

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ALAN MAXWELL  
15177 MUDDY CREEK LANE  
HAINES, OREGON 97833

confirms the right to use the waters of ROCK CREEK, tributary to the POWDER RIVER for IRRIGATION of 44.7 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1868. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.12 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the original point of diversion: NE¼ SW¼, SECTION 34, T 7 S, R 38 E, W.M.; HUNSTOCK - MEYERS DITCH - 2580 FEET NORTH AND 2600 FEET EAST FROM THE SW CORNER OF SECTION 34.

The authorized points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	38 E	WM	34	NW SW	BROWN - DELONG DITCH - 3567 FEET SOUTH AND 5087 FEET WEST FROM THE NE CORNER OF SECTION 34
7 S	38 E	WM	34	NE SW	HUNSTOCK - MEYERS DITCH - 2580 FEET NORTH AND 2600 FEET EAST FROM THE SW CORNER OF SECTION 34

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.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	7	NW NE	23.0
8 S	39 E	WM	7	SW NE	21.7

Prior to October 1, 2008, 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.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an 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.

Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required the water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered December 20, 2006, approving Transfer Application 10200, and supersedes Certificates 66549 and 72217, 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 is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed December 20, 2006

  
Phillip C. Ward, Director

