

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BADGER IMPROVEMENT DISTRICT
80309 ROSS ROAD
TYGH VALLEY, OR 97063

confirms the right to use the waters of BADGER CREEK and a RESERVOIR constructed under Permit R-773, tributaries of WHITE RIVER, for IRRIGATION of 1471.37 ACRES and SUPPLEMENTAL IRRIGATION of 390.84 ACRES.

This right was perfected under Permit 27390. The date of priority is MARCH 22, 1961. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 19.38 CUBIC FEET PER SECOND, from direct flow, or its equivalent in case of rotation, measured at the points of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	11 E	WM	29	NE SW	BADGER CREEK – 1290 FEET SOUTH AND 550 FEET WEST FROM THE CENTER OF SECTION 29
3 S	10 E	WM	16	SW SW	BADGER LAKE – 400 FEET NORTH AND 800 FEET EAST FROM THE SW CORNER OF SECTION 16

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 the reservoir constructed under Permit R-773 and the right allowed hereunder for the appropriation of water for lands having a valid prior right shall be limited to the amount necessary to make up any deficiency in water available to said lands under said prior right and the amount allowed herein, together with the amount secured under any other right existing for said lands, shall be limited by the duty of water as fixed herein.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

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

PRIMARY IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	12E	WM	1	NE NE	2.60
4 S	12 E	WM	1	SW NE	3.60
4 S	12 E	WM	1	SE NE	17.97
4 S	12 E	WM	1	NE NW	8.80
4 S	12 E	WM	1	SE NW	0.20
4 S	12 E	WM	1	NE SW	21.90
4 S	12 E	WM	1	NW SW	8.00
4 S	12 E	WM	1	SW SW	0.50
4 S	12 E	WM	1	SE SW	5.20
4 S	12 E	WM	1	NE SE	29.35
4 S	12 E	WM	1	NW SE	12.80
4 S	12 E	WM	1	SW SE	11.60
4 S	12 E	WM	1	SE SE	8.80
4 S	12 E	WM	2	NE NW	2.00
4 S	12 E	WM	2	NW NW	12.40
4 S	12 E	WM	2	SW NW	1.60
4 S	12 E	WM	2	SE NW	7.10
4 S	12 E	WM	2	NE SW	23.70
4 S	12 E	WM	2	NW SW	13.90
4 S	12 E	WM	2	NE SE	8.80
4 S	12 E	WM	2	NW SE	34.90
4 S	12 E	WM	2	SW SE	12.20
4 S	12 E	WM	2	SE SE	9.20
4 S	12 E	WM	3	NW NE	9.40
4 S	12 E	WM	3	SW NE	8.30
4 S	12 E	WM	3	SE NE	11.20
4 S	12 E	WM	3	NE NW	5.10
4 S	12 E	WM	3	NW NW	10.00
4 S	12 E	WM	3	NE SE	12.60
4 S	12 E	WM	3	NW SE	11.80
4 S	12 E	WM	3	SW SE	2.90
4 S	12 E	WM	3	SE SE	4.90
4 S	12 E	WM	4	NE NE	9.00
4 S	12 E	WM	4	NW NE	1.00
4 S	12 E	WM	4	NE NW	8.30
4 S	12 E	WM	4	SW NW	7.90
4 S	12 E	WM	4	SE NW	5.20
4 S	12 E	WM	4	SE SW	2.60
4 S	12 E	WM	7	NW NW	9.85
4 S	12 E	WM	7	SW SE	7.20
4 S	12 E	WM	7	SE SE	9.80
4 S	12 E	WM	8	NE SW	7.60
4 S	12 E	WM	8	NW SW	6.80
4 S	12 E	WM	8	SW SW	20.20
4 S	12 E	WM	8	SE SW	13.00
4 S	12 E	WM	8	NE SE	12.00
4 S	12 E	WM	8	SW SE	10.70
4 S	12 E	WM	8	SE SE	0.50
4 S	12 E	WM	9	NE SW	39.10

