

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID H. MARKS
 ROUTE 3, BOX 3819
 HERMISTON, OREGON 97838

confirms the right to use the waters of HAT ROCK DRAIN DITCH, a tributary of COLUMBIA RIVER, for IRRIGATION of 108.5 ACRES.

This right was perfected under Permit 32000. The date of priority is September 14, 1966.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for the described purposes and shall not exceed 1.955 cubic feet per second; if available at the original point of diversion located in the SW¼ SE¼, SECTION 21, T5N, R29E, WM; 920 FEET NORTH AND 1550 FEET WEST FROM THE SE CORNER OF SECTION 21, or the equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

TWP	RNG	MER	SEC	LOT	Q - Q	SURVEY COORDINATES
5 N	29 E	W.M.	21		SW SE	#1 - 920 FEET NORTH AND 1550 FEET WEST FROM THE SE CORNER OF SECTION 21
5 N	29 E	W.M.	21		NE SE	#2 - 1550 FEET NORTH AND 1160 FEET WEST FROM THE SE CORNER OF SECTION 21

The amount of water to which this right is entitled is limited to an amount actually beneficially used for the described purposes and shall not exceed one-fortieth (1/40) of one cubic foot per second or the equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 4.5 acre-feet per acre 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:

IRRIGATION							
TWP	RNG	MER	SEC	Q - Q	DLC	LOT	ACRES
5 N	29 E	WM	21	NE SE			18.4
5 N	29 E	WM	21	SW SE			2.8
5 N	29 E	WM	21	SE SE			28.1
5 N	29 E	WM	22	SW SW			37.2
5 N	29 E	WM	22	SE SW			22.0
TOTAL:							108.5

This certificate describes that portion of the water right confirmed by Certificate 55319, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered MARCH 5, 2009, and recorded in Special Order Volume 77, Pages 124 to 125, canceling a portion of the water right. This certificate supersedes Certificate 55319.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described, and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

Issued: MARCH 5, 2009

E. Timothy Ward: for

Phillip C. Ward, Director
Water Resources Department