

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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOSEPH BRANT MARKS AND RACHEL ANNE MARKS
5427 QUAILRIDGE DRIVE
CAMARILLO CA 93012

confirms the right to use the waters of GRANITE CREEK and the MIDDLE FORK OF THE JOHN DAY RIVER, tributaries of the NORTH FORK JOHN DAY RIVER, for IRRIGATION OF 29.9 ACRES.

This right was perfected under Permit 45465. The date of priority is NOVEMBER 17, 1980. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.52 CUBIC FOOT PER SECOND (CFS), BEING 0.42 CFS FROM POD 1 FOR 26.0 ACRES, 0.06 CFS FROM POD 2 FOR 2.3 ACRES AND 0.04 CFS FROM POD 3 FOR 1.6 ACRES, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion (POD) are located as follows:

POD 1 (MIDDLE FORK JOHN DAY): SW 1/4 SW 1/4, SECTION 30, T 8 S, R 31 E, W.M.; 1050 FEET NORTH AND 850 FEET EAST FROM THE SOUTHWEST CORNER, SECTION 30.

POD 2 (GRANITE CREEK): NW 1/4 NE 1/4, SECTION 31, T 8 S, R 31 E, W.M.; 250 FEET SOUTH AND 2070 FEET WEST FROM THE NORTHEAST CORNER, SECTION 31.

POD 3 (GRANITE CREEK): NW 1/4 SE 1/4, SECTION 30, T 8 S, R 31 E, W.M.; 1550 FEET NORTH AND 2020 FEET WEST FROM THE SOUTHEAST CORNER, SECTION 30.

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Certificate Number 82365

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-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

FROM POD 1:

	NE 1/4 SW 1/4	5.5 ACRES
LOT 3	(NW 1/4 SW 1/4)	3.8 ACRES
LOT 4	(SW 1/4 SW 1/4)	0.9 ACRE
	SE 1/4 SW 1/4	15.8 ACRES

FROM POD 3:

NW 1/4	SE 1/4	0.7 ACRE
SW 1/4	SE 1/4	0.9 ACRE

SECTION 30

FROM POD 2:

NW 1/4	NE 1/4	2.3 ACRE
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SECTION 31

TOWNSHIP 8 SOUTH, RANGE 31 EAST, W.M.

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 herein 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 **SEP 29 2006**


 Phillip C. Ward, Director
 Water Resources Department