

STATE OF OREGON  
COUNTY OF WHEELER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS FITZGERALD  
MITCHELL, OREGON 97750

confirms the right to use the waters of BEAR CREEK, a tributary of BRIDGE CREEK, for IRRIGATION OF 52.2 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for WHEELER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 12, at Page 388. The dates of priorities are 1892 FOR TRACT 1 AND PRIOR TO 1889 FOR TRACT 2.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.30 CUBIC FEET PER SECOND (CFS) BEFORE JUNE 15, AND 0.65 CFS AFTER JUNE 15, DURING THE IRRIGATION SEASON FROM MARCH 1 TO OCTOBER 1 OF EACH YEAR, measured at the point of diversion from the stream.

The points of diversion are located as follows:

TRACT 1 - PIERSON DITCH

TRACT 2 - MAIN DITCH

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre to June 15 and ONE-EIGHTIETH of one cubic foot per second after June 15, during the irrigation season from March 1 to October 1, or its 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:

TRACT 1

NE¼ SE¼ 9.5 ACRES  
NW¼ SE¼ 1.6 ACRES  
SW¼ SE¼ 4.5 ACRES  
SE¼ SE¼ 0.1 ACRE  
SECTION 17

TRACT 2

NE¼ SW¼ 0.5 ACRE  
SE¼ SW¼ 10.5 ACRES  
NW¼ SE¼ 9.7 ACRES  
SW¼ SE¼ 6.0 ACRES  
SECTION 9  
  
NW¼ NE¼ 0.5 ACRE  
NE¼ NW¼ 9.3 ACRES  
SECTION 16

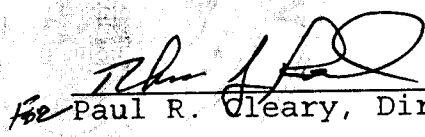
TOWNSHIP 11 SOUTH, RANGE 20 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 13562, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 16 2001, approving Transfer Application 8238.

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 purpose 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 decree.

WITNESS the signature of the Water Resources Director,  
affixed NOV 16 2001

  
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Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 78512.