

STATE OF OREGON

COUNTY OF JEFFERSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM R. AND CAROLYN DURETTE
8831 NE CLEMENS DRIVE
MADRAS, OR 97741

confirms the right to use the waters of SAGEBRUSH CREEK, a tributary of TROUT CREEK, for IRRIGATION of 43.0 acres.

This right was perfected under Permit S-36704. The date of priority is JUNE 20, 1972. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 1.07 CUBIC FEET PER SECOND [if available at the original point of diversion described as being SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T 9 S, R 14 E, W.M.; 950 FEET NORTH AND 760 FEET WEST FROM THE SE CORNER OF SECTION 21] or its equivalent in case of rotation.

The point of diversion is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T 9 S, R 14 E, W.M.; 730 FEET NORTH AND 700 FEET WEST FROM THE SE CORNER OF SECTION 21.

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, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 6.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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.

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

NE¼ SE¼ 8.8 ACRES
NW¼ SE¼ 34.2 ACRES

SECTION 21

TOWNSHIP 9 SOUTH, RANGE 14 EAST, W.M.

When required by the Department, the water user shall install and maintain a headgate, and 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.

The water user shall maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife.

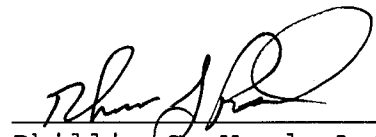
This certificate is issued to confirm a change in PLACE OF USE and POINT OF DIVERSION approved by an order of the Water Resources Director entered FEBRUARY 4, 2004, and supercedes Certificate 76340, State Record of Water Right Certificates.

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

WITNESS the signature of the Water Resources Director,

affixed June 23, 2004.


For Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80786.