

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

THOMAS ORCHARDS, INCORPORATED
PO BOX 496
KIMBERLY, OREGON 97848

JACK CAVENDER
PO BOX 407
MONUMENT, OREGON 97864

confirms the right to store the waters of an INTERMITTENT STREAM (PINE HOLLOW CREEK) with any deficiency in the supply of water available from the intermittent stream to be made up by diversion from the NORTH FORK JOHN DAY RIVER, tributaries of the JOHN DAY RIVER, in a RESERVOIR (aka CAVENDER POND), appropriated under Permit 47562, for IRRIGATION.

The right to store these waters was perfected under Permit R-8654. The date of priority is MAY 9, 1983. The amount of water entitled to be stored each year under this right is not more than 175.0 acre-feet.

The points of diversion are located as follows:

INTERMITTENT STREAM (PINE HOLLOW CREEK) POD 8: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 36, T 8 S, R 27 E, WM; 230 FEET NORTH AND 1770 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 36.

NORTH FORK JOHN DAY RIVER POD 7: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 2, T 9 S, R 27 E, WM; 1000 FEET SOUTH AND 20 FEET WEST FROM THE E $\frac{1}{4}$, SECTION 2.

The reservoir is located as follows:

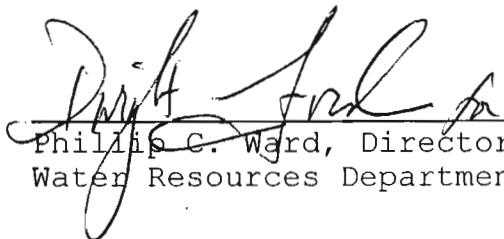
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 36
TOWNSHIP 8 SOUTH RANGE 27 EAST, W.M.

LOT 10 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
SECTION 31
TOWNSHIP 8 SOUTH, RANGE 28 EAST, W.M.

LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
SECTION 2
TOWNSHIP 9 SOUTH, RANGE 27 EAST, W.M

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

Issued DEC 26 2007.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83577.

R-61610.LHN