

This is a final order in other than 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 137-004-080 and OAR 690-01-005 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 JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HOBART A. AND NANETTE MARVIN
2557 UPPER APPLGATE ROAD
JACKSONVILLE, OREGON 97530

WILLIAM D. WRIGHT
2433 UPPER APPLGATE ROAD
JACKSONVILLE, OREGON 97530

confirms the right to use the waters of the LITTLE APPLGATE RIVER, a tributary of the APPLGATE RIVER, for IRRIGATION OF 19.5 ACRES.

This right was perfected under Permit 2940. The date of priority is May 29, 1916. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.24 CUBIC FOOT PER SECOND, IN ANY COMBINATION FROM THE POINTS OF DIVERSION, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion.

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 lawfully available at the original point of diversion.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

The points of diversion (POD) are located as follows:

ADDITIONAL POD: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, T 39 S, R 3 W, W.M.; 230 feet North and 480 feet West from the South $\frac{1}{4}$ Corner of Section 3.

SUPERSEDED BY
CERT. NO. **85735**

FARMER'S DITCH: NE¼ NE¼, SECTION 14, T 39 S, R 3 W, W.M.; ORIGINAL COORDINATES: 350 FEET SOUTH AND 900 FEET WEST FROM THE NE CORNER OF SECTION 14; ALSO LOCATED AS GPS COORDINATES: LATITUDE 42.18400, LONGITUDE -123.0174.

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

LANDOWNER: MARVIN
NE¼ SW¼ 1.0 ACRE
NW¼ SE¼ 12.0 ACRES
SW¼ SE¼ 3.5 ACRES
SECTION 3
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

LANDOWNER: WRIGHT
NE¼ SW¼ 2.0 ACRES
NW¼ SE¼ 1.0 ACRE
SECTION 3
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

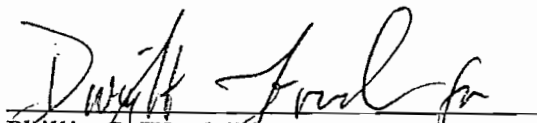
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to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

The water user shall maintain a fish screen and by-pass device.

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION AND A CHANGE IN PLACE OF USE approved by an order of the Water Resources Director entered DECEMBER 29, 2003, at Volume 58, Page 475, approving Transfer Application 8974, and together with Certificates 80528, supersedes Certificate 6106, 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.

Issued JUL 17 2009


Phillip C. Ward, Director