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	12 E	WM	9	NW SW	1.65
4 S	12 E	WM	9	SW SE	26.80
4 S	12 E	WM	9	SE SE	18.60
4 S	12 E	WM	10	NE NE	11.60
4 S	12 E	WM	10	SE NE	3.90
4 S	12 E	WM	10	NE SE	28.70
4 S	12 E	WM	10	NW SE	30.00
4 S	12 E	WM	11	NW NE	8.60
4 S	12 E	WM	11	SW NE	2.10
4 S	12 E	WM	11	NW NW	1.10
4 S	12 E	WM	11	SW NW	18.20
4 S	12 E	WM	11	SE NW	14.90
4 S	12 E	WM	11	NE SW	3.35
4 S	12 E	WM	11	NW SW	7.00
4 S	12 E	WM	11	SW SW	16.50
4 S	12 E	WM	11	SE SW	12.20
4 S	12 E	WM	11	SW SE	3.45
4 S	12 E	WM	12	NE NE	18.50
4 S	12 E	WM	12	NW NE	23.00
4 S	12 E	WM	12	SE NE	7.50
4 S	12 E	WM	12	NE NW	1.60
4 S	12 E	WM	12	NW NW	20.70
4 S	12 E	WM	12	SW NW	12.80
4 S	12 E	WM	12	SE NW	16.20
4 S	12 E	WM	12	SE SW	13.70
4 S	12 E	WM	12	SW SE	6.90
4 S	12 E	WM	12	SE SE	1.80
4 S	12 E	WM	13	NE NE	26.20
4 S	12 E	WM	13	NW NE	16.80
4 S	12 E	WM	13	NE NW	13.60
4 S	12 E	WM	13	NW NW	3.00
4 S	12 E	WM	14	NE NE	12.40
4 S	12 E	WM	15	NE NW	4.80
4 S	12 E	WM	15	NW NW	14.30
4 S	12 E	WM	16	NE NE	20.80
4 S	12 E	WM	16	NW NE	4.70
4 S	12 E	WM	16	NE NW	1.00
4 S	12 E	WM	17	NW NE	1.40
4 S	12 E	WM	17	NE NW	3.20
4 S	12 E	WM	17	NW NW	5.00
4 S	12 E	WM	18	NE NE	3.80
4 S	12 E	WM	18	NW NE	2.05
4 S	13 E	WM	5	NE SW	1.40
4 S	13 E	WM	5	NW SW	12.80
4 S	13 E	WM	5	SW SW	28.40
4 S	13 E	WM	5	SE SW	24.70
4 S	13 E	WM	5	NW SE	1.80
4 S	13 E	WM	5	SW SE	3.80
4 S	13 E	WM	6	SW NW	3.60

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	13 E	WM	6	SE NW	1.10
4 S	13 E	WM	6	NE SW	4.90
4 S	13 E	WM	6	NW SW	23.00
4 S	13 E	WM	6	SW SW	38.00
4 S	13 E	WM	6	SE SW	0.60
4 S	13 E	WM	6	NE SE	18.80
4 S	13 E	WM	6	NW SE	28.90
4 S	13 E	WM	6	SW SE	18.20
4 S	13 E	WM	6	SE SE	14.90
4 S	13 E	WM	7	NE NE	20.20
4 S	13 E	WM	7	NW NE	9.70
4 S	13 E	WM	7	SW NE	12.00
4 S	13 E	WM	7	SE NE	4.30
4 S	13 E	WM	7	NE NW	11.40
4 S	13 E	WM	7	NW NW	17.30
4 S	13 E	WM	7	SW NW	18.60
4 S	13 E	WM	7	SE NW	13.30
4 S	13 E	WM	7	SW SW	11.00
4 S	13 E	WM	7	NE SE	3.30

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	13 E	WM	7	NW SE	2.80
4 S	13 E	WM	8	NE NW	17.70
4 S	13 E	WM	8	NW NW	5.50
4 S	13 E	WM	8	SW NW	10.80
4 S	13 E	WM	8	SE NW	3.60
4 S	13 E	WM	8	NE SW	7.60
4 S	13 E	WM	8	SE SW	0.30
4 S	13 E	WM	8	NE SE	34.00
4 S	13 E	WM	8	NW SE	20.00
4 S	13 E	WM	8	SW SE	9.20
4 S	13 E	WM	9	NE SW	7.00
4 S	13 E	WM	9	NW SW	9.80
4 S	13 E	WM	9	SW SW	1.90
4 S	13 E	WM	9	SE SW	1.70
4 S	13 E	WM	9	NE SE	4.80
4 S	13 E	WM	9	NW SE	16.40
3 S	12 E	WM	34	SW SW	3.60
3 S	12 E	WM	34	SE SW	0.20

