

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVE B. FREEMAN
37494 SUTTON CR RD
BAKER, OR 97814

confirms the right to use the waters of SUTTON CREEK, tributary to POWDER RIVER for IRRIGATION of 75.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1879.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	40 E	WM	36	SE SE	BURDEN 1 and 2 DITCHES
10 S	41 E	WM	36	SE SE	EAST FORK DIVERSION; 50 FEET NORTH AND 690 FEET WEST FROM THE SE CORNER OF SECTION 36.
11 S	40	WM	1	NW SE	NAULT RESERVOIR; 2336 FEET SOUTH AND 335 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 1.

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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	40 E	WM	36	NE NE	27.4
10 S	40 E	WM	36	SE NE	18.4
10 S	40 E	WM	36	NE SE	29.2

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The water user shall maintain the measuring devices in good working order. The water user shall allow the Watermaster access to the measuring devices; provided however, where the measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Prior to October 1, 2013, the water user shall install a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

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.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered **MAY 04 2011**, approving Transfer Application T-11195, and supersedes Certificate 4039, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed

May 4th, 2011

Dwight French
Dwight French, Water Rights Services Administrator, for
PHILLIP C. WARD, DIRECTOR