

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM ELLENBERGER
PILOT ROCK, OR 97868

confirms the right to use the waters of BIRCH CREEK, a tributary of the UMATILLA RIVER for the purpose of IRRIGATION OF 25.7 ACRES.

This right was perfected under PERMIT 12666. The date of priority is MAY 27, 1937. The amount of water to which such right is entitled and hereby confirmed, for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose and shall not exceed 0.44 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T 1 S, R 32 E, WM.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-FORTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$ acre-feet per acre for each acre irrigated, and 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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 14.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.3 ACRES

SECTION 9
TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.

This certificate describes that portion of the water right confirmed by the prior Certificate 28986, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered SEP 12 1997.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed SEP 12 1997.

M. MARTHA O. PAGEL

Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74763

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