

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRANK SILVA
53996 HWY 26
MT. VERNON OREGON 97865

confirms the right to use the waters of the JOHN DAY RIVER, a tributary to the COLUMBIA RIVER, for IRRIGATION of 67.5 ACRES.

This right was perfected under Permit 3163. The date of priority is OCTOBER 23, 1916. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.84 CUBIC FOOT PER SECOND, if available at the original point of diversion, being NE NW, SECTION 26, T 13 S, R 29 E, W.M., 740 FEET SOUTH AND 3480 FEET WEST FROM THE NE CORNER, SECTION 26, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	
13 S	29 E	WM	23	SE SE	680 FEET NORTH AND 200 FEET WEST FROM NE¼ CORNER, SECTION 26

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 1.0 acre foot per acre for each acre irrigated during any month prior to July 1, and thereafter 3/4 of one acre foot per acre for each acre irrigated and shall be further limited to a total diversion of not to exceed 5.0 acre feet per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	26	NE NW	0.5
13 S	29 E	WM	26	SW NW	22.0
13 S	29 E	WM	26	SE NW	16.4
13 S	29 E	WM	27	SW NE	2.2
13 S	29 E	WM	27	SE NE	26.4

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an 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 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.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring the quality of water diverted.

The water user shall maintain and operate the existing fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered January 12, 2009, at Special Order Volume 77, Page 72, approving Transfer Application 10072, and together with Certificate 83676, supersedes Certificate 79902, 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 NOV 18 2009


Phillip C. Ward, Director