

This is a final order in other than a 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.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES G. BAHRENBURG  
46400 HWY 402  
KIMBERLY, OR 97848

confirms the right to use the waters of the NORTH FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 47.0 ACRES.

This right was perfected under Permit 4036. The date of priority is FEBRUARY 3, 1919. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.59 CUBIC FOOT PER SECOND [IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION LOCATED WITHIN THE SW 1/4 NE 1/4, SECTION 7, TOWNSHIP 9 SOUTH, RANGE 27 EAST, W.M.; 1800 FEET SOUTH AND 975 FEET EAST FROM THE NORTH QUARTER CORNER, SECTION 7] or its equivalent in case of rotation, measured at the point of diversion from the source; being 0.49 from POD # 1 to irrigate 39.0 acres and 0.1 CFS from POD # 2 to irrigate 8.0 acres.

The points of diversion are located as follows:

POD # 1 - LOT 4 (SW 1/4 SW 1/4), SECTION 7, T 9 S, R 27 E, W.M.; 1310 FEET NORTH AND 900 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 7; AND

POD # 2 - SW 1/4 SE 1/4, SECTION 12, T 9 S, R 26 E, W.M.; 560 FEET NORTH AND 1910 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 12.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

T-5277.JM

Certificate Number 81842

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:

|                       | <u>POD # 1</u>                        | <u>POD # 2</u> |
|-----------------------|---------------------------------------|----------------|
| SW 1/4 SE 1/4         |                                       | 8.0 ACRES      |
| SE 1/4 SE 1/4         | 17.0 ACRES                            |                |
|                       | SECTION 12                            |                |
| NE 1/4 NE 1/4         | 2.0 ACRES                             |                |
|                       | SECTION 13                            |                |
|                       | TOWNSHIP 9 SOUTH, RANGE 26 EAST, W.M. |                |
| LOT 4 (SW 1/4 SW 1/4) | 17.0 ACRES                            |                |
|                       | SECTION 7                             |                |
| LOT 1 (NW 1/4 NW 1/4) | 3.0 ACRES                             |                |
|                       | SECTION 18                            |                |
|                       | TOWNSHIP 9 SOUTH, RANGE 27 EAST, W.M. |                |

When in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

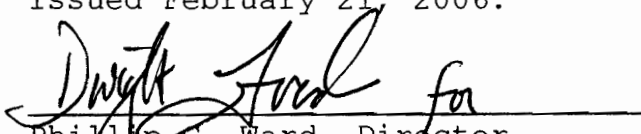
The diversion works shall include an in line flow meter, a weir or other suitable device for measuring the water; and

The type and plans of the measuring device be approved by the watermaster before the beginning of construction work and the weir or measuring device be installed under the general supervision of said watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered in Volume 37, PAGE 594, on November 3, 1983, and together with 52197, supersedes Certificates 7355 and 48237, 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 minimum flows established by the Water Policy Review Board with an effective date prior to this right.

Issued February 21, 2006.

  
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 Phillip C. Ward, Director  
 Water Resources Department

Recorded in State Record of Water Right Certificates Number 81842.