

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

AGRICULTURAL & COMMUNITY TRUST  
1640 E BEACON DR  
EUGENE, OREGON 97404

confirms the right to use the waters of FOX CREEK, a tributary of the SNAKE RIVER, for IRRIGATION OF 134.6 ACRES.

This right was perfected under Permit 46322. The date of priority is MAY 22, 1980. This right is limited to 3.36 CUBIC FOOT PER SECOND (CFS) or its equivalent in case of rotation, measured at the point of diversion from the source, being 0.06 CFS from point of diversion (POD) #1, 0.08 CFS from POD #2, 0.03 CFS from POD #3, 0.03 CFS from POD #4, 1.59 CFS from POD #5, 0.04 CFS from POD #6, 1.12 CFS from POD #7, 0.04 CFS from POD #8, 0.05 CFS from POD #9, 0.03 CFS from POD #10, 0.03 CFS from POD #11, 0.21 CFS from POD #12, and 0.05 CFS from POD #13.

The points of diversion (POD) are located as follows:

POD #1: SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 15, T 12 S, R 45 E, WM; 500 FEET NORTH AND 2775 FEET EAST FROM SW CORNER, SECTION 15.

POD #2: SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 15, T 12 S, R 45 E, WM; 950 FEET NORTH AND 2020 FEET EAST FROM SW CORNER, SECTION 15.

POD #3: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 15, T 12 S, R 45 E, WM; 1250 FEET NORTH AND 1280 FEET EAST FROM SW CORNER, SECTION 15.

POD #4: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 15, T 12 S, R 45 E, WM; 1950 FEET NORTH AND 550 FEET EAST FROM SW CORNER, SECTION 15.

POD #5: NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 15, T 12 S, R 45 E, WM; 1090 FEET SOUTH AND 200 FEET EAST FROM NW CORNER, SECTION 15.

POD #6: SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 10, T 12 S, R 45 E, WM; 210 FEET NORTH AND 2500 FEET WEST FROM S 1/4 CORNER, SECTION 10.

POD #7: SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 9, T 12 S, R 45 E, WM; 1100 FEET NORTH AND 2660 FEET WEST FROM S 1/4 CORNER, SECTION 10.

POD #8: NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 9, T 12 S, R 45 E, WM; 875 FEET SOUTH AND 350 FEET WEST FROM THE E 1/4 CORNER, SECTION 9.

POD #9: SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 9, T 12 S, R 45 E, WM; 1850 FEET SOUTH AND 1210 FEET WEST FROM NE CORNER, SECTION 9.

POD #10: NW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 9, T 12 S, R 45 E, WM; 875 FEET SOUTH AND 1925 FEET WEST FROM NE CORNER, SECTION 9.

POD #11: NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 4, T 12 S, R 45 E, WM; 1380 FEET NORTH AND 2530 FEET EAST FROM SW CORNER, SECTION 4.

POD #12: NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 4, T 12 S, R 45 E, WM; 2090 FEET NORTH AND 1630 FEET EAST FROM SW CORNER, SECTION 4.

POD #13: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 4, T 12 S, R 45 E, WM; 2450 FEET NORTH AND 1050 FEET EAST FROM SW CORNER, SECTION 4.

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 ONE-FORTIETH of one cubic foot per second per acre, from direct flow and shall be further limited to a diversion not to exceed 4.0 acre-feet 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:

POD #13  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  2.1 ACRES

POD #12  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  5.6 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  2.9 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  0.1 ACRE

POD #11  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  1.1 ACRES  
SECTION 4

POD #10  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  1.1 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  0.1 ACRE

## POD #9

SW $\frac{1}{4}$  NE $\frac{1}{4}$  0.3 ACRE  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  1.6 ACRES

## POD #8

NE $\frac{1}{4}$  SE $\frac{1}{4}$  1.6 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  0.1 ACRE

## SECTION 9

## POD #7

SW $\frac{1}{4}$  NE $\frac{1}{4}$  0.2 ACRE  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  3.1 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  10.4 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  1.0 ACRE  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  3.7 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  21.3 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  5.1 ACRES

## SECTION 15

## POD #6

SW $\frac{1}{4}$  SW $\frac{1}{4}$  0.4 ACRE

## SECTION 10

NW $\frac{1}{4}$  NW $\frac{1}{4}$  1.2 ACRES

## SECTION 15

## POD #5

SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.2 ACRE  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  4.8 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  17.0 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  19.4 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  0.4 ACRE

## SECTION 15

NW $\frac{1}{4}$  NE $\frac{1}{4}$  0.2 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  18.6 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  3.0 ACRES

## SECTION 22

## POD #4

NW $\frac{1}{4}$  SW $\frac{1}{4}$  1.4 ACRES

## POD #3

NE $\frac{1}{4}$  SW $\frac{1}{4}$  0.3 ACRE  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  1.1 ACRES

## POD #2

SE $\frac{1}{4}$  SW $\frac{1}{4}$  3.0 ACRES

## POD #1

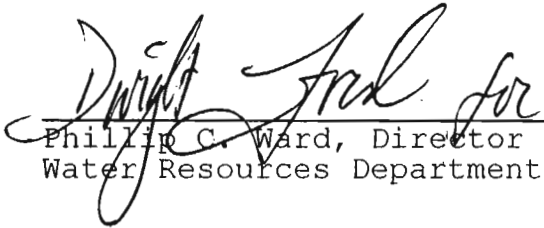
SW $\frac{1}{4}$  SE $\frac{1}{4}$  2.1 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  0.1 ACRE

## SECTION 15

TOWNSHIP 12 SOUTH, RANGE 45 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 numbered 82535.

S-60168.JWG