

STATE OF OREGON  
COUNTY OF HARNEY  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON DEPARTMENT OF TRANSPORTATION; TOM SCHUFT  
3012 ISLAND AVE  
LA GRANDE, OREGON 97850

confirms the right to store the waters of POISON CREEK SLOUGH, a tributary of MALHEUR LAKE, in ODOT SILVIES RIVER BRIDGE WETLAND MITIGATION RESERVOIR, for WETLAND ENHANCEMENT.

The right to store these waters was perfected under Reservoir Permit R-13213. The date of priority is DECEMBER 11, 2001. The amount of water entitled to be stored each year under this right is not more than 8.0 ACRE-FEET. The appropriation of water for storage is limited to the period of November 1 through April 30 of each year.

THE AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4  
SECTION 32  
TOWNSHIP 22 SOUTH, RANGE 31 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The water user shall pass all live flow outside the storage season described above.

This right does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

**STANDARD CONDITIONS**

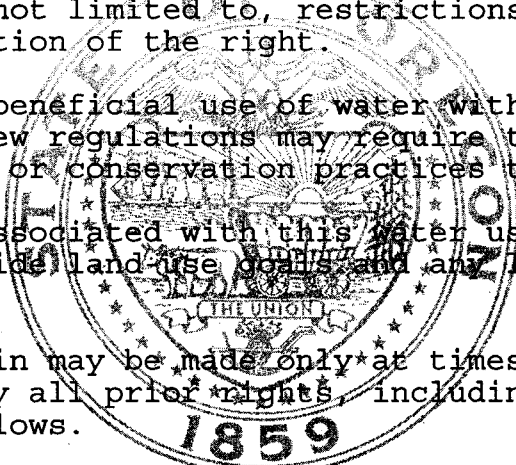
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land use goals and any local acknowledged land-use plan.

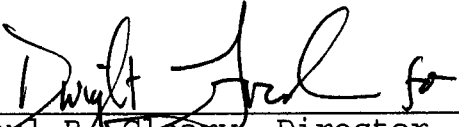
The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

This right does not authorize the water user to pursue this right in such a way as to interfere with or affect adjacent property not under ownership of the water right holder.



The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

Issued July 1, 2003

  
Paul R. Cleary, Director  
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this right, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.



Recorded in State Record of Water Right Certificates Number 80063.

R-84986.GC