

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 JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GERALD E. AND JANICE A. SOMMERS
240 GARNER ROAD
CAVE JUNCTION, OREGON 97523

confirms the right to use the waters of SUCKER CREEK, a tributary of the ILLINOIS RIVER, for IRRIGATION OF 12.3 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volumes 1 and 5 at pages 253 and 398. The dates of priority are 1893 for Tract 1 and 1908 for Tract 2.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.156 cubic foot per second (CFS) for Tract 1, and 0.058 cfs for Tract 2, if available at the original point of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 32, T 39 S, R 7 W, WM, and that the use of water for irrigation purposes shall be confined to the season April 1 to October 31 of each year.

The point of diversion is located as follows:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 31, T 39 S, R 7 W, WM; 249 FEET NORTH AND 263 FEET WEST FROM THE C $\frac{1}{4}$, SECTION 31.

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

	<u>TRACT 1</u>	<u>TRACT 2</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.8 ACRES	4.5 ACRES
	SECTION 31	
	TOWNSHIP 39 SOUTH, RANGE 7 WEST, W.M.	

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 available at the original point of diversion.

The water user shall maintain a headgate, in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

Water shall be acquired from the same surface water source as the original point of diversion.

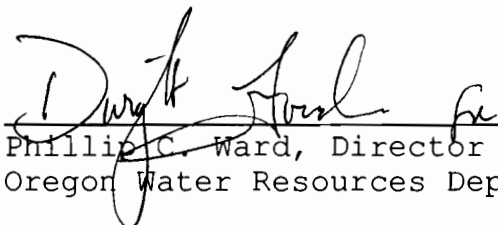
The water user shall maintain an approved fish screen or by-pass device.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered October 16, 2001, approving Transfer Application 8619, and together with Certificate 77049, supersedes Certificate 52322, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use described herein. And said right shall be subject to all other conditions and limitation contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

JUL 27 2007



 Phillip C. Ward, Director
 Oregon Water Resources Department

Recorded in State Record of Water Right Certificates numbered 83454.