

STATE OF OREGON  
 COUNTY OF WHEELER  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ALBERT M. AND SHIRLEY A. GARBER  
 P.O. BOX 87  
 SPRAY OREGON 97874

confirms the right to use the waters of the JOHN DAY RIVER, a tributary to the COLUMBIA RIVER for IRRIGATION of 2.1 ACRES.

This right was perfected under Permit S-26002. The date of priority is JANUARY 19, 1959. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.04 CUBIC FOOT PER SECOND, if available at the original point of diversion located in the NE¼ SE¼, SECTION 1, T 9 S, R 24 E, W.M.; 2070 FEET NORTH AND 930 FEET WEST FROM THE SE CORNER OF SECTION 1, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	25 E	WM	6	NE SW	1500 FEET NORTH AND 2350 FEET EAST FROM THE SW CORNER OF SECTION 6

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 diversion of 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 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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	25 E	WM	6	NE SW	2.1

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.

When required by the Watermaster, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Watermaster prior to beginning construction and shall be installed under the general supervision of the Watermaster.

This certificate describes that portion of the water right confirmed by Certificate 83991, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 26 2010, approving Transfer Application T-10855.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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.

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.

WITNESS the signature of the Water Resources Director, affixed January 26, 2010.

*William E. Feiben*  
Phillip C. Ward, Director