

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 34.0 ACRES.

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 4, at Page 1. The date of priority is 1854.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.97 CUBIC FOOT PER SECOND (CFS), being 0.97 CFS from the original point of diversion and 0.804 CFS from the new point of diversion, in any combination, (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: DAVIDSON DITCH: LOCATED IN THE SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 11, T 39 S, R 3 W, W.M.; DAVIDSON DITCH - NORTH 39 DEGREES 02 MINUTES EAST, 1184 FEET FROM THE S $\frac{1}{4}$  CORNER SECTION 11, or its equivalent in case of rotation, measured at the point of diversion.

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 S $\frac{1}{4}$  Corner, Section 3.

DAVIDSON DITCH: SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11, T 39 S, R 3 W, W.M.;  
NORTH 39 DEGREES 02 MINUTES EAST, 1184 FEET FROM THE S $\frac{1}{4}$   
CORNER SECTION 11.

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 the original point of diversion.

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

SW $\frac{1}{4}$  NW $\frac{1}{4}$  7.39 ACRES  
AS PROJECTED WITHIN DAVIDSON DLC 37  
LOT 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) 6.61 ACRES  
LOT 3 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) 1.00 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  10.50 ACRES  
AS PROJECTED WITHIN R.J. CAMERONS MC 38  
LOT 7 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) 2.50 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  6.00 ACRES  
AS PROJECTED WITHIN R.J. CAMERONS MC 38  
SECTION 11  
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 approved by an order of the Water Resources Director entered SEPTEMBER 8, 2004, approving Transfer Application 8966, and together with Certificate 80955, supersedes Certificate 56492, State Record of Water Right Certificates.

This certificate is issued to correct an error in the place of use and supersedes certificate 85631.

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     AUG 07 2009    .

  
Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 85728.