained is as follows:

Instream Reach No. 1: From the location of the diversion authorized previously under Certificate 10900, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	6 E	WM	11	SE SE	150 FEET NORTH AND 960 FEET WEST FROM THE SE CORNER OF SECTION 11

To River Mile 15.52.

Instream Reach No. 2: From River Mile 15.52 to the mouth of Sevenmile Creek

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.


The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right is subject to all other terms and conditions of Certificate 10900, and any related decree.

This is a final 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.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 93, Page 422 approving Transfer T-11375, and along with Certificate 89516 supersedes Certificate 10900, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed Sept 18, 2014.

  
Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department



STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES T. DIXON  
FORT KLAMATH, OREGON

confirms the right to use the waters of SEVENMILE CREEK for Irrigation of 400.4 acres, and Domestic and Stock Use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Klamath County. The decree is of record at Salem, in the Order Record of the State Engineer in Volume 12, at Page 269. The date of priority is 1891.

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 1/50<sup>th</sup> of one cubic foot per second per acre irrigated prior to July 20<sup>th</sup>, and 1/80<sup>th</sup> of one cubic foot per second per acre irrigated thereafter, and shall not exceed 5.0 acre-feet per acre during the irrigation season from April 1<sup>st</sup> to October 1<sup>st</sup> of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant or, if for other purposes, the place where such water is put to beneficial use, is as follows:

IRRIGATION, DOMESTIC AND LIVESTOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	6 E	WM	13	SE SW	0.90
33 S	6 E	WM	13	SW SE	1.80
33 S	6 E	WM	13	SE SE	1.80
33 S	6 E	WM	24	NE NE	20.00
33 S	6 E	WM	24	SE NE	20.00
33 S	6 E	WM	24	NE SE	20.30
33 S	6 E	WM	24	SE SE	16.20
33 S	7.5 E	WM	18	SW SW	1.80
33 S	7.5 E	WM	18	SE SW	1.60
33 S	7.5 E	WM	19	NE NW	38.10
33 S	7.5 E	WM	19	NW NW	40.00
33 S	7.5 E	WM	19	SW NW	40.00
33 S	7.5 E	WM	19	SE NW	39.30
33 S	7.5 E	WM	19	NE SW	39.30
33 S	7.5 E	WM	19	NW SW	40.00
33 S	7.5 E	WM	19	SW SW	40.00
33 S	7.5 E	WM	19	SE SW	39.30

DOMESTIC AND LIVESTOCK USE ONLY DURING THE NON IRRIGATION SEASON					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	6 E	WM	13	SW NE	36.80
33 S	6 E	WM	13	SE NE	26.40
33 S	6 E	WM	13	SE NW	14.40
33 S	6 E	WM	13	NE SW	30.00
33 S	6 E	WM	13	SE SW	27.90
33 S	6 E	WM	13	NE SE	39.90
33 S	6 E	WM	13	NW SE	40.00
33 S	6 E	WM	13	SW SE	38.20

DOMESTIC AND LIVESTOCK USE ONLY DURING THE NON IRRIGATION SEASON					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	6 E	WM	13	SE SE	38.20
33 S	6 E	WM	24	NE NE	20.00
33 S	6 E	WM	24	NW NE	40.00
33 S	6 E	WM	24	SW NE	39.90
33 S	6 E	WM	24	SE NE	20.00
33 S	6 E	WM	24	NE NW	31.20
33 S	6 E	WM	24	NW NW	8.80
33 S	6 E	WM	24	SW NW	22.40
33 S	6 E	WM	24	SE NW	38.40
33 S	6 E	WM	24	NE SW	20.00
33 S	6 E	WM	24	NW SW	6.00
33 S	6 E	WM	24	NE SE	19.70
33 S	6 E	WM	24	NW SE	35.00
33 S	6 E	WM	24	SW SE	5.00
33 S	6 E	WM	24	SE SE	8.80
33 S	7.5 E	WM	18	NE SW	9.20
33 S	7.5 E	WM	18	NW SW	28.00
33 S	7.5 E	WM	18	SW SW	38.20
33 S	7.5 E	WM	18	SE SW	37.70


This certificate describes that portion of the water right confirmed by Certificate 10900, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Sept. 18 2014, approving Transfer Application T-11375.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree.

