

STATE OF OREGON  
COUNTY OF HARNEY  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES AND ALICIA BENTZ  
ACTIN RANCH, INC.  
PO BOX 108  
DREWSEY OR 97904

confirms the right to use the waters of MIDDLE FORK MALHEUR RIVER, tributary to SNAKE RIVER for IRRIGATION of 144.0 ACRES in Tract 1.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 228. The date of priority is 1885.

The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.5 acre feet per acre in any 30-day period prior to June 1st, and 1.0 acre foot per acre in any 30-day period after June 1st of each year, or 3.0 acre feet per acre during any season, diverted at a rate of not to exceed ONE-TWENTIETH of a cubic foot per second per acre, and shall be subject to all other conditions and limitations contained in said decree.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
19 S	34 E	WM	8	NE NE	UPPER MOFFETT DITCH: 390 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER OF SECTION 8

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.

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

IRRIGATION (Tract 1)					
Twp	Rng	Mer	Sec	Q-Q	Acres
19 S	34 E	WM	18	NW NE	19.0
19 S	34 E	WM	18	SW NE	30.0
19 S	34 E	WM	18	SE NW	19.0
19 S	34 E	WM	18	NE SW	38.0
19 S	34 E	WM	18	SE SW	38.0

The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

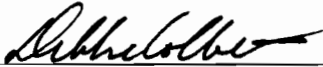
Prior to **October 1, 2010**, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device

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 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.

must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered JUN 29 2009, approving Transfer Application T-10598, and together with Certificate 85639 supersedes Certificate 6857, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUN 29 2009.



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Phillip C. Ward, Director