

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES RIXEN
37600 RUBEN LANE
SANDY OR 97055

confirms the right to use the waters of SOUTH FORK JOHN DAY RIVER, tributary to JOHN DAY RIVER for IRRIGATION of 2.23 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is JANUARY 11, 1897.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.06 CUBIC FOOT PER SECOND, 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	Measured Distances
13 S	26 E	WM	24	NW NE	600 FEET SOUTH AND 25 FEET WEST FROM N1/4 CORNER, SECTION 24

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-FORTIETH of one cubic foot per second (cfs) per acre prior to June 1, and thereafter limited to a diversion of not to exceed ONE-EIGHTIETH of one cfs per each acre irrigated during the remainder of the irrigation season. The irrigation season is identified as April 1 to September 30 of each year. The quality of water shall be limited to 1.0 ACRE-FOOT per acre during any calendar month prior to June 1 and shall not exceed 4.0 ACRE-FEET per acre during the entire season.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	26 E	WM	24	NW NE	2.23

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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 available at the original points of diversion, the Dayville Ditch and Spring near the line between SW¹/₄ SE¹/₄ and the SE¹/₄ SE¹/₄, Section 11, T 13 S, R 26 E, W.M.

The water user shall maintain the totalizing meter or measuring device in good working order. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device are located within a private structure, the Watermaster shall request access upon reasonable notice.

The Cummings Ditch Company shall maintain the existing headgate on Cummings Ditch and shall make such improvements as may be required by the Department.

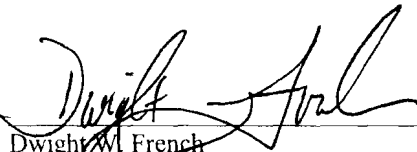
The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with Oregon Department of Fish and Wildlife's operational and maintenance standards.

The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm a change in character of use, place of use, and point of diversion approved by an order of the Water Resources Director entered April 23, 2010, at Special Order Volume 80, Page 731, approving Transfer Application 10749, and together with Certificate 86040, supercedes Certificate 84235, State Record of Water Right Certificates.

DEC 20 2013

Issued _____.



Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director