

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GAREY & WALTER FISCHER
FISCHER RANCH
PO BOX 188
SPRAY OR 97874

confirms the right to use the waters of JOHN DAY RIVER, a tributary of THE COLUMBIA RIVER, FOR IRRIGATION of 51.5 ACRES.

This right was perfected under Permit 50666. The date of priority is JANUARY 4, 1988. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.23 CUBIC FEET PER SECOND (CFS), BEING 0.77 CFS FROM DIVERSION 1; 0.34 CFS FROM DIVERSION 2; AND 0.12 CFS FROM DIVERSION 3, 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	GLot	Survey Coordinates
1	9 S	24 E	WM	1	NE SE		2230 FEET NORTH & 1140 FEET WEST FROM SE CORNER, SECTION 1
2	9 S	24 E	WM	1	NE SE		1930 FEET NORTH & 950 FEET WEST FROM SE CORNER, SECTION 1
3	9 S	25 E	WM	6	NE SW		1690 FEET NORTH & 1920 FEET EAST FROM SE CORNER, SECTION 1

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 5 acre-feet per acre for each acre irrigated during the irrigation season of each year, BEING FURTHER LIMITED TO 0.2 ACRE-FOOT PER ACRE IRRIGATED DURING MAY; 0.6 ACRE-FOOT PER ACRE IRRIGATED DURING JUNE; 0.9 ACRE-FOOT PER ACRE IRRIGATED DURING JULY; 0.7 ACRE-FOOT PER ACRE IRRIGATED DURING AUGUST; AND 0.1 ACRE-FOOT PER ACRE IRRIGATED DURING SEPTEMBER. 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.

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 – POD 1							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
8 S	25 E	WM	31	SW NW			0.6
8 S	25 E	WM	31	SE NW			1.5
8 S	25 E	WM	31	NE SW			17.1
8 S	25 E	WM	31	NW SW			0.1
8 S	25 E	WM	31	SE SW			10.4
8 S	25 E	WM	31	NW SE			3.1

IRRIGATION – POD 2							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	24 E	WM	1	NE SE			1.2
9 S	24 E	WM	1	NW SE			6.9
9 S	24 E	WM	1	SW SE			5.6

IRRIGATION – POD 3							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	24 E	WM	1	NE SE			0.1
9 S	25 E	WM	6	NW NW	4		0.2
9 S	25 E	WM	6	NE SW			0.6
9 S	25 E	WM	6	NW SW	5		4.1

When in the judgment of the Watermaster it becomes necessary to measure and keep a record of the amount of water being diverted, the right allowed herein shall be subject to the installation and maintenance of an in-line flow meter, a weir, or other suitable device for measuring the water.

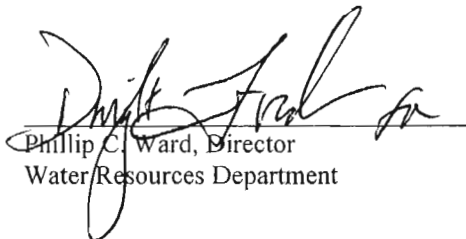
The use of water under this right is contingent upon continuing compliance with the conditions of any required discharge permit for water quality control held by the water user.

This right is for the beneficial use of water.

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

The use is subject to minimum flows established by the Water Resources Commission with an effective date of priority of this right.

Issued **AUG 29 2008**


 Phillip C. Ward, Director
 Water Resources Department