

This is a final 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.

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLYDE THOMAS
LYONS, OREGON

confirms the right to use the waters of BURBANK CREEK, a tributary of the NORTH FORK SANTIAM RIVER, for IRRIGATION OF 3 ACRES, DOMESTIC, AND THE DEVELOPMENT OF 3 THEORETICAL HORSEPOWER.

This right was perfected under Permit 8013. The date of priority is JANUARY 31, 1927. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.6 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 NE 1/4 AND NE 1/4 SE 1/4, SECTION 31, T 9 S,
R 4 E, W.M.

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 ONE-EIGHTIETH of one cubic foot per second per acre, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

SW 1/4 NE 1/4 3.0 ACRES AND DOMESTIC
SE 1/4 NE 1/4 POWER
SECTION 31
TOWNSHIP 9 SOUTH, RANGE 4 EAST, W.M.

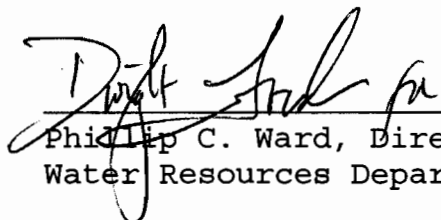
THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE PLACE OF USE AS MODIFIED BY THE NORTH SANTIAM RIVER DECREE, RECORDED IN VOLUME 14, PAGE 122, AND SUPERSEDES CERTIFICATE 11222.

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 the water for the above purpose is restricted to beneficial use on the lands or place of use described.

After the expiration of fifty years from the date of Certificate 11222 (October 10, 1935) or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder thereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of Section 47-508, Oregon Code 1930.

Issued JUNE 30, 2005.


Philip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81440.
S-11303.LHN