SUPPLEMENTAL IRRIGATION - RESERVOIR

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	12 E	WM	1	SE NE	11.90
4 S	12 E	WM	1	SW NW	7.58
4 S	12 E	WM	1	NE SW	0.90
4 S	12 E	WM	1	NE SE	0.05
4 S	12 E	WM	1	NW SE	0.45
4 S	12 E	WM	1	SW SE	0.30
4 S	12 E	WM	1	SE SE	0.20
4 S	12 E	WM	2	SW NW	8.20
4 S	12 E	WM	2	SE NW	23.00
4 S	12 E	WM	2	NE SW	8.40
4 S	12 E	WM	2	SW SW	3.60
4 S	12 E	WM	2	NE SE	9.24
4 S	12 E	WM	3	SW NE	2.90
4 S	12 E	WM	3	SE NE	8.00
4 S	12 E	WM	3	NE NW	0.70
4 S	12 E	WM	3	NE SE	5.86
4 S	12 E	WM	4	SW NW	2.50
4 S	12 E	WM	4	SE NW	8.28
4 S	12 E	WM	5	SE NW	4.62
4 S	12 E	WM	7	NW NW	3.50
4 S	12 E	WM	7	SE SE	3.78
4 S	12 E	WM	8	SE SW	2.80
4 S	12 E	WM	10	NE SE	0.30
4 S	12 E	WM	10	NW SE	0.60
4 S	12 E	WM	11	NW NE	1.60
4 S	12 E	WM	11	NE NW	0.90
4 S	12 E	WM	11	NW NW	4.20
4 S	12 E	WM	11	NW SW	0.10

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	12 E	WM	11	SW SW	4.50
4 S	12 E	WM	11	SE SW	6.00
4 S	12 E	WM	12	NW NE	12.30
4 S	12 E	WM	12	SE NE	1.00
4 S	12 E	WM	12	NE NW	6.00
4 S	12 E	WM	12	NW NW	3.24
4 S	12 E	WM	12	SW NW	1.30
4 S	12 E	WM	12	SE NW	2.80
4 S	12 E	WM	13	NW NE	4.00
4 S	12 E	WM	13	NW NW	14.00
4 S	12 E	WM	15	NE NW	4.00
4 S	12 E	WM	15	NW NW	5.24
4 S	12 E	WM	17	NE NW	4.20
4 S	12 E	WM	18	NE NE	0.80
4 S	13 E	WM	5	SW SW	0.20
4 S	13 E	WM	6	SW NW	4.60
4 S	13 E	WM	6	NE SW	2.10
4 S	13 E	WM	6	NW SW	2.10
4 S	13 E	WM	6	SW SE	1.80
4 S	13 E	WM	6	SE SE	4.30
4 S	13 E	WM	7	NE NE	9.80
4 S	13 E	WM	7	NW NE	10.00
4 S	13 E	WM	7	SW NW	1.00
4 S	13 E	WM	8	SW NE	23.00
4 S	13 E	WM	8	SE NE	26.60
4 S	13 E	WM	8	NW NW	10.50
4 S	13 E	WM	9	NW SW	3.50
4 S	13 E	WM	9	SW SW	1.10

SUPPLEMENTAL IRRIGATION - STREAM and RESERVOIR

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	12 E	WM	9	SW SE	1.00
4 S	12 E	WM	10	SW NE	6.00
4 S	12 E	WM	10	SE NE	4.60
4 S	12 E	WM	10	NE SE	4.60
4 S	12 E	WM	11	NW NE	1.50
4 S	12 E	WM	11	NE NW	10.00
4 S	12 E	WM	11	NW NW	6.20
4 S	12 E	WM	11	SW NW	3.00
4 S	12 E	WM	11	NW SW	13.50
4 S	12 E	WM	11	SE SW	4.60
4 S	12 E	WM	12	SE SW	21.40
4 S	12 E	WM	13	NE NW	20.00

This certificate correctly describes the place of use, clearing up scrivener's errors found in Certificate 76223. This certificate also describes that portion of the water right confirmed by Certificate 76223, State Record of Water Right Certificates, NOT modified by the provisions of four orders of the Water Resources Director entered ~~FEB 12 2007~~ approving Transfer Applications T-8080, T-9990, T-10016 and T-10228.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed FEB 12 2007.


Phillip C. Ward, Director *PCW*