

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DEWEY & MILLIE MERCER
STAR ROUTE
WALLOWA, OREGON 97885

confirms the right to use the waters of WALLOWA RIVER, a tributary of the GRANDE RONDE RIVER, for IRRIGATION OF 10.0 ACRES.

This right was perfected under Permit 17440. The date of priority is DECEMBER 23, 1946. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.25 CUBIC FOOT PER SECOND, or the equivalent in case of rotation, if available at the original point of diversion: SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.

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 ONE-FORTIETH of one cubic foot per second per acre, or the equivalent for each acre irrigated, and shall be further limited to a diversion not to exceed 1½ acre feet per acre during any 30-day period from May 1st to July 31st and thereafter shall be limited to a diversion not to exceed 1 acre foot per acre for each acre irrigated during the remainder of the irrigation season ending October 1st, and shall be still further limited to a diversion not to exceed 3½ acre feet per acre per year.

The use shall conform to any reasonable rotation system as may be ordered by the proper state officer.

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.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 11, TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.; 1800 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER, SECTION 11.

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 ACRES
SECTION 27

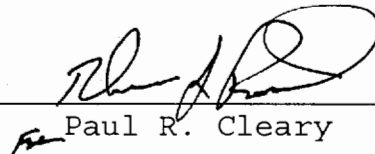
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0 ACRES
SECTION 34
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

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 21985.

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.

WITNESS the signature of the Water Resources Director,
affixed APR 07 2004.


Paul R. Cleary