

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 WALLOWA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DERRELL G. WITTY
65136 MAWHIN ROAD
ENTERPRISE, OREGON 97828

confirms the right to use the waters of AN UNNAMED SPRING BRANCH AND SPRING CREEK, tributaries of WALLOWA RIVER, for IRRIGATION OF 24.6 ACRES.

This right was perfected under Permit 47271. The date of priority is NOVEMBER 8, 1982. This right is limited to 0.61 CUBIC FOOT PER SECOND, BEING 0.12 CFS FROM THE UNNAMED SPRING BRANCH AND 0.49 CFS FROM SPRING CREEK, or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion (POD) are located as follows:

POD 1 (SPRING CREEK): SW 1/4 NW 1/4, SECTION 11, T 2 S, R 44 E, W.M.; 750 FEET NORTH AND 1275 FEET EAST FROM THE W 1/4 CORNER, SECTION 11.

POD 2 (SPRING CREEK): NW 1/4 NW 1/4, SECTION 11, T 2 S, R 44 E, W.M.; 830 FEET SOUTH AND 360 FEET EAST FROM THE NW CORNER, SECTION 11.

POD 3 (UNNAMED SPRING BRANCH): NE 1/4 NE 1/4, SECTION 10, T 2 S, R 44 E, W.M.; 620 FEET SOUTH AND 630 FEET WEST FROM THE NE CORNER, SECTION 10.

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-FORTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet 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:

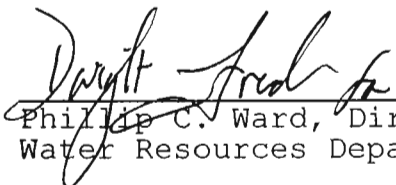
NE 1/4 NE 1/4 5.0 ACRES POD 3 (UNNAMED SPRING)
 10.0 ACRES POD 2 (SPRING BRANCH)
 SECTION 10

NW 1/4 NW 1/4 2.5 ACRES POD 2 (SPRING BRANCH)
 7.1 ACRES POD 1 (SPRING BRANCH)
 SECTION 11

TOWNSHIP 2 SOUTH, RANGE 44 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 **NOV 03 2006**


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82544.

S-62979.JWG