

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.

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 BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

IDAHO POWER COMPANY
c/o GIL GREEN, REAL ESTATE SPECIALIST
P.O. BOX 70
BOISE, IDAHO 83707

confirms the right to use the waters of the POWDER RIVER, a tributary of the SNAKE RIVER, for PRIMARY IRRIGATION OF 9.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 432.0 ACRES

This right was perfected under Permit 43213. The date of priority is MAY 25, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11.04 CUBIC FEET 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:

NE 1/4 NW 1/4, SECTION 35, TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.; 850 FEET SOUTH AND 3150 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 35; AND

NW 1/4 NW 1/4, SECTION 36, TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.; 380 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 36.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3½ acre-feet for each acre irrigated during

the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

PRIMARY IRRIGATION

NW 1/4 SW 1/4 1.0 ACRE
SECTION 36
TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

SW 1/4 NW 1/4 6.0 ACRES
NW 1/4 SW 1/4 2.5 ACRES
SECTION 31
TOWNSHIP 9 SOUTH, RANGE 46 EAST, W.M.

SUPPLEMENTAL IRRIGATION

SE 1/4 NE 1/4 30.6 ACRES
SECTION 35

NW 1/4 NE 1/4 0.2 ACRE
SW 1/4 NE 1/4 21.5 ACRES
SE 1/4 NE 1/4 30.0 ACRES
SW 1/4 NW 1/4 36.5 ACRES
SE 1/4 NW 1/4 26.5 ACRES
NE 1/4 SW 1/4 1.0 ACRE
NW 1/4 SW 1/4 4.5 ACRES
SECTION 36
TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

SW 1/4 SW 1/4 0.7 ACRE
SE 1/4 SW 1/4 14.3 ACRES
NW 1/4 SE 1/4 3.4 ACRES
SW 1/4 SE 1/4 15.2 ACRES
SECTION 30
TOWNSHIP 9 SOUTH, RANGE 46 EAST, W.M.

NW 1/4 NE 1/4	9.0 ACRES
SW 1/4 NE 1/4	4.8 ACRES
NE 1/4 NW 1/4	23.8 ACRES
NW 1/4 NW 1/4	30.0 ACRES
SW 1/4 NW 1/4	28.0 ACRES
SE 1/4 NW 1/4	32.4 ACRES
NE 1/4 SW 1/4	29.5 ACRES
NW 1/4 SW 1/4	23.2 ACRES
SE 1/4 SW 1/4	26.3 ACRES
NW 1/4 SE 1/4	27.0 ACRES
SW 1/4 SE 1/4	13.6 ACRES

SECTION 31
TOWNSHIP 9 SOUTH, RANGE 46 EAST, W.M.

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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

May 5, 2006.


Phillip E. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81986.