

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THEODORE R. FRAHM
415 KING AVE
ONTARIO OR 97914

confirms the right to use the waters of EMERSON WASTEWAY, a tributary of the Snake River, for IRRIGATION of 329.2 ACRES.

This right was perfected under Permit 47520. The date of priority is JANUARY 14, 1983. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 8.23 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
19 S	47 E	WM	5	SW SW			NORTH 89 DEGREES 32 MINUTES EAST 600 FEET FROM SW CORNER, 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 for each acre irrigated during the irrigation season of each year, and shall also be limited to the water available at the point of diversion, and shall not carry with it the right to compel the continuance of the waste water.

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
19 S	47 E	WM	4	NW NW			32.6
19 S	47 E	WM	4	SW NW			28.8
19 S	47 E	WM	4	NW SW			24.7
19 S	47 E	WM	4	SW SW			20.1
19 S	47 E	WM	5	NW NE			21.0
19 S	47 E	WM	5	SW NE			20.5

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.

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
19 S	47 E	WM	5	SE NE			40.0
19 S	47 E	WM	5	NE SE			40.0
19 S	47 E	WM	5	NW SE			12.3
19 S	47 E	WM	5	SW SE			6.3
19 S	47 E	WM	5	SE SE			39.6
19 S	47 E	WM	9	NW NW			16.8
19 S	47 E	WM	9	SW NW			13.3
19 S	47 E	WM	9	NW SW			8.9
19 S	47 E	WM	9	SW SW			4.3


This right is for the beneficial use of water.

By law, the land use associated with this 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.

Issued FEB 19 2010


 Phillip C. Ward, Director
 Water Resources Department