

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

ROGER W. SMITH
ROUTE 1 BOX 105
HAINES, OREGON 97823

confirms the right to use the waters of AN UNNAMED STREAM AND COSTALOTTA RESERVOIR, CONSTRUCTED UNDER PERMIT R-8551, tributaries of the NORTH POWDER RIVER, for IRRIGATION OF 5.2 ACRES, DOMESTIC USE FOR ONE HOUSEHOLD, AND MAINTENANCE OF A RESERVOIR FOR RECREATION.

This right was perfected under Permit 47279. The date of priority is JANUARY 17, 1983. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.145 CUBIC FOOT PER SECOND (CFS), BEING 0.13 CFS FOR IRRIGATION, 0.005 CFS FOR DOMESTIC USE, AND 0.01 CFS FOR RESERVOIR MAINTENANCE, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

POD # 1 (UNNAMED STREAM): NW 1/4 NW 1/4, SECTION 8, T 7 S, R 38 E, W.M.; 1070 FEET SOUTH AND 150 FEET EAST FROM NW CORNER, SECTION 8.

POD # 2 (UNNAMED STREAM): SE 1/4 NE 1/4, SECTION 7, T 7 S, R 38 E, W.M.; 1330 FEET SOUTH AND 120 FEET WEST FROM NE CORNER, SECTION 7.

POD # 3 (COSTALOTTA RESERVOIR): NW 1/4 NW 1/4, SECTION 8, T 7 S, R 38 E, W.M.; 870 FEET SOUTH AND 670 FEET EAST FROM NW CORNER, SECTION 8.

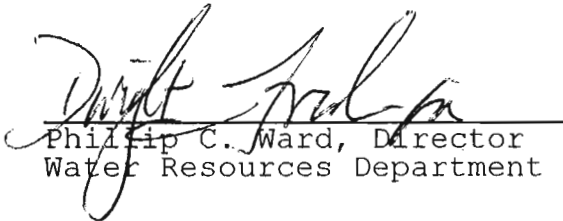
The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet 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:

NW 1/4 NW 1/4 5.2 ACRES, DOMESTIC USE FOR ONE HOUSEHOLD,
 & MAINTENANCE OF RESERVOIR FOR RECREATION
 SECTION 8
TOWNSHIP 7 SOUTH, RANGE 38 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 **JAN 19 2007**


Philip C. Ward, Director
Water Resources Department