

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ESTATE OF LEWIS BRATTON
MITCHELL STAR RTE
SPRAY OREGON 97874

confirms the right to use the waters of TAMARACK CREEK, CARY CREEK, AND A RESERVOIR CONSTRUCTED UNDER PERMIT R-9252, TRIBUTARIES OF SHOOFLY CREEK, for IRRIGATION OF 2.4 ACRES AND SUPPLEMENTAL IRRIGATION of 1.0 ACRE.

This right was perfected under Permit 48131. The date of priority is SEPTEMBER 27, 1983. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.09 CUBIC FOOT PER SECOND (CFS), BEING 0.06 CFS FROM TAMARACK CREEK AND 0.09 CFS FROM CARY CREEK, PROVIDED THE TOTAL DIVERSION FROM BOTH SOURCES DOES NOT EXCEED 0.09 CFS, or its equivalent in case of rotation, measured at the point of diversion.

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

POD	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1	10 S	23 E	WM	5	NE SW	860 FEET SOUTH AND 890 FEET WEST FROM THE CENTER, SECTION 5
2	10 S	23 E	WM	5	NE SW	1120 FEET SOUTH AND 920 FEET WEST FROM THE CENTER, SECTION 5
3	10 S	23 E	WM	5	NE SW	1170 FEET SOUTH AND 910 FEET WEST FROM THE CENTER, SECTION 5

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre from direct flow and storage from the reservoir constructed under Permit R-9252, provided 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.

NOTICE OF RIGHT TO PETITION FOR 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. 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.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	23 E	WM	5	NE SW	2.4

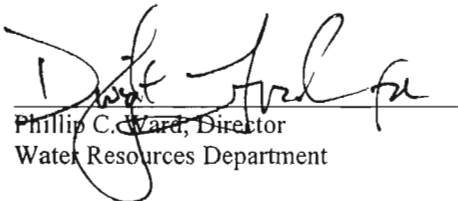
SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	23 E	WM	5	NE SW	1.0

By law, the land use associated with water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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Phillip C. Ward, Director
Water Resources Department