

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

B BARR B, AN OREGON PARTNERSHIP  
1120 NW GRIMES RD.  
PRINEVILLE, OR 97754

GARY ERVIN  
6381 NE WAINWRIGHT RD.  
PRINEVILLE, OR 97754

confirms the right to use the waters of SPRINGS AND SEEPAGE WATERS, a tributary of the CROOKED RIVER, for SUPPLEMENTAL IRRIGATION OF 66.5 ACRES.

This right was perfected under Permit 14692. The date of priority is NOVEMBER 26, 1940. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.83 CUBIC FOOT PER SECOND, or the equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

SPRINGS				
TWP	RNG	MER	SEC	1/4-1/4
14 S	15 E	WM.	24	SE NE
14 S	16 E	WM.	19	SW NW

The springs, as indicated upon the application map, have been developed by excavating an open drain in which the water is collected and in which it flows to a point where it crosses into the NE¼ SE¼, Section 24, T 14 S, R 15 E, where the water is divided for distribution to the irrigated lands, part being carried in a ditch extending in a westerly direction and part following the general line as shown upon the application map.

The amount of water used for irrigation, together with the amount secured under any other water right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or the equivalent for each acre irrigated and shall further be limited to a diversion not to exceed 4.0 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 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.

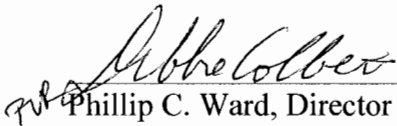
A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION					
TWP	RNG	MER	SEC	1/4-1/4	ACRES
14 S	15 E	WM.	24	NE SE	11.2
14 S	15 E	WM.	24	NW SE	36.8
14 S	15 E	WM.	24	SW SE	18.5
TOTAL:					66.5

This certificate describes that portion of the water right confirmed by Certificate 14327, State Record of Water Right Certificates, modified by the provisions of an order of the Water Resources Director entered on July 27, 2006, and recorded in Special Order Volume 69, Page 170, approving a petition by Ochoco Irrigation District under ORS 541.329 for mapping water rights within a district. This certificate, together with certificate 82256, supersedes water right certificate 14327 in the name of Herman H. Schmitt.

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.

Issued: October 27, 2006

  
Phillip C. Ward, Director

Mailing Date: NOV 01 2006