

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

HARRELL LAND AND CATTLE L.L.C.
42590 SALMON CREEK ROAD
BAKER CITY, OREGON 97814

FLOYD E DUNCAN
15450 DUNCAN LN
BAKER CITY, OREGON 97814

confirms the right to use the waters of ELEVEN SPRINGS, tributaries of GOODRICH CREEK, for IRRIGATION OF 138.3 ACRES, SUPPLEMENTAL IRRIGATION OF 187.7 ACRES and DOMESTIC USE FOR TWO HOUSEHOLDS.

This right was perfected under Permit 39167. The date of priority is FEBRUARY 7, 1975. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 8.01 CUBIC FOOT PER SECOND (CFS), BEING 3.36 CFS FOR PRIMARY IRRIGATION, 4.64 CFS FOR SUPPLEMENTAL IRRIGATION, AND 0.01 CFS FROM SPRING # 11 FOR DOMESTIC USE FOR TWO HOUSEHOLDS, 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 # 1: SE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 669 FEET NORTH AND 836 FEET WEST FROM SE CORNER, SECTION 36.

SPRING # 2: SW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 73 FEET NORTH AND 187 FEET EAST FROM SW CORNER, SECTION 31.

SPRING # 3: SW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 1175 FEET NORTH AND 826 FEET EAST FROM SW CORNER, SECTION 31.

SPRING # 4 SE 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 196 FEET NORTH AND 2086 FEET EAST FROM SW CORNER, SECTION 31.

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SPRING # 5: SW 1/4 SE 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 537 FEET NORTH AND 1677 FEET WEST FROM SE CORNER, SECTION 31.

SPRING # 6: NE 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 305 FEET SOUTH AND 22 FEET WEST FROM C 1/4 CORNER, SECTION 31.

SPRING # 7: NW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 77 FEET SOUTH AND 1005 FEET EAST FROM W 1/4 CORNER, SECTION 31.

SPRING # 8: NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 2315 FEET NORTH AND 986 FEET WEST FROM SE CORNER, SECTION 36.

SPRING # 9: NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1971 FEET NORTH AND 660 FEET WEST FROM SE CORNER, SECTION 36.

SPRING # 10: NE 1/4 SE 1/4, SECTION 36, T 8 S, R 38 E, W.M.; 1443 FEET NORTH AND 405 FEET WEST FROM SE CORNER, SECTION 36.

SPRING # 11: NW 1/4 SW 1/4, SECTION 31, T 8 S, R 39 E, W.M.; 937 FEET SOUTH AND 860 FEET EAST FROM W 1/4 CORNER, SECTION 31.

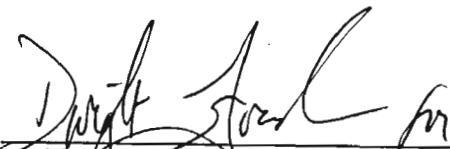
The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.5 acre-feet 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:

	PRIMARY	SUPPLEMENTAL
NE 1/4 SE 1/4	19.7 ACRES	
SE 1/4 SE 1/4	5.5 ACRES	19.0 ACRES
	SECTION 36	
	TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.	
NE 1/4 SW 1/4	34.5 ACRES	5.5 ACRES
NW 1/4 SW 1/4	40.0 ACRES	
SW 1/4 SW 1/4	12.0 ACRES	28.0 ACRES
SE 1/4 SW 1/4	8.1 ACRES	31.0 ACRES & DOMESTIC USE
		FOR TWO HOUSEHOLDS
NE 1/4 SE 1/4		9.2 ACRES
NW 1/4 SE 1/4		40.0 ACRES
SW 1/4 SE 1/4	11.5 ACRES	28.0 ACRES
SE 1/4 SE 1/4	7.0 ACRES	27.0 ACRES
	SECTION 31	
	TOWNSHIP 8 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 03 2006


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates numbered 82612.

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