

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 MALHEUR

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MCEWEN RANCH, LLC
608 KEOGH LANE
CALDWELL, IDAHO 83607

confirms the right to use the waters of NORTH FORK GRANITE CREEK AND LOWER CHAPMAN RESERVOIR CONSTRUCTED UNDER PERMIT R-6769, tributaries of the MALHEUR RIVER, for IRRIGATION OF 115.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 18.3 ACRES.

This right was perfected under Permit 42689. The date of priority is OCTOBER 18, 1977. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.35 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

RESERVOIR - SE¼ NE¼, SECTION 32, TOWNSHIP 23 SOUTH, RANGE 38 EAST, W.M., 2820 FEET NORTH AND 4030 FEET EAST FROM THE SW CORNER, SECTION 32.

56763.JM/LHN

CERTIFICATE NUMBER 82430

SUPERSEDED BY
CERT. NO. 91422

Cancelled due to
T- 9918; Sp. Or.
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POD 2 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 32, TOWNSHIP 23 SOUTH, RANGE 38 EAST, W.M., 3070 FEET NORTH AND 3810 FEET EAST FROM THE SW CORNER, SECTION 32.

POD 3 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 31, TOWNSHIP 23 SOUTH, RANGE 38 EAST, W.M.; 2660 FEET NORTH AND 2060 FEET WEST FROM THE SE CORNER, SECTION 31.

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 irrigation season of each year from direct flow and storage from Lower Chapman Reservoir constructed under Permit R-6769, provide further that the right allowed herein 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 herein.

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

		<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
LOT 1	(NE $\frac{1}{4}$ NE $\frac{1}{4}$)	5.7 ACRES	
LOT 2	(NW $\frac{1}{4}$ NE $\frac{1}{4}$)	39.3 ACRES	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.7 ACRES	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.9 ACRE	
LOT 3	(NE $\frac{1}{4}$ NW $\frac{1}{4}$)	14.1 ACRES	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.4 ACRE	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	12.1 ACRES	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	25.3 ACRES	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 ACRE	
	SECTION 5		
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.5 ACRE	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.2 ACRES	8.0 ACRES
	SE $\frac{1}{4}$ SW $\frac{1}{4}$		10.3 ACRES
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.2 ACRE	
	SECTION 6		
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.5 ACRES	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.7 ACRE	
	SECTION 7		
	TOWNSHIP 24 SOUTH, RANGE 38 EAST, W.M.		

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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.

WITNESS the signature of the Water Resources Director, affixed

SEP 01 2006



Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 82430

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