

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 NORTH CURTIS ROAD
BOISE, IDAHO 83706-1234

confirms the right to use the waters of the McKAY RESERVOIR, constructed under reservoir Permit R-584, a tributary of the McKAY CREEK, for SUPPLEMENTAL IRRIGATION of 35.4 acres.

This right was perfected under Permit 7400. The date of priority is JULY 1, 1924.

The point of diversion is located as follows:

McKay Dam - NW¼ SE¼, SECTION 34, TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.
Water is released from McKay Reservoir down the natural channel of McKay Creek to the Umatilla River, and is exchanged for waters from the Umatilla River.

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 eightieth of one cubic foot per second (or its equivalent), provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

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 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

The water user shall comply with the terms and conditions of a valid Water Contract between the Bureau of Reclamation and the water user. The Watermaster shall distribute water to the designated points of diversion according to ORS 540.410 and valid water service contracts as may be amended from time to time.

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

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

PENDLETON SCHOOL DISTRICT -

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.7 ACRES
SECTION 3
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.8 ACRES
SECTION 9
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.2 ACRES
SECTION 10 27.7
TOWNSHIP 2 NORTH RANGE 32 EAST, W.M.

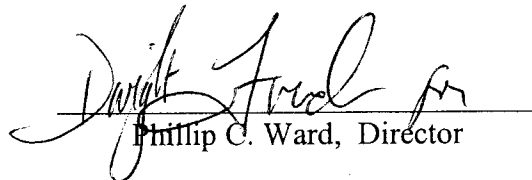
Pump - 2460 Feet North and 540 Feet East from the W1/4 Corner, Section 10, being within NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 2 North, Range 33 East, W.M.

DUANE GARRETT (TL 800) NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.1 ACRES
CONFEDERATED TRIBES NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.6 ACRE
OF UMATILLA
RESERVATION (TL 200)
SECTION 10
TOWNSHIP 2 NORTH RANGE 33 EAST, W.M.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights.

WITNESS the signature of the Water Resources Director,

affixed January 24, 2005.


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81145.