

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 BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOUIS E. AND MARIE Y. MARKS  
47740 ANTHONY LAKES HIGHWAY  
NORTH POWDER, OR 97867

PATRICIA A BITTENBENDER  
169 HALL LANE  
WALNUT CREEK, CALIFORNIA 94596

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

APPLICATION FILE NUMBER: 55949

PERMIT NUMBER: 44222

SOURCE OF WATER: FOUR UNNAMED STREAMS, TRIBUTARIES TO NORTH POWDER RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION

MAXIMUM RATE ALLOWED: 10.3 CUBIC FEET PER SECOND (CFS), BEING 1.65 CFS FROM STREAM #1 WITH DEFICIENCY FROM STREAM #3; 3.11 CFS FROM STREAM #1 WITH ANY DEFICIENCY FROM STREAM #2 AND FURTHER DEFICIENCY FROM STREAM #3; 0.71 CFS FROM STREAM #2 WITH ANY DEFICIENCY FROM

55949.RA

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STREAM #3; 2.83 CFS FROM STREAM #4 WITH ANY DEFICIENCY FROM STREAM #3, AND 2.0 CFS FROM STREAM #3.

THIS APPROPRIATION SHALL BE LIMITED TO ONE-FORTIETH OF ONE CUBIC FOOT PER SECOND OR ITS EQUIVALENT FOR EACH ACRE IRRIGATED AND SHALL BE FURTHER LIMITED TO A DIVERSION OF NOT TO EXCEED 4.0 ACRE FEET PER ACRE FOR EACH ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR, PROVIDED FURTHER THAT THE RIGHT ALLOWED HEREIN SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT EXISTING FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN.

DATE OF PRIORITY: MAY 20, 1977

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

STREAM 1: PORTABLE PUMPING WITHIN SECTIONS 35 AND 36, T 6 S, R 38 E, W.M.; BETWEEN 46 CHAINS NORTH AND 20 CHAINS WEST TO 40 CHAINS NORTH AND 40 CHAINS EAST OF THE  $W\frac{1}{4}$  CORNER, SECTION 1

STREAM 2: PORTABLE PUMPING WITHIN SECTIONS 1 AND 2, T 7 S, R 38 E, W.M.; BETWEEN 30 CHAINS NORTH AND 20 CHAINS WEST TO 13 CHAINS NORTH AND 40 CHAINS EAST OF THE  $W\frac{1}{4}$  CORNER, SECTION 1

STREAM 3: NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 1, T 7 S, R 38 E, W.M.; 20 CHAINS NORTH AND 14 CHAINS WEST OF THE  $W\frac{1}{4}$  CORNER, SECTION 1.

STREAM 4: PORTABLE PUMPING WITHIN SECTIONS 1 AND 2, T 7 S, R 38 E, W.M.; BETWEEN 5 CHAINS NORTH AND 20 CHAINS WEST TO 20 CHAINS EAST OF THE  $W\frac{1}{4}$  CORNER, SECTION 1

THE PLACE OF USE IS LOCATED AS FOLLOWS:

FROM STREAMS #1 AND #3:

SE $\frac{1}{4}$  SE $\frac{1}{4}$  27.6 ACRES  
SECTION 35

SW $\frac{1}{4}$  SW $\frac{1}{4}$  25.6 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  13.0 ACRES

SECTION 36  
TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M.

FROM STREAMS #1, #2, AND #3:

SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 10.4 ACRES  
SECTION 35

SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 3.4 ACRES  
SECTION 36  
TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M.

NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 40.0 ACRES  
NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 32.8 ACRES  
SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 13.0 ACRES  
SECTION 1

NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> 25.0 ACRES  
SECTION 2  
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

FROM STREAMS #2, AND #3:

NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 7.2 ACRES  
SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 6.6 ACRES  
SECTION 1

NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> 15.0 ACRES  
SECTION 2  
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

FROM STREAMS #3, AND #4:

SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 33.4 ACRES  
SECTION 1

SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> 40.0 ACRES  
NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 40.0 ACRES  
SECTION 2  
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

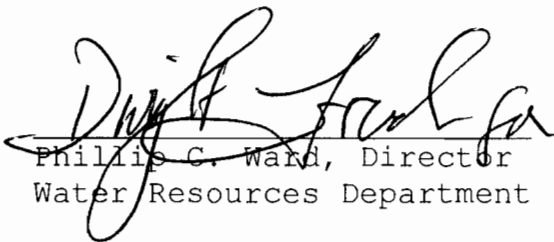
FROM STREAM #3:

SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 40.0 ACRES  
SECTION 1

SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 40.0 ACRES  
SECTION 2  
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued SEP 28 2007.

  
Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83568.

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