

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.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SAMUEL B. SWEENEY
1070 FERRY
DAYTON, OREGON 97114

confirms the right to use the waters of WEST BRANCH PALMER CREEK, a tributary of PALMER CREEK, for the purpose of IRRIGATION OF 66.4 ACRES.

This right was perfected under Permit 43211. The date of priority is FEBRUARY 24, 1977. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.86 CUBIC FOOT 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:

NE 1/4 SW 1/4, AS PROJECTED WITHIN A. SMITH DLC 48, SECTION 20,
T 4 S, R 3 W, W.M.; 2180 FEET NORTH AND 750 FEET WEST FROM THE SE
CORNER, DLC 48.

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 per acre, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the period from April 1 to September 30, and shall be further limited to a diversion of not to exceed 1.0 acre foot per acre for each acre irrigated during the period from October 1 through March 31, provided further the right allowed herein, together with the amount secured under any other right existing for the same land shall not exceed 2.5 acre feet for each acre irrigated in any one year. The use of water during the period from October 1 to March 31 as authorized herein shall not establish priority of right as

against future appropriations of surface water for beneficial uses or for storage for such beneficial uses, other than similar rights for irrigation from October 1 to March 31. Provided further, when required by the Watermaster, the record holder shall submit annually a report of all water used for irrigation during the period of October 1 through March 31 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 8.7 ACRES
 SE 1/4 SE 1/4 8.7 ACRES
 BOTH AS PROJECTED WITHIN SMITH DLC 48
 SECTION 19

SW 1/4 NE 1/4 0.1 ACRE
 NE 1/4 SW 1/4 4.3 ACRES
 NW 1/4 SW 1/4 28.3 ACRES
 SW 1/4 SW 1/4 16.3 ACRES
 ALL AS PROJECTED WITHIN SMITH DLC 48
 SECTION 20
 TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

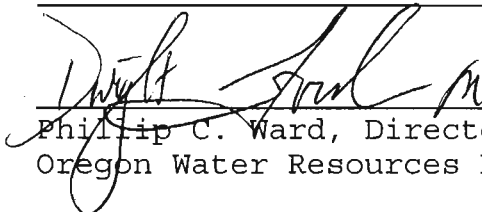
This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JULY 14, 1987, approving Transfer Application 5930, and together with Certificate 82754, supersedes certificate 56078, State Record of Water Right Certificates.

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 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

DEC 06 2006


 Phillip C. Ward, Director
 Oregon Water Resources Department

Recorded in State Record of Water Right Certificates Number 82753.