

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 HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID A. REED
PO BOX 688
BURNS, OREGON 97720

confirms the right to use the waters of SOLDIER CREEK, PRATHER CREEK AND COUGAR CREEK, tributaries of MALHEUR LAKE, for IRRIGATION OF 558.4 ACRES, BEING 370.2 ACRES FROM SOLDIER CREEK, 50.8 ACRES FROM PRATHER CREEK AND 137.4 ACRES FROM COUGAR CREEK.

This right was perfected under Permit 47200. The date of priority is DECEMBER 17, 1981. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11.91 CUBIC FOOT PER SECOND (CFS), BEING 7.20 CFS from Soldier Creek, 1.27 CFS from Prather Creek and 3.44 CFS from Cougar Creek, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SOLDIER CREEK: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33, T 22 S, R 32 E, W.M.; 2360 FEET SOUTH AND 770 FEET WEST FROM THE NE CORNER, SECTION 33.

PRATHER CREEK: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 36, T 22 S, R 31 E, W.M.; 10 FEET SOUTH AND 550 FEET WEST FROM THE NE CORNER, SECTION 36.

COUGAR CREEK: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 32, T 22 S, R 32 E, W.M.; 3130 FEET NORTH AND 1850 FEET WEST FROM THE SE CORNER, SECTION 32.

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

SOLDIER CREEK

NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.5 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	27.9 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	33.4 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.8 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.6 ACRES

SECTION 33

TOWNSHIP 22 SOUTH, RANGE 32 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES

SECTION 4

TOWNSHIP 23 SOUTH, RANGE 32 EAST, W.M.

PRATHER CREEK

NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.0 ACRES

SECTION 32

TOWNSHIP 22 SOUTH, RANGE 32 EAST, W.M.

COUGAR CREEK

SW $\frac{1}{4}$ NE $\frac{1}{4}$	20.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	27.2 ACRES

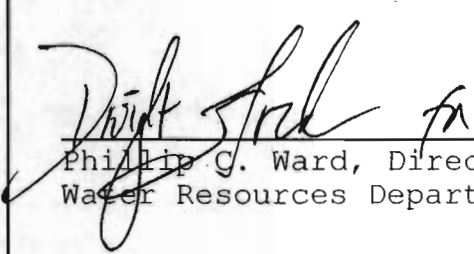
SECTION 32

TOWNSHIP 22 SOUTH, RANGE 32 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

OCT 06 2006


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 82466.

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