

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GIOTTONINI FAMILY TRUST
LOUIS R. AND MARY ANN GIOTTONINI, TRUSTEES
P.O. BOX 13
WEDDERBURN, OREGON 97491

confirms the right to use the waters of ROWE CREEK and ROWE CREEK RESERVOIR, constructed under Permit No. R-930, tributary of the JOHN DAY RIVER, for IRRIGATION of 14.6 ACRES and SUPPLEMENTAL IRRIGATION of 106.2 ACRES.

This right was perfected under Permit S-18275. The date of priority is APRIL 8, 1947. The amount of water to which this right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.5 cubic foot per second from Rowe Creek and 153.85 acre-feet from the reservoir, if available at the original point of diversion at the reservoir, SE¼ NW¼, Section 11, T. 9 S., R. 21 E., W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
9 S	21 E	WM	11	SE NW	RESERVOIR - 3000 FEET NORTH AND 1840 FEET EAST FROM THE NE CORNER OF SECTION 15
9 S	21 E	WM	22	NE SW	HISTORIC POD#1 - 50 FEET SOUTH AND 1590 FEET EAST FROM THE W¼ CORNER OF SECTION 22
9 S	21 E	WM	22	SE NW	HISTORIC POD#2 - 310 FEET NORTH AND 1530 FEET EAST FROM THE W¼ CORNER OF SECTION 22

The amount of water to which this right is entitled and is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second (cfs) per acre for each acre irrigated from direct flow prior to June 1st and thereafter ONE-EIGHTIETH of one cfs 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 June 1st and shall be further limited to a total diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season from April 1st to September 30th of each year from direct flow and storage from reservoir constructed under Permit No. R-930, and further limited to the use of stored water only on lands described supplemental.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
9 S	21 E	WM	15	SW SE	0.5
9 S	21 E	WM	22	NW NE	2.5
9 S	21 E	WM	22	NW NW	3.0
9 S	21 E	WM	22	SW NW	2.8
9 S	21 E	WM	22	SE NW	5.8

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 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.

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
9 S	21 E	WM	15	SW SE	2.6
9 S	21 E	WM	22	NW NE	9.2
9 S	21 E	WM	22	NE NW	22.6
9 S	21 E	WM	22	NW NW	6.0
9 S	21 E	WM	22	SW NW	25.7
9 S	21 E	WM	22	SE NW	15.7
9 S	21 E	WM	22	NW SW	24.4

Prior to October 1, 2013, 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.

Prior to October 1, 2013, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary prior to installation, the water user shall obtain written approval from ODFW that he required screen beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

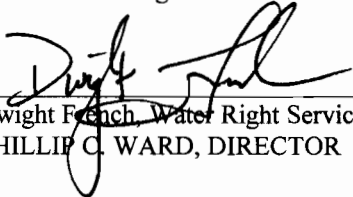
The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered Aug 21 2012, approving Transfer Application T-10971, and supersedes Certificate 36701, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed Aug 21 2012, 2012.


 Dwight French, Water Right Services Administrator, for
 PHILLIP C. WARD, DIRECTOR