

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

L. J. and ALICE MARKS
ROUTE 3, BOX 3730
HERMISTON, OREGON 97838

confirms the right to use the waters of the COLUMBIA RIVER, tributary to the PACIFIC OCEAN, for IRRIGATION of 186.79 ACRES and SUPPLEMENTAL IRRIGATION of 17.21 ACRES.

This right was perfected under Permit 45108. The date of priority is MAY 23, 1980. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.56 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the river.

The point of diversion is located as follows:

TWP	RNG	MER	SEC	1/4-1/4	SURVEY COORDINATES
5 N	30 E	WM	7	SE SW	460 FEET NORTH AND 1680 FEET EAST FROM SW CORNER OF SECTION 7

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

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 ACRE FEET per acre for each acre irrigated during the irrigation season of each year.

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

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 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.

IRRIGATION						
TWP	RNG	MER	SEC	1/4-1/4	TAX LOT	ACRES
5 N	29 E	WM	23	SW SE	2700	24.00
5 N	29 E	WM	23	SE SE	2700	22.00
5 N	29 E	WM	26	NE NE	2700	10.80
5 N	29 E	WM	26	NW NE	2700	27.00
5 N	29 E	WM	26	SW NE	2700	15.40
5 N	29 E	WM	26	NE NW	2700	26.44
5 N	29 E	WM	26	NW NW	2700	10.40
5 N	29 E	WM	26	SW NW	2700	9.85
5 N	29 E	WM	26	SE NW	2700	36.10
5 N	29 E	WM	26	NW SW	2700	4.80
TOTAL:						186.79

SUPPLEMENTAL IRRIGATION						
TWP	RNG	MER	SEC	1/4-1/4	TAX LOT	ACRES
5 N	29 E	WM	26	NW NE	2700	2.00
5 N	29 E	WM	26	NE NW	2700	11.96
5 N	29 E	WM	26	SW NW	2700	0.15
5 N	29 E	WM	26	SE NW	2700	3.10
TOTAL:						17.21

This certificate is issued to describe the right diminished from irrigation to supplemental irrigation by an order approving Transfer Application T-10037 recorded at Special Order Volume 68, Page 176. The order diminished a portion of the right evidenced by Certificate 52828, State Record of Water Right Certificates. This certificate supersedes Certificate 52828.

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 purposes aforesaid is restricted to the lands or place of use herein described.

Issued: March 24, 2006

FCR

 Phillip C. Ward, Director

Mailing Date: MAR 28 2006

Recorded in State Record of Water Right Certificates numbered 81918.
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