

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 WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HERBERT AND VIRGINIA JONES
22663 HIGHWAY 26
MITCHELL, OREGON 97750

confirms the right to use the waters of MOUNTAIN CREEK, a tributary of ROCK CREEK AND FRY CREEK, for IRRIGATION OF 51.9 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1889 - TRACT #1, AND 1902 - TRACT #2.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1 AND ONE-EIGHTIETH CUBIC FOOT PER SECOND PER ACRE THEREAFTER; FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDER MONTH TO JUNE 1 AND FOUR ACRE-FEET PER ACRE DURING SEASON APRIL 1 TO SEPTEMBER 30, MEASURED AT THE POINT OF DIVERSION, if available at the authorized point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 17, T 12 S, R 23 E, W.M.

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 17, T 12 S, R 23 E, W.M.; 2340 FEET NORTH AND 1720 FEET EAST FROM SW CORNER, SECTION 17

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

TRACT 1

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 24.8 ACRES
SECTION 16
TOWNSHIP 12 SOUTH, RANGE 23 EAST, W.M.

TRACT 2

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 13.8 ACRES
SECTION 21
TOWNSHIP 12 SOUTH, RANGE 23 EAST, W.M.

The quantity of water diverted at the new point of diversion, together with that diverted from the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.

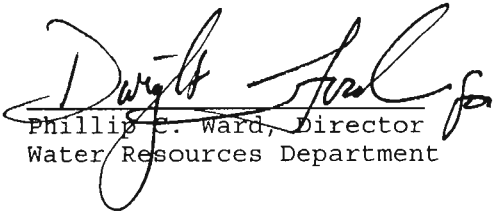
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall install and maintain a fish screen and by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife and shall be installed under the supervision of the Oregon Department of Fish and Wildlife.

This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered JANUARY 12, 2004, and supersedes Certificate 33246, State Record of Water Right Certificates.

The right to use 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 the decree.

Issued FEB 15 2008


Phillip E. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83668

T-9562_33246.RA