

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 WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MICHAEL M. & ALICE K. POWELL  
7 NW NINTH AVE  
PORTLAND, OREGON 97209

confirms the right to use the waters of KAHLER CREEK for IRRIGATION AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1897.

The point of diversion is located as follows:

NW 1/4 NE 1/4, SECTION 8, T 8 S, R 25 E, W.M.; 840 FEET SOUTH AND 2250 FEET WEST FROM THE NE CORNER, SECTION 8.

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 irrigated to June 1 and ONE-EIGHTIETH cubic foot per second thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during the season April 1 to September 30, if available at the original point of diversion, Moore Ditch, NE 1/4 NE 1/4, Section 8, T 8 S, R 25 E, W.M.; 360 feet South and 1700 feet West from NE Corner, Section 8; measured at the point of diversion.

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

|               |           |
|---------------|-----------|
| NW 1/4 NE 1/4 | 8.6 ACRES |
| NE 1/4 NW 1/4 | 1.3 ACRES |
| SE 1/4 NW 1/4 | 0.3 ACRE  |

SECTION 8

TOWNSHIP 8 SOUTH, RANGE 25 EAST, W.M.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the original point of diversion under the subject right.

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

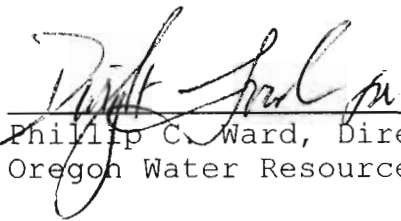
the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled;

the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that 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 APRIL 20, 1987, approving Transfer Application 5900, and supersedes Certificate 25570, 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 all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed **FEB 09 2007**



Phillip C. Ward, Director  
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates Number 82999.

T-5900.JWG