

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

PHILIP A. AND MERRELL M. SCHWIMMER
501 LITTLE 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 10.4 ACRES AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is 1908.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.26 CUBIC FOOT PER SECOND, IN ANY COMBINATION FROM THE POINTS OF DIVERSION, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: FARMER'S DITCH LOCATED IN THE NW¹/₄ SE¹/₄, SECTION 13, AND NE¹/₄ NE¹/₄, SECTION 14, T 39 S, R 3 W, W.M.; or its equivalent in case of rotation, measured at the point of diversion.

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

ADDITIONAL POD: SE¹/₄ SW¹/₄, Section 3, T 39 S, R 3 W, W.M.;
230 feet North and 480 feet West from the S¹/₄ Corner, Section 3.

FARMER'S DITCH: NE¹/₄ NE¹/₄, SECTION 14, T 39 S, R 3 W, W.M.;
ORIGINAL COORDINATES: 350 FEET SOUTH AND 900 FEET WEST FROM
THE NE CORNER, 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:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.4 ACRES
AS PROJECTED WITHIN DAVIDSON DLC 37
SECTION 11
TOWNSHIP 39 SOUTH, RANGE 3 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 lawfully available at the original point of diversion.

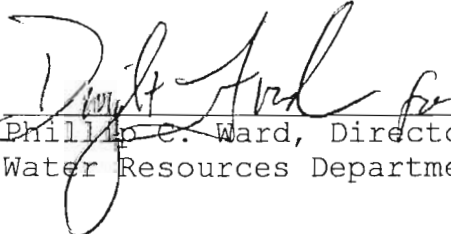
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to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

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

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered SEPTEMBER 8, 2004, approving Transfer Application 8971, and together with Certificate 80954, supersedes Certificate 32964, 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 and shall be subject to all other conditions and limitations contained in said decree.

Issued JUL 17 2009 .


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 85632.