

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 GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS ORCHARDS, INCORPORATED  
PO BOX 496  
KIMBERLY, OREGON 97848

NORTHWEST FARM CREDIT SERVICE, ACA  
PO BOX 878  
PENDLETON, OREGON 97801

confirms the right to use the waters of the NORTH FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 14.0 ACRES.

This right was perfected under Permit 44676. The date of priority is JUNE 18, 1979. The amount of water to which this right is limited to an amount actually beneficially used and shall not exceed 0.35 CUBIC FOOT PER SECOND, if available at the original points of diversion located as follows:

SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 30, T 9S, R 26 E, WM; 1860 FEET SOUTH AND 620 FEET WEST FROM THE NE CORNER, SECTION 30.

NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 30, T 9S, R 26 E, WM; 3530 FEET SOUTH AND 1210 FEET WEST FROM THE NE CORNER, SECTION 30.

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 2: NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 30, T 9 S, R 26 E, W.M.; 620 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER, SECTION 30.

POD 2A: NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 30, T 9 S, R 26 E, WM; 680 FEET SOUTH AND 830 FEET WEST FROM THE NE CORNER, SECTION 30.

T-5721.LHN

Certificate Number 83579

POD 3: SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 30, T 9 S, R 26 E, WM; 3450 FEET NORTH AND 580 FEET WEST FROM THE SE CORNER, SECTION 30.

POD 5: NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 30, T 9 S, R 26 E, WM; 1700 FEET NORTH AND 1210 FEET WEST FROM THE SE CORNER, SECTION 30.

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 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

SW $\frac{1}{4}$  SW $\frac{1}{4}$  7.3 ACRES  
SECTION 20

NW $\frac{1}{4}$  SW $\frac{1}{4}$  0.2 ACRE  
SECTION 29

NE $\frac{1}{4}$  NE $\frac{1}{4}$  1.0 ACRE  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  5.5 ACRES  
SECTION 30

TOWNSHIP 9 SOUTH, RANGE 26 EAST, W.M.

This certificate is issued to confirm a change in PLACE OF USE and ADDITIONAL POINTS OF DIVERSION approved by an order of the Water Resources Director entered Volume 40 Page 80, and together with Certificate 57551, supersedes Certificate 53224, 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.

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.

Issued DEC 26 2007

  
Phillip C. Ward, Director  
Water Resources Department



Recorded in State Record of Water Right Certificates numbered 83579.

T-5721.LHN