

This is a final order in other than 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 137-004-080 and OAR 690-01-005 you may either 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 JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DANIEL E. AND MARILYN F. MILTON
560 HAMILTON ROAD
JACKSONVILLE, OREGON 97530

confirms the right to use the waters of the LITTLE APPELEGATE RIVER, a tributary of the APPELEGATE RIVER, for IRRIGATION OF 6.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is September 1, 1857.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.1196 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: FARMER'S DITCH LOCATED IN THE NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 14, T 39 S, R 3 W, W.M. or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, T. 39 S., R. 3 W., W.M.; 20 feet South and 1250 feet West from the NE Corner of Section 4.

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T. 39 S., R. 3 W., W.M.; Farmer's Ditch – Coordinates: 350 feet South and 900 feet West from the NE Corner of Section 14; also located as GPS coordinates: Latitude 42.18400, Longitude -123.0174.

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available the original point of diversion.

A description of the place of use to which this right is appurtenant is as follows:

SE¼ SE¼ 6.0 ACRES
SECTION 33
TOWNSHIP 38 SOUTH, RANGE 3 WEST, W.M.

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

The water user shall maintain a fish screen or by-pass device.

Note: This certificate conforms to a decree of the Circuit Court for Jackson County dated April 19th, 1928, in conformity with Mandate of Supreme Court of Oregon; and also conforms to an amended decree of the Circuit Court for Jackson County, dated November 20, 1947.

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered DECEMBER 31, 2002, at Special Order Volume 56, Page 2293, approving Transfer Application 8945, and supersedes Certificate 16395, 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 and shall be subject to all other conditions and limitations contained in said decree.

Issued JAN 30 2009


Phillip C. Ward, Director
Water Resources Department