

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DANIEL S. AND KAREN B. THEE  
49994 MILLER ROAD  
NORTH POWDER, OREGON 97867

confirms the right to use the waters of NORTH POWDER RIVER, a tributary of POWDER RIVER, for IRRIGATION OF 45.5 ACRES, DOMESTIC AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UNION COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Page 252. The date of priority is 1865 FOR 14.0 ACRES AND 1890 FOR 31.5 ACRES.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.14 cubic feet per second, being 0.35 cfs with priority 1865 and 0.79 cfs with priority 1890, from March 1 to July 1; and 0.56 cubic foot per second, being 0.17 cfs with priority 1865, and 0.39 cfs with priority 1890, from July 1 to October 1, the total quantity diverted during each irrigation season not to exceed 113.75 acre feet, if available at the GARDNER MILLRACE DITCH (1865) AND POWERS COMPANY DITCH (1890) Ditch Diversions.

The points of diversion are located as follows:

BAMBERGER DITCH- SE 1/4 SW 1/4, SECTION 28, TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M.; 5160 FEET SOUTH AND 839 FEET WEST FROM THE N 1/4 CORNER SECTION 28; AND

GARDNER MILLRACE DITCH- NW 1/4 NE 1/4, SECTION 5, TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.; 2760 FEET SOUTH AND 2380 FEET WEST FROM THE E 1/4 CORNER SECTION 32, TOWNSHIP 6 SOUTH, RANGE 28 EAST, W.M.

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

	<u>1865 PRIORITY</u>	<u>1890 PRIORITY</u>
SW 1/4 SE 1/4		20.5 ACRES
SE 1/4 SE 1/4	14.0 ACRES	11.0 ACRES
	SECTION 28	
	TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M.	

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 of the order must be filed within the 60 days of the date of service.

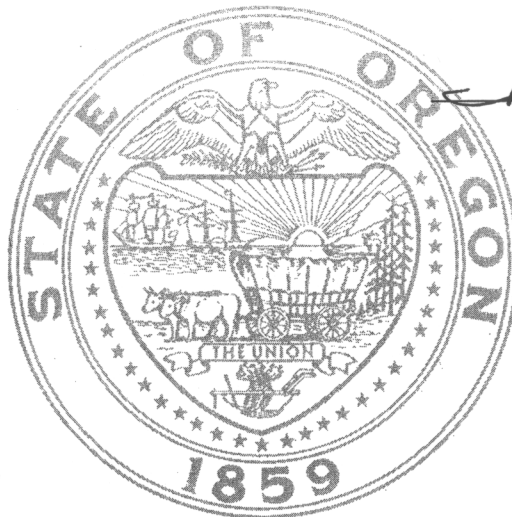
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered MARCH 21, 2000, and together with Certificates 79576 AND 79578, supersedes Certificate 1496, 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 August 28, 2002.



*Paul R. Cleary*  
Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 79577.