

STATE OF OREGON
COUNTY OF MULTNOMAH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID A. FAZIO, JACK F. FAZIO, AND MARIA N. FAZIO
19826 NW SAUVIE ISLAND RD
PORTLAND, OREGON 97231

confirms the right to use the waters of GILBERT RIVER, UNNAMED DRAINAGE DITCH 1, UNNAMED DRAINAGE DITCH 2 AND MULTNOMAH CHANNEL, tributaries of COLUMBIA RIVER, for IRRIGATING 599.0 ACRES.

This right was perfected under Permit 50881. The date of priority is SEPTEMBER 25, 1989. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.70 CUBIC FEET PER SECOND, BEING 0.99 CFS FROM GILBERT RIVER; 0.93 CFS FROM UNNAMED DRAINAGE DITCH 1; 3.75 CFS FROM UNNAMED DRAINAGE DITCH 2; AND 0.03 CFS FROM MULTNOMAH CHANNEL or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

POD 1 (GILBERT RIVER) - NE 1/4 SW 1/4, AS PROJECTED WITHIN DLC 41, SECTION 32, T 3 N, R 1 W, W.M.; 6120 FEET NORTH AND 110 FEET WEST FROM THE SE CORNER OF DLC 50.

POD 2 (UNNAMED DRAINAGE DITCH 1) - NW 1/4 SW 1/4, AS PROJECTED WITHIN DLC 41, SECTION 32, T 3 N, R 1 W, W.M.; 5050 FEET NORTH AND 870 FEET WEST FROM THE SE CORNER OF DLC 50.

POD 3 (UNNAMED DRAINAGE DITCH 2) - LOT 5 (SE 1/4 SW 1/4), SECTION 31, T 3 N, R 1 W, W.M.; 4200 FEET NORTH AND 4910 FEET WEST FROM THE SE CORNER OF DLC 50.

POD 4 (UNNAMED DRAINAGE DITCH 2) - SW 1/4 SE 1/4, AS PROJECTED WITHIN DLC 41, SECTION 31, T 3 N, R 1 W, W.M.; 4090 FEET NORTH AND 3505 FEET WEST FROM THE SE CORNER OF DLC 50.

POD 5 (MULTNOMAH CHANNEL) - LOT 3 (NW 1/4 SW 1/4), SECTION 31, T 3 N, R 1 W, W.M.; 5600 FEET NORTH AND 6670 FEET WEST FROM THE SE CORNER OF DLC 50.

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-EIGHTIETH 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 2.5 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:

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POD 1 - GILBERT RIVER

NE 1/4 NW 1/4 3.1 ACRES
NW 1/4 NW 1/4 21.4 ACRES
BOTH AS PROJECTED WITHIN DLC 50
SECTION 5
TOWNSHIP 2 NORTH, RANGE 1 WEST, W.M.

NE 1/4 SW 1/4 2.1 ACRES
NW 1/4 SW 1/4 27.9 ACRES
SW 1/4 SW 1/4 22.0 ACRES
SE 1/4 SW 1/4 2.8 ACRES
ALL AS PROJECTED WITHIN DLC 41
SECTION 32
TOWNSHIP 3 NORTH, RANGE 1 WEST, W.M

POD 2 - UNNAMED DRAINAGE DITCH 1

NW 1/4 NW 1/4 18.3 ACRES
SW 1/4 NW 1/4 34.1 ACRES
SE 1/4 NW 1/4 3.1 ACRES
NE 1/4 SW 1/4 1.9 ACRES
NW 1/4 SW 1/4 13.2 ACRES
ALL AS PROJECTED WITHIN DLC 50
SECTION 5

NE 1/4 NE 1/4 34.2 ACRES
SE 1/4 SE 1/4 11.5 ACRES
BOTH AS PROJECTED WITHIN DLC 50
SECTION 6
TOWNSHIP 2 NORTH, RANGE 1 WEST, W.M.

NE 1/4 SE 1/4 35.8 ACRES
SE 1/4 SE 1/4 36.0 ACRES
BOTH AS PROJECTED WITHIN DLC 41
SECTION 31

NW 1/4 SW 1/4 11.2 ACRES
SW 1/4 SW 1/4 18.0 ACRES
BOTH AS PROJECTED WITHIN DLC 41
SECTION 32
TOWNSHIP 3 NORTH, RANGE 1 WEST, W.M.

POD 3 - UNNAMED DRAINAGE DITCH 2

NW 1/4 NE 1/4 6.5 ACRES
NE 1/4 NW 1/4 27.9 ACRES
NW 1/4 NW 1/4 15.0 ACRES
ALL AS PROJECTED WITHIN DLC 50
SECTION 6
TOWNSHIP 2 NORTH, RANGE 1 WEST, W.M.

NW 1/4 SE 1/4 3.2 ACRES
SW 1/4 SE 1/4 5.3 ACRES
BOTH AS PROJECTED WITHIN DLC 41
SECTION 31
TOWNSHIP 3 NORTH, RANGE 1 WEST, W.M.

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LOT 6 (NW 1/4 SE 1/4) 4.5 ACRES
 LOT 5 (SW 1/4 SE 1/4) 12.0 ACRES
 LOT 6 (NE 1/4 SW 1/4) 40.1 ACRES
 LOT 3 (NW 1/4 SW 1/4) 29.3 ACRES
 LOT 4 (SW 1/4 SW 1/4) 35.9 ACRES
 LOT 5 (SE 1/4 SW 1/4) 39.7 ACRES

SECTION 31
TOWNSHIP 3 NORTH, RANGE 1 WEST, W.M.

POD 4 - UNNAMED DRAINAGE DITCH 2

NE 1/4 NE 1/4 3.2 ACRES
 NW 1/4 NE 1/4 16.9 ACRES
 BOTH AS PROJECTED WITHIN DLC 50

SECTION 6
TOWNSHIP 2 NORTH, RANGE 1 WEST, W.M.

NE 1/4 SE 1/4 4.9 ACRES
 NW 1/4 SE 1/4 30.5 ACRES
 SW 1/4 SE 1/4 19.8 ACRES
 SE 1/4 SE 1/4 4.9 ACRES

ALL AS PROJECTED WITHIN DLC 41

LOT 6 (NE 1/4 SW 1/4) 0.6 ACRE
 SECTION 31
 TOWNSHIP 3 NORTH, RANGE 1 WEST, W.M.

POD 5 - MULTNOMAH CHANNEL

LOT 3 (NW 1/4 SW 1/4) 2.2 ACRES
 SECTION 31
 TOWNSHIP 3 NORTH, RANGE 1 WEST, W.M.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

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 JUNE 7, 1996.

15\ Steven P. Applegate

 Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72368.

BASIN 2

VOLUME 26 MULTNOMAH CHANNEL & TRIBS.

DISTRICT 16

70080.JT