

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Stan Gulick, Barbara Demastus, James Demastus  
Opal Matile, and George Matile  
39486 Pine Town Ln.  
Halfway, Oregon 97834

confirms the right to use the waters of CLEAR CREEK, a tributary of PINE CREEK, for IRRIGATION of 37.1 acres.

This right was perfected under Permit 6844. The date of priority is May 25, 1925. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.46 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the original point of diversion, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 9, T 8 S, R 46 E, W.M (Foster Stewart Ditch).

The point of diversion is located as follows:

NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 9, Township 8 South, Range 46 East, W.M. 2460  
FEET NORTH AND 1440 FEET WEST FROM THE SE CORNER, SECTION 9

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-EIGHTIETH of one cubic foot per second, or its equivalent 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 must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

NE $\frac{1}{4}$  SE $\frac{1}{4}$  17.1 ACRES

SE $\frac{1}{4}$  SE $\frac{1}{4}$  20.0 ACRES

SECTION 9

TOWNSHIP 8 SOUTH, RANGE 46 EAST, W.M.

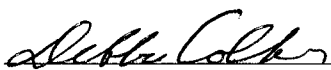
This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application 9473 and supersedes Certificate 9767, State Record of Water Right Certificates.

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 the following additional conditions:

1. 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.
2. Prior to October 1, 2006, the water user shall install and 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 prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

WITNESS the signature of the Water Resources Director,

affixed August 26, 2005.

  
Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81608