

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 WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BADGER IMPROVEMENT DISTRICT
80309 ROSS ROAD
TYGH VALLEY, OREGON 97063

confirms the right to the waters of BADGER CREEK and a RESERVOIR constructed under Permit R-773, a tributary of the WHITE RIVER, for IRRIGATION of 478.3 ACRES AND SUPPLEMENTAL IRRIGATION of 650.72 ACRES, DOMESTIC AND STOCK USE.

This right was perfected under Permit 15165. The date of priority is OCTOBER 21, 1929. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 23.72 CUBIC FEET PER SECOND (cfs), being 11.86 cfs from Badger Creek for irrigation, 11.72 cfs from Badger Lake Reservoir for supplemental irrigation, and 0.14 cfs from Badger Creek for domestic and stock use, or its equivalent in case of rotation, measured at the points of diversion from the source.

The point of diversion is located as follows:

SW ¼ NE ¼, SECTION 32, T 3 S, R 10 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 diversion of not to exceed one acre foot per acre during any 30 day period up to July 1st of each year and not to exceed 3 acre feet per acre during any irrigation season; provided, the rate of flow shall not exceed ONE-FORTIETH of a second foot per acre up to July 1st of each year and thereafter not to exceed ONE-EIGHTIETH of a second

foot per acre, except in case of rotation; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein.

The use 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:

PRIMARY - BADGER CREEK

SW ¼ SW ¼ 4.0 ACRES
SECTION 33
T 3 S, R 12 E, W.M.

SE ¼ SE ¼ 15.0 ACRES
SECTION 2
T 4 S, R 11 E, W.M.

SW ¼ NE ¼ 15.0 ACRES
SW ¼ NW ¼ 8.6 ACRES
SE ¼ NW ¼ 15.0 ACRES
SW ¼ SE ¼ 20.0 ACRES
SE ¼ SE ¼ 30.0 ACRES
SECTION 1

SW ¼ NW ¼ 34.0 ACRES
SE ¼ SW ¼ 17.7 ACRES
NE ¼ SE ¼ 16.9 ACRES
SECTION 2

NW ¼ NE ¼ 5.0 ACRES
SW ¼ NE ¼ 20.0 ACRES
SE ¼ NE ¼ 8.0 ACRES
NE ¼ NW ¼ 15.7 ACRES
NE ¼ SE ¼ 8.0 ACRES
NW ¼ SE ¼ 6.0 ACRES
SE ¼ SE ¼ 5.0 ACRES
SECTION 3

SW ¼ NW ¼ 2.5 ACRES
SE ¼ NW ¼ 15.0 ACRES
SW ¼ SW ¼ 11.7 ACRES
SECTION 4

SE ¼ NW ¼ 15.0 ACRES
SECTION 5

SE ¼ SE ¼ 20.0 ACRES
SECTION 7

SW ¼ SW ¼ 8.0 ACRES
SECTION 8

NW ¼ NW ¼ 5.0 ACRES
SW ¼ SE ¼ 7.0 ACRES
SE ¼ SE ¼ 6.5 ACRES
SECTION 9

SW ¼ NE ¼ 5.3 ACRES
NE ¼ SE ¼ 7.3 ACRES
NW ¼ SE ¼ 10.6 ACRES
SECTION 10

NE ¼ NW ¼ 10.0 ACRES
SE ¼ SW ¼ 6.0 ACRES
SECTION 11

NW ¼ NE ¼ 12.0 ACRES
NE ¼ NW ¼ 4.0 ACRES
SECTION 13

NE ¼ NE ¼ 2.5 ACRES
SECTION 18
T 4 S, R 12 E, W.M.

NE ¼ SE ¼ 10.0 ACRES
NW ¼ SE ¼ 10.0 ACRES
SE ¼ SE ¼ 10.0 ACRES
SECTION 6

NE ¼ NE ¼ 14.2 ACRES
NE ¼ NW ¼ 26.8 ACRES
SECTION 7

NW ¼ NW ¼ 10.0 ACRES
SE ¼ NW ¼ 5.0 ACRES
SECTION 8
T 4 S, R 13 E, W.M.

SUPPLEMENTAL - BADGER LAKE RESERVOIR

SW ¼ SW ¼ 4.00 ACRES
SE ¼ SE ¼ 14.14 ACRES
SECTION 33
T 3 S, R 12 E, W.M.

NE ¼ SW ¼ 8.95 ACRES
SE ¼ SE ¼ 16.22 ACRES
SECTION 7

SE ¼ SE ¼ 10.38 ACRES
SECTION 2

SW ¼ SW ¼ 8.00 ACRES
NW ¼ SE ¼ 12.45 ACRES
SECTION 8

NW ¼ NE ¼ 8.00 ACRES
SECTION 12
T 4 S, R 11 E, W.M.

