

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.

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FOPIANO RANCHES
PO BOX 337
MITCHELL, OREGON 97750

confirms the right to use the waters of FOPIANO CREEK and FOPIANO RESERVOIR, tributaries of the JOHN DAY RIVER, for IRRIGATION OF 101.5 ACRES.

This right was perfected under Permit 48295. The date of priority is OCTOBER 13, 1983. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.54 CUBIC FOOT PER SECOND, when available with any deficiency in the available supply from FOPIANA CREEK to be made up by appropriation of not to exceed 200 acre-feet of stored water from FOPIANO RESERVOIR, constructed under permit R-1986, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NE 1/4, SECTION 27, T 11 S, R 23 E, W.M.; 7030 FEET SOUTH AND 11,910 FEET WEST FROM THE NE CORNER, SECTION 24.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 3.0 acre-feet per acre for each acre irrigated during the

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irrigation season of each year, from direct flow and storage from the reservoir constructed under Permit R-1986.

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

NE 1/4 SE 1/4 0.7 ACRE
SE 1/4 SE 1/4 3.0 ACRES
SECTION 22

NW 1/4 SW 1/4 0.2 ACRE
SW 1/4 SW 1/4 12.4 ACRES
SE 1/4 SW 1/4 1.8 ACRES
SW 1/4 SE 1/4 8.7 ACRES
SE 1/4 SE 1/4 13.5 ACRES
SECTION 23

SW 1/4 SW 1/4 2.3 ACRES
SECTION 24

NW 1/4 NW 1/4 8.7 ACRES
SW 1/4 NW 1/4 9.7 ACRES
SE 1/4 NW 1/4 0.8 ACRE
NE 1/4 SW 1/4 1.1 ACRES
NW 1/4 SW 1/4 1.7 ACRES
SE 1/4 SW 1/4 4.6 ACRES
SECTION 25

NE 1/4 NE 1/4 6.7 ACRES
NW 1/4 NE 1/4 6.4 ACRES
SE 1/4 NE 1/4 12.1 ACRES
NE 1/4 NW 1/4 7.1 ACRES
SECTION 26

TOWNSHIP 11 SOUTH, RANGE 23 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, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed **SEP 08 2006**


Philip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82310.

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