

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

SID JOHNSON
2420 7TH STREET
BAKER CITY, OREGON 97814

confirms the right to use the waters of ALDER CREEK AND TWO PONDS, CONSTRUCTED UNDER PERMIT R-8308, tributaries of BURNT RIVER, for IRRIGATION, SUPPLEMENTAL IRRIGATION AND RECREATION.

This right was perfected under Permit 46060. The date of priority is JANUARY 23, 1981. This right is limited to 0.14 CUBIC FOOT PER SECOND (CFS) or its equivalent in case of rotation, measured at the points of diversion from the source; being .02 CFS from Alder Creek and Lower Pond for Irrigation, 0.01 CFS from Lower Pond for Supplemental Irrigation, 0.09 CFS from Alder Creek and Upper Pond for Irrigation, and 0.02 CFS for recreation, being 0.01 CFS from each pond.

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

POD #1 (ALDER CREEK): SW 1/4 SW 1/4, SECTION 26, T 10 S, R 41 E, W.M.; 5 FEET NORTH AND 450 FEET EAST FROM SW CORNER, SECTION 26.

POD #2 (ALDER CREEK): NW 1/4 SW 1/4, SECTION 26, T 10 S, R 41 E, W.M.; 1580 FEET NORTH AND 210 FEET EAST FROM SW CORNER, SECTION 26.

POD #3 (LOWER POND): NE 1/4 SE 1/4, SECTION 27, T 10 S, R 41 E, W.M.; 2000 FEET NORTH AND 15 FEET WEST FROM SW CORNER, SECTION 26.

POD #4(UPPER POND): NW 1/4 SW 1/4, SECTION 26, T 10 S, R 41 E,
W.M.; 2430 FEET NORTH AND 250 FEET EAST FROM SW CORNER, SECTION 26.

POD #5 (UPPER POND): NW 1/4 SW 1/4, SECTION 26, T 10 S, R 41 E,
W.M.; 2570 FEET NORTH AND 70 FEET EAST FROM SW CORNER, SECTION 26.

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, or its equivalent, for each acre irrigated from direct flow 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 from direct flow and storage from reservoirs constructed under Permit R-8308, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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

ALDER CREEK &
UPPER POND
PRIMARY
SW 1/4 NW 1/4 1.0 ACRE AND RECREATION
NW 1/4 SW 1/4 1.4 ACRES AND RECREATION
SECTION 26

NE 1/4 SE 1/4 0.8 ACRE AND RECREATION
SECTION 27

ALDER CREEK &
LOWER POND
SW 1/4 NW 1/4 RECREATION
SECTION 26

PRIMARY SUPPLEMENTAL
NE 1/4 SE 1/4 1.0 ACRE 0.5 ACRE AND RECREATION
SECTION 27
TOWNSHIP 10 SOUTH, RANGE 41 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**


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82555.