

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BERT PESCIALLO
ROUTE 2, BOX 59
MILTON-FREEWATER, OREGON 97862

confirms the right to use the waters of POWELL DITCH WASTE WATER, a tributary of WALLA WALLA RIVER, for SUPPLEMENTAL IRRIGATION OF 7.7 ACRES.

This right was perfected under Permit 51044. The date of priority is JANUARY 30, 1989. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 34, T 6 N, R 35 E, W.M.; 835 FEET NORTH AND 228 FEET WEST FROM THE S 1/4 CORNER OF SECTION 34.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall also be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the continuance of waste water.

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:

NE 1/4 SW 1/4 4.8 ACRES
SE 1/4 SW 1/4 2.9 ACRES
SECTION 34
TOWNSHIP 6 NORTH, RANGE 35 EAST W.M.

Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

WITNESS the signature of the Water Resources Director, affixed NOVEMBER 17, 1995.

Steven P. Applegate

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68686.

69869.JM