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

WITNESS the signature of the Water Resources Director, affixed Sept 18, 2014.

  
Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of SEVENMILE CREEK, tributary to Agency Lake, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Klamath County. The date of priority is 1898. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Instream Reach No.	Instream Rate	Instream Period
Reach No. 1	2.27 Cubic Feet per Second (CFS)	April 1 through July 19
	1.948 CFS	July 20 through September 30
Reach No. 2	2.08 CFS	April 1 through July 19
	1.78 CFS	July 20 through September 30

or its equivalent in case of rotation, measured at the point of diversion (for Reach No. 1).

The description of the stream reaches in which flows are to be maintained is as follows:

Instream Reach No. 1: At the location of the diversion authorized previously under Certificate 10901, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	6 E	WM	24	SW NW	1875 FEET SOUTH AND 390 FEET EAST FROM THE NW CORNER OF SECTION 24

Instream Reach No. 2: From immediately below the diversion authorized previously under Certificate 10901 to the mouth of Sevenmile Creek

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right is subject to all other terms and conditions of Certificate 10901, and any related decree.

This is a final 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.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 93, Page 421, approving Transfer T-11375, and along with Certificate 89518 supersedes Certificate 10901, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed Sept 18, 2014.



Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES T. DIXON  
FORT KLAMATH, OREGON

confirms the right to use the waters of SEVENMILE CREEK for Irrigation of 11.9 acres, Domestic and Stock.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Klamath County. The decree is of record at Salem, in the Order Record of the Water Resources Director in 12, at Page 269. The date of priority is 1898.

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used, and shall not exceed 1/50<sup>th</sup> of one cubic foot per second per acre irrigated prior to July 20<sup>th</sup> and 1/80<sup>th</sup> of one cubic foot per second per acre irrigated thereafter, and shall not exceed 5.0 acre-feet per acre during irrigation season from April 1<sup>st</sup> to October 1<sup>st</sup> of each year.

A description of the lands irrigated under such right, and to which water is appurtenant, or, if used for other purposes, the place where such water is put to beneficial use, is as follows:

IRRIGATION, DOMESTIC AND STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	6 E	WM	24	SW SW	4.00
33 S	6 E	WM	24	SE SW	2.20
33 S	6 E	WM	24	SE SE	5.70

DOMESTIC AND STOCK USE ONLY DURING THE NON IRRIGATION SEASON					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	6 E	WM	24	SW NW	17.30
33 S	6 E	WM	24	NE SW	20.00
33 S	6 E	WM	24	NW SW	20.00
33 S	6 E	WM	24	SW SW	11.00
33 S	6 E	WM	24	SE SW	37.80
33 S	6 E	WM	24	NW SE	5.00
33 S	6 E	WM	24	SW SE	35.00
33 S	6 E	WM	24	SE SE	9.30

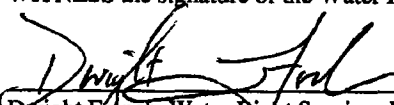
This certificate describes that portion of the water right confirmed by Certificate 10901, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Sept. 18 2014, approving Transfer Application T-11375.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree.

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

WITNESS the signature of the Water Resources Director, affixed Sept 18, 2014.

  
Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

STATE OF OREGON  
COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of Sevenmile Creek, tributary to Agency Lake, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

This right was perfected under Permit S-35790. The date of priority is September 24, 1971. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.98 cubic foot per second, or its equivalent in case of rotation, measured at the point of diversion, from May 11 through September 30.

