

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

DOUGLAS E. & LENORE G. BENTON
RT 1, BOX 21
BAKER CITY OR 97814

confirms the right to use the waters of SPRINGS #2, #3, #4, AND #5, for IRRIGATION OF 3.4 ACRES.

This right was perfected under Permit 39702. The date of priority is JANUARY 16, 1975. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.085 CUBIC FOOT PER SECOND (CFS), BEING 0.023 CFS FROM SPRING #2 FOR IRRIGATION OF 0.9 ACRE, 0.008 FROM SPRING #3 FOR IRRIGATION OF 0.3 ACRE, 0.005 CFS FROM SPRING #4 FOR IRRIGATION OF 0.2 ACRE; 0.042 CFS FROM SPRING #5 FOR IRRIGATION OF 1.7 ACRES, AND 0.007 CFS FROM EITHER SPRING #3 OR SPRING #5 FOR IRRIGATION OF 0.3 ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SPRING #2: NE 1/4 SE 1/4, SECTION 11, T 9 S, R 39 E, W. M.; 270 FEET SOUTH AND 970 FEET WEST FROM E 1/4 CORNER, SECTION 11.

SPRING #3: NE 1/4 SE 1/4, SECTION 11, T 9 S, R 39 E, W. M.; 700 FEET SOUTH AND 460 FEET WEST FROM E 1/4 CORNER, SECTION 11.

SPRING #4: NE 1/4 SE 1/4, SECTION 11, T 9 S, R 39 E, W. M.; 820 FEET SOUTH AND 220 FEET WEST FROM E 1/4 CORNER, SECTION 11.

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Certificate Number 82601

SPRING #5: SE 1/4 SE 1/4, SECTION 11, T 9 S, R 39 E, W. M.; 875 FEET NORTH AND 45 FEET WEST FROM SE CORNER, SECTION 11.

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 3.5 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:

SPRING #2
NE 1/4 SE 1/4 0.9 ACRE

SPRING #3
NE 1/4 SE 1/4 0.3 ACRE

SPRING #4
NE 1/4 SE 1/4 0.2 ACRE

SPRING #5
SE 1/4 SE 1/4 0.2 ACRE

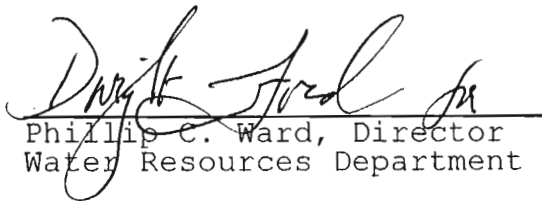
SPRINGS #3 OR #5
NE 1/4 SE 1/4 0.3 ACRE
SECTION 11

SPRING # 5
SW 1/4 SW 1/4 1.5 ACRES
SECTION 12

TOWNSHIP 9 SOUTH, RANGE 39 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 27 2006**


Phillip C. Ward, Director
Water Resources Department