

STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MERLE TRACY
HARPER, OREGON 97906

confirms the right to use the waters of MALHEUR RIVER, a tributary of SNAKE RIVER for IRRIGATION OF 28.23 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 8, at Page 228. The date of priority is: 1888.

The amount of water to which this right is entitled, is limited to an amount actually beneficially used for said purposes, and shall not exceed a total of 1.41 CUBIC FEET PER SECOND, if available at the authorized points of diversion, or the equivalent in case of rotation.

The points of diversion are located as follows:

BARCLAY DITCH - NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 20 South, Range 41 East, W.M.; South 28 degrees 30 minutes West, 1160 feet from the NE Corner of Section 33.

DIVERSION #1 - SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 20 South, Range 41 East, W.M.; North 16 degrees 25 minutes West, 1054 feet from the South $\frac{1}{4}$ Corner of Section 27.

DIVERSION #3 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 20 South, Range 41 East, W.M.; North 85 degrees 05 minutes West, 2055 feet from the East $\frac{1}{4}$ Corner of Section 27.

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 1.5 ACRE FEET per acre in any 30 day period prior to June 1st, 1.0 ACRE FOOT per acre in any 30 day period after June 1st, of each year, or 3.0 ACRE FEET per acre during any season, diverted at a rate not to exceed ONE-TWENTIETH, or the equivalent for each acre irrigated during the irrigation season of each year.

A description of the place of use to which this right is appurtenant is as follows:

Township South	Range East	Section	1/4 1/4	Acres
20	41	27	NESE	5.45
20	41	27	NWSE	22.78
Total:				28.23


This certificate describes that portion of the water right confirmed by Certificate 49066, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on November 4, 2002, and recorded in Special Order Volume 56, Page 2004, approving a petition by the Vale Oregon Irrigation District under ORS 541.329.

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 described and is subject to all other conditions and limitations contained in said permit.

WITNESS the signature of the Water Resources Director, affixed

NOV 05 2002 .


 for Paul R. Cleary, Director