

This is a final order in other than 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.

STATE OF OREGON

COUNTY OF MALHUR

CERTIFICATE OF WATER RIGHT

This certificate issued to

BUREAU OF LAND MANAGEMENT
VALE DISTRICT
100 OREGON STREET
VALE, OREGON 97918

The specific limits and conditions of the use are listed below. confirms the right to store water perfected under the terms of the permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source.

APPLICATION FILE NUMBER: R-81116

PERMIT NUMBER: R-13725

SOURCE OF WATER: AN UNNAMED STREAM, TRIBUTARY OF CANYON CREEK

STORAGE FACILITY: CANYON CREEK (48-5832) RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK WATERING, FISH AND WILDLIFE, RIPARIAN IMPROVEMENT

R-81116.JKS

Certificate Number 81289

MAXIMUM STORAGE VOLUME: 6.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: MARCH 1
THROUGH MAY 31 OF EACH YEAR

DATE OF PRIORITY: APRIL 14, 1996

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 18.0 FEET.

DAM LOCATION: NW 1/4 SE 1/4 SECTION 33, T21S, R39E, W.M.; NORTH 51
DEGREES 15 MINUTES 29 SECONDS WEST, 2697.54 FEET FROM THE SE CORNER OF
SECTION 33

THE AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NW 1/4 SE 1/4
SECTION 33
TOWNSHIP 21 SOUTH, RANGE 39 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

Diversion screening or fish passage facilities shall be maintained and operated to Oregon Department of Fish and Wildlife specifications.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The storage of water allowed herein is subject to the maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The water user shall pass all live flow outside the storage season described above.

This right does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

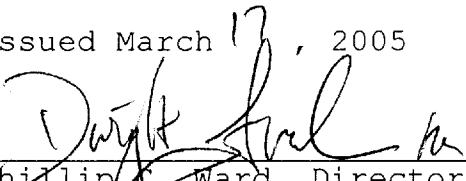
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 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.

This right does not authorize the water user to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the water user.

Issued March 13, 2005


Phillip C. Ward, Director
Oregon Water Resources Department

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Certificate Number 81289

Recorded in State Record of Water Right Certificates numbered 81289

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