

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JIM BURNS
P.O. BOX 812
MILTON-FREEWATER, OR 97862

confirms the right to use the waters of the WALLA WALLA RIVER, a tributary of the COLUMBIA RIVER, in the UMATILLA BASIN, routed into the LITTLE WALLA WALLA RIVER at the control structure located 7,091 feet South and 3,450 feet East of the NW Corner of Section 1, T 5 N, R 35 E, W.M., for IRRIGATION of 4.8 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 9. The dates of priority are 1878 for 3.5 acres and 1908 for 1.3 acres.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.12 CUBIC FOOT FEET PER SECOND, being 0.0875 CUBIC FOOT PER SECOND at 1878 priority date and 0.0325 CUBIC FOOT PER SECOND at 1908 priority date, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

NW ¼ SE ¼, SECTION 35, TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M., BEING 300 FEET EAST AND 775 FEET SOUTH FROM THE CENTER SECTION OF SECTION 35, ON THE FORD BRANCH OF THE LITTLE WALLA WALLA RIVER.

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.

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.

The use 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:

NW¼ SE¼ 3.5 ACRES (1878)
NW¼ SE¼ 1.3 ACRES (1908)
SECTION 35
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

(NOTE: The 1908 right is limited to the use of surplus water only.)

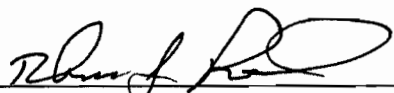
This certificate is issued to confirm the reduction in rate of diversion of lands approved by an order of the Water Resources Director entered September 27, 2004, and recorded in Volume 61, Page 571, Special Order Records of the Water Resources Department, approving Allocation of Conserved Water Number C-25 and along with Certificate 80968, supersedes Certificate 12892, 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.

WITNESS the signature of the Water Resources Director,

affixed October 6, 2004



For Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80967.