

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 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD D. SMITH
PO BOX 334
DAYVILLE, OR 97825

confirms the right to use the waters of WASTE WATER FROM THE CUMMINGS DITCH WHICH DIVERTS WATER FROM THE SOUTH FORK JOHN DAY RIVER, AND AN UNNAMED GULCH, tributaries of JOHN DAY RIVER, for IRRIGATION OF 2.7 ACRES.

This right was perfected under Permit 44507. The date of priority is MAY 14, 1979. This right is limited to 0.07 CUBIC FOOT PER SECOND (CFS), BEING 0.05 CFS FROM WASTE WATER WITH ANY DEFICIENCY IN THE AVAILABLE SUPPLY TO BE MADE UP BY APPROPRIATION FROM THE UNNAMED GULCH, AND 0.02 CFS FROM THE UNNAMED GULCH FOR IRRIGATION or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion (POD) are located as follows:

POD #1 (WASTE WATER): NE 1/4 SE 1/4, SECTION 1, T 13 S, R 26 E, W.M.; 780 FEET SOUTH AND 1040 FEET WEST FROM THE EAST 1/4 CORNER, SECTION 1.

POD #2 (UNNAMED GULCH): NE 1/4, SE 1/4, SECTION 1, T 13 S, R 26 E, W.M.; 570 FEET SOUTH AND 1310 FEET WEST FROM THE EAST 1/4 CORNER, SECTION 1.

W.M.; 1000 FEET SOUTH AND 1470 FEET WEST FROM THE EAST 1/4 CORNER,
SECTION 1.

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-FORTIETH of one cubic foot per second (or its equivalent) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

NE 1/4 SE 1/4 1.9 ACRES
NE 1/4 SE 1/4 0.8 ACRE
SECTION 1
TOWNSHIP 13 SOUTH, RANGE 26 EAST, W.M.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

July 14, 2006

Phillip C. Ward
Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82047.

S-58648.JWG