NW ¼ NW ¼ 4.00 ACRES
SW ¼ SE ¼ 7.00 ACRES
SE ¼ SE ¼ 6.50 ACRES
SECTION 9

SW ¼ NE ¼ 15.00 ACRES
SW ¼ NW ¼ 11.52 ACRES
SE ¼ NW ¼ 15.00 ACRES
NW ¼ SE ¼ 5.35 ACRES
SW ¼ SE ¼ 28.00 ACRES
SE ¼ SE ¼ 31.00 ACRES
SECTION 1

SW ¼ NE ¼ 5.33 ACRES
NE ¼ SE ¼ 7.00 ACRES
NW ¼ SE ¼ 10.00 ACRES
SECTION 10

SW ¼ NW ¼ 25.80 ACRES
SE ¼ SW ¼ 14.14 ACRES
NE ¼ SE ¼ 20.76 ACRES
SECTION 2

NE ¼ NW ¼ 17.00 ACRES
NW ¼ SW ¼ 10.00 ACRES
SW ¼ SW ¼ 3.00 ACRES
SECTION 11

NW ¼ NE ¼ 5.00 ACRES
SW ¼ NE ¼ 27.26 ACRES
NE ¼ NW ¼ 15.00 ACRES
NE ¼ SE ¼ 18.14 ACRES
NW ¼ SE ¼ 6.00 ACRES
SE ¼ SE ¼ 7.00 ACRES
SECTION 3

SW ¼ NE ¼ 15.10 ACRES
NW ¼ NW ¼ 14.76 ACRES
SW ¼ NW ¼ 6.00 ACRES
SE ¼ NE ¼ 7.50 ACRES
NE ¼ SE ¼ 2.50 ACRES
SECTION 12

SE ¼ NW ¼ 11.72 ACRES
SECTION 4

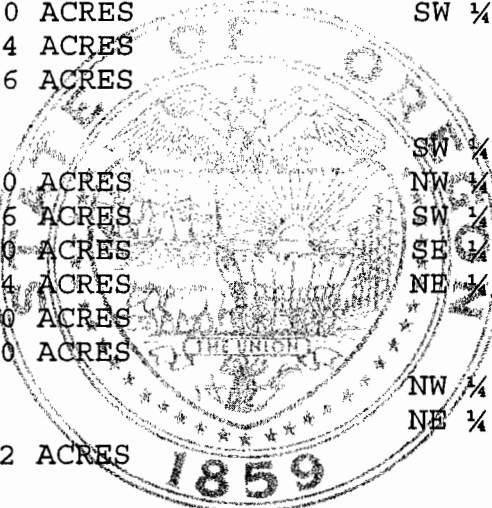
NW ¼ NE ¼ 8.00 ACRES
NE ¼ NW ¼ 4.00 ACRES
SECTION 13

NE ¼ NE ¼ 13.00 ACRES
SE ¼ NW ¼ 10.38 ACRES
SECTION 5

NW ¼ NW ¼ 7.26 ACRES
SECTION 15

SW ¼ NW ¼ 7.00 ACRES
SE ¼ NW ¼ 2.00 ACRES

NE ¼ NE ¼ 1.70 ACRES
SECTION 18
T 4 S, R 12 E, W.M.



SW ¼ SW ¼ 11.00 ACRES
SE ¼ SW ¼ 3.00 ACRES
SECTION 5

NE ¼ NE ¼ 9.40 ACRES
NE ¼ NW ¼ 26.80 ACRES
SECTION 7

NE ¼ SE ¼ 10.00 ACRES
NW ¼ SE ¼ 10.00 ACRES
SE ¼ SE ¼ 20.00 ACRES
SECTION 6

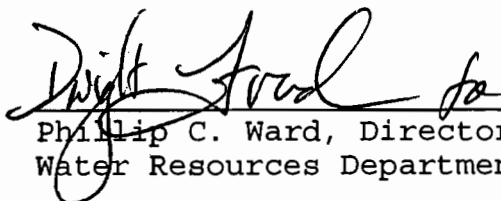
NW ¼ NW ¼ 20.00 ACRES
SE ¼ NW ¼ 4.00 ACRES
SW ¼ NE ¼ 28.66 ACRES
SECTION 8
T 4 S, R 13 E, W.M.

This certificate describes that portion of the water right confirmed by Certificate 46532, Volume 39, State Record of Water Right certificates, NOT modified by the provisions of an order of the Water Resources Director entered November 27, 1979, approving Transfer 4313.

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 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 23, 2006.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82086.