

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.

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE AND DOROTHY PAYNE, AND LAZARO AND VIVIAN MENDIETA  
c/o TED PAYNE  
CLIFF STAGE ROUTE  
JORDAN VALLEY, OREGON 97910

confirms the right to use the waters of JORDAN CREEK FOR TRACTS 1 AND 2, AND HOOKER CREEK FOR TRACT 3, tributaries of the OWYHEE RIVER, for IRRIGATION OF 481.7 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 9, at Page 1. The dates of priority are 1888 FOR TRACT 1, 1871 FOR TRACT 2, AND 1870 FOR TRACT 3.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2 ACRE- FEET PER ACRE PRIOR TO JUNE 1, AND 1 1/2 ACRE-FOOT PER ACRE DURING ANY CALENDAR MONTH AFTER JUNE 1, of each irrigation season from APRIL 1 to OCTOBER 15, and the use of water herein described from Tracts 1 and 2 is further limited to the quantity of water available at the original point of diversion for Tracts 1 and 2 in the SE 1/4 SE 1/4, SECTION 3, T 30 S, R 46 E, W.M.; 700 FEET NORTH 360 FEET WEST FROM THE SE CORNER, SECTION 3.

T-2773.LHN

CERTIFICATE NUMBER 81437

The points of diversion for Tracts 1 and 2 are located as follows:

LAMBERT EAST DITCH - SE 1/4 SW 1/4, SECTION 2, T 30 S, R 46 E, W.M.; 560 FEET NORTH AND 1380 FEET EAST FROM THE SE CORNER, SECTION 3;

LAMBERT DITCH - SE 1/4 SE 1/4, SECTION 3, T 30 S, R 46 E, W.M.; 700 FEET NORTH AND 360 FEET WEST FROM THE SE CORNER, SECTION 3.

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

## TRACT 1

|               |            |
|---------------|------------|
| NW 1/4 NE 1/4 | 36.2 ACRES |
| NE 1/4 NW 1/4 | 25.2 ACRES |
| SE 1/4 NW 1/4 | 6.8 ACRES  |

## SECTION 32

|               |           |
|---------------|-----------|
| SW 1/4 SW 1/4 | 7.8 ACRES |
|---------------|-----------|

## SECTION 34

TOWNSHIP 29 SOUTH, RANGE 46 EAST, W.M.

(This land has a supplemental supply from Hooker Creek under priority of 1870)

## TRACT 2

|               |            |
|---------------|------------|
| SW 1/4 NW 1/4 | 26.0 ACRES |
| NW 1/4 SW 1/4 | 25.1 ACRES |
| SW 1/4 SW 1/4 | 22.0 ACRES |

## SECTION 28

|               |            |
|---------------|------------|
| NE 1/4 NE 1/4 | 3.0 ACRES  |
| NW 1/4 NE 1/4 | 3.7 ACRES  |
| SW 1/4 NE 1/4 | 28.0 ACRES |
| SE 1/4 NE 1/4 | 37.6 ACRES |
| NE 1/4 SW 1/4 | 3.2 ACRES  |
| SE 1/4 SW 1/4 | 4.0 ACRES  |
| NE 1/4 SE 1/4 | 40.0 ACRES |
| NW 1/4 SE 1/4 | 40.0 ACRES |
| SW 1/4 SE 1/4 | 40.0 ACRES |
| SE 1/4 SE 1/4 | 40.0 ACRES |

## SECTION 29

TOWNSHIP 29 SOUTH, RANGE 46 EAST, W.M.

(Some of this land has a supplemental supply from Hooker Creek under Priority of 1870)

TRACT 3

|               |            |
|---------------|------------|
| NW 1/4 NW 1/4 | 30.5 ACRES |
| SW 1/4 NW 1/4 | 9.7 ACRES  |

SECTION 28

|               |            |
|---------------|------------|
| NE 1/4 NE 1/4 | 29.1 ACRES |
| SE 1/4 NE 1/4 | 2.4 ACRES  |

SECTION 29

TOWNSHIP 29 SOUTH, RANGE 46 EAST, W.M.

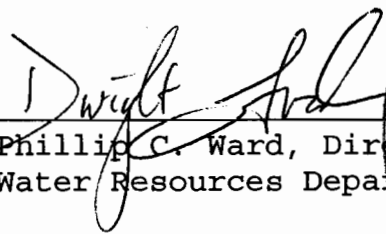
(This water is used as a supplemental right for all the lands irrigated in Sections 28 and 29, T 29 S, R 46 E, W.M.)

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE LOCATION OF THE POINTS OF DIVERSION AND SUPERSEDES CERTIFICATE 55595.

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.

Issued JUNE 30, 2005.

  
Phillip C. Ward, Director  
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81437.

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