

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 MALHEUR

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM J. BUTLER  
3640 BENDIRE ROAD  
JUNTURA, OREGON 97911

confirms the right to use the waters of BENDIRE CREEK, a tributary of WARMSPRINGS CREEK, AND MURPHY RESERVOIR, CONSTRUCTED UNDER PERMIT R-1005, for IRRIGATION OF 44.1 ACRES.

This right was perfected under Permit 49947. The date of priority is OCTOBER 1, 1986. This right is limited to 1.10 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

BENDIRE CREEK: NW 1/4 NE 1/4, SECTION 36, T 18 S, R 37 E, W.M.; 10 FEET SOUTH AND 550 FEET EAST FROM N 1/4 CORNER, SECTION 36.

MURPHY RESERVOIR: NE 1/4 SE 1/4, SECTION 19, T 18 S, R 38 E, W.M.; 3060 FEET SOUTH AND 280 FEET WEST FROM NE CORNER, SECTION 19.

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) and 3.0 acre-feet from direct flow and storage from reservoir constructed under Permit R-1005, 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:


|               |            |
|---------------|------------|
| NW 1/4 NE 1/4 | 14.1 ACRES |
| SW 1/4 NE 1/4 | 25.1 ACRES |
| SE 1/4 NW 1/4 | 4.9 ACRES  |

SECTION 2

TOWNSHIP 19 SOUTH, RANGE 37 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 **NOV 14 2006**

  
Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82622.

S-68932.JWG