The description of the stream reach in which flows are to be maintained is as follows:

From the location of the diversion authorized previously under Certificate 42822, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	6 E	WM	11	SE SE	150 FEET NORTH AND 960 FEET WEST FROM THE SE CORNER OF SECTION 11

To the mouth of Sevenmile Creek

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right is subject to all other terms and conditions of Certificate 42822, and any related decree.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 93, Page 422, approving Transfer T-11375, and together with Certificate 89520 supersedes Certificate 42822, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed Sept 18, 2014



Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

This is a final 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.

STATE OF OREGON  
COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ANDREW AND DOROTHY POPSON  
PO BOX 435  
FORT KLAMATH, OR 97626

confirms the right to use the waters of drainage collected in ditch along West Boundary of SE NW, NE SW, SE SW, Section 13 and Sevenmile Creek, a tributary of Agency Lake, for IRRIGATION of 0.9 ACRE.

This right was perfected under Permit S-35790. The date of priority is SEPTEMBER 24, 1971. 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 0.02 cubic foot per second, with any deficiency in the available supply from drainage to be made up by appropriation from Sevenmile Creek providing that the total quantity diverted from both sources shall not exceed 0.02 cubic foot per second, or its equivalent in case of rotation, measured at the points of diversion from the stream.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	6 E	WM	13	SE NW NE SW SE SW	DITCH: DRAINAGE COLLECTED IN DITCH BETWEEN POINTS 3320 FEET NORTH AND 20 FEET NORTH BOTH FROM SOUTHWEST CORNER SE SW, SECTION 13
33 S	6 E	WM	11	SE SE	CREEK: 150 FEET NORTH AND 960 FEET WEST FROM SE CORNER OF SECTION 11

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-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:


Twp	Rng	Mer	Sec	Q-Q	Acre
33 S	6 E	WM	13	SE SW	0.90

This certificate describes that portion of the water right confirmed by Certificate 42822, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Sept. 18 2014, approving Transfer Application T-11375.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed Sept. 18 2014.

  
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Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department



STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of Blue Springs, tributary to Sevenmile Creek, for supplemental instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

This right was perfected under Permit S-9571. The date of priority is September 25, 1928. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Instream Reach No.	Instream Rate	Instream Period
Reach No. 1	1.19 Cubic Feet per Second (CFS)	May 11 through September 30
Reach No. 2	1.12 CFS	

or its equivalent in case of rotation, measured at the point of diversion (for Reach No. 1).

The description of the stream reaches in which flows are to be maintained is as follows:

Instream Reach No. 1: From the location of the diversion authorized previously under Certificate 8679, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	6 E	WM	24	NW SW	1545 FEET NORTH AND 95 FEET EAST FROM THE SW CORNER OF SECTION 24

To the mouth of Blue Springs and into Sevenmile Creek to River Mile 14.62.

Instream Reach No. 2: From River Mile 14.62 the mouth of Sevenmile Creek

Water shall only be protected instream if the full rate and duty is not available under the primary instream use for Certificate 89517.

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.


The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

This is a final 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.

The right is subject to all other terms and conditions of Certificate 8679, and any related decree.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 93, Page 422, approving Transfer T-, and together with Certificate 89522 supersedes Certificate 8679, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed Sept 18, 2014.

  
Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAS. T. DIXON  
FORT KLAMATH, OREGON

confirms the right to use the waters of BLUE SPRINGS, a tributary of SEVENMILE CREEK, for Irrigation of 11.9 acres, Domestic and Stock purposes.

