

STATE OF OREGON  
COUNTY OF MALHEUR  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DALE HERR  
737 FOOTHILL DRIVE  
ONTARIO, OREGON 97914

confirms the right to use the waters of **MALHEUR RIVER**, tributary of SNAKE RIVER for the purpose of **IRRIGATION of 1.7 ACRES.**

This right was perfected under Permit 29516. The date of priority is **MARCH 4, 1964.** The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed **0.043 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 $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 2, T. 18 S., R. 46 E., W.M.; 1600 FEET EAST AND 10 FEET SOUTH FROM NW CORNER, SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 2.

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 **3 acre-feet** 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:

SE $\frac{1}{4}$  SW $\frac{1}{4}$  TAX LOT 1600 1.7 ACRES  
SECTION 2  
TOWNSHIP 18 SOUTH, RANGE 46 EAST, W.M.

This Certificate describes the water right confirmed by Certificate 34673 State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on JAN 25 1999 approving a petition by the Owyhee Irrigation District under ORS 541.329. This Certificate together with Certificate 75701 supersedes Certificate 34673.

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 right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use herein described. 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 water rights.

Witness the signature of the Water Resources Director, affixed 1/25/99

  
Martha O. Pagel, Director

Recorded in State Record of water right Certificates numbered 75702 .

34673RR.SLH