

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 GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JERRY RUSSELL AND KATHRYN KLOSKE
STAR ROUTE 2
KIMBERLY, OREGON 97848

confirms the right to use the waters of CUPPER CREEK AND RESERVOIRS A AND B, CONSTRUCTED UNDER PERMIT R-7345, tributaries of the NORTH FORK JOHN DAY RIVER, for IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 71.5 ACRES.

This right was perfected under Permit 43090. The date of priority is MARCH 1, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.90 CUBIC FOOT PER SECOND (CFS) AND 7.8 ACRE FEET (AF) STORED WATER, BEING 0.66 CFS FROM CUPPER CREEK AND 5.4 AF FROM RESERVOIR A, AND 0.24 CFS FROM CUPPER CREEK AND 2.4 AF FROM RESERVOIR B, or its equivalent in case of rotation, measured at the points of diversion from the sources.

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

CUPPER CREEK (POD 1): NE 1/4 SE 1/4, SECTION 28, T 8 S, R 27 E, W.M.; 500 FEET SOUTH AND 450 FEET WEST FROM THE E 1/4 CORNER, SECTION 28.

RESERVOIR A: NE 1/4 SE 1/4, SECTION 28, T 8 S, R 27 E, W.M.; 830 FEET SOUTH AND 400 FEET WEST FROM THE E 1/4 CORNER, SECTION 28.

CUPPER CREEK (POD 2): NW 1/4 NE 1/4, SECTION 33, T 8 S, R 27 E, W.M.; 1175 FEET SOUTH AND 1400 FEET WEST FROM THE NE CORNER, SECTION 33.

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RESERVOIR B: NW 1/4 NE 1/4, SECTION 33, T 8 S, R 27 E, W.M.; 1200 FEET SOUTH AND 1280 FEET WEST FROM THE NE CORNER, SECTION 33.

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 from direct flow and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoirs constructed under Permit R-7345, provided further that the right allowed herein shall be limited to any deficiency in the available of supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, further limited to the use of stored water only on the same land having a valid right to use of water from Cupper Creek.

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

CUPPER CREEK POD 1 AND SUPPLEMENTAL RESERVOIR A

NE 1/4 SE 1/4 7.6 ACRES
SE 1/4 SE 1/4 31.1 ACRES
SECTION 28

NE 1/4 NE 1/4 23.2 ACRES
SECTION 33

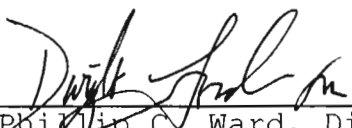
CUPPER CREEK POD 2 AND SUPPLEMENTAL RESERVOIR B

NW 1/4 NE 1/4 0.7 ACRE
SW 1/4 NE 1/4 8.6 ACRES
SE 1/4 NE 1/4 0.3 ACRE
SECTION 33

TOWNSHIP 8 SOUTH, RANGE 27 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 **NOV 03 2006**


Philip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82540.