This right was perfected under Permit S-9371. The date of priority is SEPTEMBER 25, 1928. 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 0.16 cubic foot per second. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q
33 S	6 E	WM	23	NE SE
33 S	6 E	WM	24	NW SW

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:

IRRIGATION USE ONLY					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	6 E	WM	24	SW SW	4.00
33 S	6 E	WM	24	SE SW	2.20
33 S	6 E	WM	24	SE SE	5.70

DOMESTIC AND STOCK USE ONLY					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	6 E	WM	24	SW SW	15.00
33 S	6 E	WM	24	SE SW	40.00
33 S	6 E	WM	24	SW SE	30.00
33 S	6 E	WM	24	SE SE	15.00

This right is specifically limited to a period of use extending from May 11<sup>th</sup> to October 1<sup>st</sup> of each year unless permission is given by the Oregon State Game Commission (now known as the Oregon

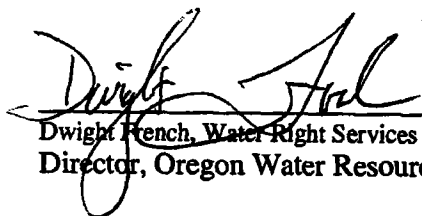
Department of Fish and Wildlife) or the State Engineer to divert water for irrigation earlier than May 11<sup>th</sup>, and such permission shall not be given by the State Engineer in any case unless it is found by him that the diversion before May 11<sup>th</sup> will not deprive the Oregon State Game Commission of sufficient water for the proper maintenance and operation of its present egg-taking station on Sevenmile Creek.

This certificate describes that portion of the water right confirmed by Certificate 8679, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Sept. 18 2014, approving Transfer Application T-11375.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed Sept 18. 2014.

A handwritten signature in cursive script, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES T. DIXON  
FORT KLAMATH, OR 97626

confirms the right to use the waters of ANNA CREEK (also known as Annie Creek), a tributary of the WOOD RIVER, for IRRIGATION of 42.8 acres.

This right was perfected under Permit S-8029. The date of priority is JUNE 25, 1927. The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually used beneficially for said purposes, and shall not exceed 0.54 CUBIC FOOT PER SECOND.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
32 S	7.5 E	WM	31	NE SW

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.

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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:

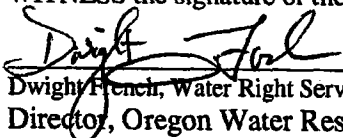
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	7.5 E	WM	18	NE SW	30.80
33 S	7.5 E	WM	18	NW SW	12.00

This certificate describes that portion of the water right confirmed by Certificate 7641, State Record of Water Right Certificates, NOT cancelled by the provisions of an order of the Water Resources Director entered Sept. 18 2014, approving Transfer Application T-11375.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed Sept 18, 2014

  
Dwight Fench, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

R. S. DIXON  
FORT KLAMATH, OR 97626

confirms the right to use the waters of Anna Creek (also known as Annie Creek), a tributary of the Wood River, for IRRIGATION of 200.74 ACRES.

This right was perfected under Permit S-8028. The date of priority is JUNE 25, 1927. 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 2.51 cubic feet per second, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
32 S	7.5 E	WM	31	SW NW

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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

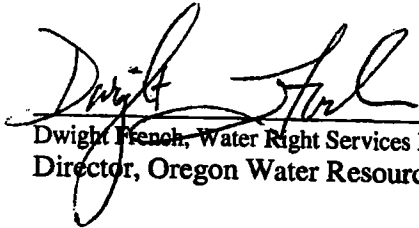
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	6 E	WM	1	NE NE	20.00
33 S	6 E	WM	1	SE NE	20.00
33 S	6 E	WM	1	NE SE	20.00
33 S	6 E	WM	1	SW SE	31.00
33 S	6 E	WM	1	SE SE	4.50
33 S	6 E	WM	12	NW SW	10.00
33 S	6 E	WM	12	SW SW	20.00
33 S	6 E	WM	13	SE NE	11.24
33 S	6 E	WM	13	NW NW	40.00
33 S	6 E	WM	13	SE NW	12.00
33 S	7.5 E	WM	6	SW NW	12.00

This certificate describes that portion of the water right confirmed by Certificate 45299, State Record of Water Right Certificates, NOT cancelled by the provisions of an order of the Water Resources Director entered Sept. 18 2014, approving Transfer Application T-11375.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted the lands or place of use herein described. And is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed Sept 18, 2014.



Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department