

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 UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HERSCHEL J. MC KAGUE
PO BOX 95
PILOT ROCK, OREGON 97868

confirms the right to use the waters of EAST BIRCH CREEK, a tributary of BIRCH CREEK, for IRRIGATION OF 4.4 ACRES.

This right was perfected under Permit 45865. The date of priority is APRIL 29, 1981. This right is limited to 0.05 CUBIC FOOT PER SECOND (CFS) or its equivalent in case of rotation, measured at the points of diversion (POD) from the source, being 0.02 CFS from POD # 1, 0.005 CFS from POD # 2, and 0.025 CFS from POD #3.

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

POD # 1: LOT 1 (NE 1/4 NW 1/4), SECTION 18, T 2 S, R 33 E, W.M.; 180 FEET SOUTH AND 270 FEET WEST FROM THE N 1/4 CORNER, SECTION 18.

POD # 2 - NW 1/4 NE 1/4, SECTION 18, T 2 S, R 33 E, W.M.; 200 FEET SOUTH AND 50 FEET EAST FROM THE N 1/4 CORNER, SECTION 18.

POD # 3 - NW 1/4 NE 1/4, SECTION 18, T 2 S, R 33 E, W.M.; 270 FEET SOUTH AND 300 FEET EAST FROM THE N 1/4 CORNER, SECTION 18.

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-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 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:

LOT 1	POD # 1 (NE 1/4 NW 1/4)	1.8 ACRES
	POD # 2 NW 1/4 NE 1/4	0.4 ACRE
	POD # 3 NW 1/4 NE 1/4	2.2 ACRES

SECTION 18
TOWNSHIP 2 SOUTH, RANGE 33 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

APR 27 2007


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates Number 83221.

S-61611.JWG