

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 KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DELL GEORGE SMITH, JR
PO BOX 3
BEATTY, OREGON 97621

confirms the right to use the waters of WHISKEY CREEK, a tributary of SPRAGUE RIVER, for IRRIGATION OF 21.1 ACRES.

This right was perfected under Permit 38957. The date of priority is FEBRUARY 14, 1974. This right is limited to 0.53 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 19, T 36 S, R 12 E, WM; 605 FEET NORTH AND 1390 FEET EAST FROM THE SW CORNER, SECTION 19.

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 3.0 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:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 21.1 ACRES
SECTION 19
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

In the event that rights are determined in the Klamath Adjudication for the lands, source, and use(s) involved in this right, the Department will, following review of the rights, proceed to modify or cancel those portions of this right duplicated by the decreed right.

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 **FEB 09 2007**



Phillip C. Ward, Director
Water Resources Department