

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. W. POWERS

WALLOWA, OREGON 97885

confirms the right to use the waters of WALLOWA RIVER, a tributary of the GRANDE RONDE RIVER, for IRRIGATION OF 45.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for WALLOWA County. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 5, at Page 190. The date of priority is 1890.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1½ acre feet per acre during any period of 30 days prior to July 31st of each year; and thereafter not to exceed 1 acre foot per acre during the remainder of the irrigation season if available at the original point of diversion (described as: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from the NW corner of Section 11), or the equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW¼ NW¼, SECTION 11, Township 1 NORTH, RANGE 42 EAST, W.M.;
1800 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER, SECTION 11.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-001-0005 you may either petition for judicial review or petition the Director for reconsideration of this order.

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

SW¼ NE¼ 13.0 ACRES

NW¼ SE¼ 32.0 ACRES

SECTION 34

TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

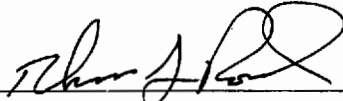
This certificate confirms a change in point of diversion (under Transfer Application 7489), approved by an order of the Water Resources Director entered April 23, 1997, and recorded in Special Order Volume 51, Page 398. This certificate supersedes Water Right Certificate 3136.

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 APR 07 2004.



Paul R. Cleary