

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILSON CATTLE CO. INC.
PO BOX 209
NORTH POWDER OREGON 97867

confirms the right to use the waters of the NORTH POWDER RIVER, tributary to the POWDER RIVER for IRRIGATION of 30 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1887.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.75 CUBIC FEET PER SECOND (CFS) from MARCH 1 TO JULY 1 and 0.38 CFS FROM JULY 1 TO OCTOBER 1 of each year; the total quantity diverted during each irrigation season not to exceed 75 ACRE-FEET, if available at the original point of diversion, the Davis-Kelsey Ditch in the SW¼ NE¼, SECTION 35, T 6 S, R 38 E, WM, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Ditch	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
DALY	6 S	38 E	WM	27	NW SW	2220 FEET NORTH AND 690 FEET EAST FROM THE SW CORNER, SECTION 27

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

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	35	NE NE	30.0

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the original point of diversion.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

Water shall be acquired from the same surface water source as the original point of diversion.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered December 12, 1997, at Special Order Volume 51, Page 1359, approving Transfer Application 7749, and together with Certificate 75370, supersedes Certificate 1456, State record of Water Right Certificates.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed SEP 14 2007.


Phillip C. Ward, Director