

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

William Ellenberger
Pilot Rock, Oregon 97868

confirms the right to use the waters of Birch Creek, a tributary of Umatilla River, for IRRIGATION of 3.35 acres.

This right was perfected under Permit 12666. The date of priority is May 27, 1937. The amount of water to which this right is entitled is limited to an amount actually beneficially used, 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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T 1 S, R 32 E, W.M.

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 4.5 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.

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

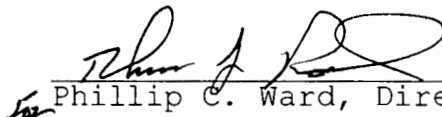
NE $\frac{1}{4}$, NE $\frac{1}{4}$, SECTION 9 1.46 acres
NW $\frac{1}{4}$, NE $\frac{1}{4}$, SECTION 9 1.89 acres
TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 80632 , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 29 2004 , approving Transfer Application 9776.

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 by this certificate 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 DECEMBER 29, 2004 .


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81002.