

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 WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES A. SMEJKAL
42142 NW PALACE DRIVE
BANKS, OREGON 97106

confirms the right to use the waters of MENDENHALL CREEK, a tributary of the WEST FORK DAIRY CREEK, for MAINTAINING AN UNNAMED RESERVOIR, CONSTRUCTED UNDER PERMIT R-11009, FOR RECREATION.

This right was perfected under Permit 50433. The date of priority is NOVEMBER 14, 1988. This right is limited to 0.055 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:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4, T 2 N, R 4 W, W.M.; SOUTH 6° 7' 28" WEST, 595.7 FEET FROM THE NE $\frac{1}{4}$ CORNER, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4.

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

NW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 4
TOWNSHIP 2 NORTH, RANGE 4 WEST, W.M.

Water shall not be appropriated from direct flow during the period from July 31 through September 15 of each year.

The water user shall maintain a fish screen meeting Oregon Department of Fish and Wildlife requirements and be in compliance with ORS 498.248.

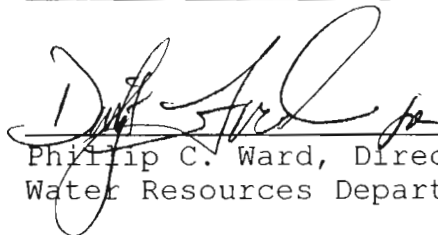
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any acknowledged land-use plan.

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.

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.

WITNESS the signature of the Water Resources Director, affixed

JAN 25 2008


Phillip C. Ward, Director
Water Resources Department