

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 963.8 ACRES.

This right was perfected under Permit 22633. The date of priority is APRIL 12, 1941, for 11.73 cubic feet per second and MARCH 20, 1951, for 12.36 cubic feet per second. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 24.09 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	10 E	WM	16	SW SW	NOT SPECIFIED
3 S	11 E	WM	29	NE SW	NOT SPECIFIED

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, 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.

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:

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	11 E	WM	12	NE NE	0.50
4 S	12 E	WM	1	NW NE	16.20
4 S	12 E	WM	1	SW NE	19.00
4 S	12 E	WM	1	NE NW	0.60
4 S	12 E	WM	1	SW NW	0.60
4 S	12 E	WM	1	SE NW	17.10
4 S	12 E	WM	1	SE SW	19.60
4 S	12 E	WM	1	NE SE	10.00
4 S	12 E	WM	1	NW SE	19.40
4 S	12 E	WM	2	SE NE	1.00
4 S	12 E	WM	2	NE SW	7.00
4 S	12 E	WM	2	NW SW	13.30
4 S	12 E	WM	2	SW SW	21.90
4 S	12 E	WM	2	NE SE	0.60
4 S	12 E	WM	2	SW SE	1.50
4 S	12 E	WM	2	SE SE	29.40
4 S	12 E	WM	3	NW NE	8.00
4 S	12 E	WM	3	SE NE	17.00
4 S	12 E	WM	3	NE NW	18.00
4 S	12 E	WM	3	NW NW	13.20
4 S	12 E	WM	3	NW SE	10.00
4 S	12 E	WM	3	SW SE	14.80
4 S	12 E	WM	3	SE SE	16.90
4 S	12 E	WM	4	NE NE	5.40
4 S	12 E	WM	4	NW NE	25.40
4 S	12 E	WM	4	NE NW	6.00
4 S	12 E	WM	4	SE SW	7.80
4 S	12 E	WM	5	NE NW	1.90
4 S	12 E	WM	5	NW NW	0.20
4 S	12 E	WM	5	SW NW	2.90
4 S	12 E	WM	5	SE NW	1.30
4 S	12 E	WM	5	NE SW	3.60
4 S	12 E	WM	5	NW SW	2.90
4 S	12 E	WM	5	SW SW	13.20
4 S	12 E	WM	5	SE SW	3.80
4 S	12 E	WM	7	NW NW	17.70
4 S	12 E	WM	7	SW NW	3.20
4 S	12 E	WM	7	SE NW	0.90
4 S	12 E	WM	7	NE SE	13.90
4 S	12 E	WM	7	NW SE	7.10
4 S	12 E	WM	7	SE SE	9.00
4 S	12 E	WM	8	NE SW	8.80
4 S	12 E	WM	8	NW SW	8.40
4 S	12 E	WM	8	SW SW	10.00
4 S	12 E	WM	8	SE SW	4.00
4 S	12 E	WM	8	SW SE	5.00
4 S	12 E	WM	9	NE NW	4.00
4 S	12 E	WM	9	NW NW	4.00

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	12 E	WM	9	SE NW	4.00
4 S	12 E	WM	9	SE SE	10.10
4 S	12 E	WM	10	NE NE	6.60
4 S	12 E	WM	10	NW NE	3.20
4 S	12 E	WM	10	SE NE	11.70
4 S	12 E	WM	11	NE NE	17.80
4 S	12 E	WM	11	NW NE	4.50
4 S	12 E	WM	11	SE NE	26.60
4 S	12 E	WM	11	NE NW	4.40
4 S	12 E	WM	11	NW NW	2.90
4 S	12 E	WM	12	NE NE	20.00
4 S	12 E	WM	12	SE NE	5.00
4 S	12 E	WM	12	NE NW	5.00
4 S	12 E	WM	12	SE SW	2.10
4 S	12 E	WM	13	NE NE	5.00
4 S	12 E	WM	13	NW NE	4.00
4 S	12 E	WM	15	NE NW	8.40
4 S	12 E	WM	16	NE NE	10.00
4 S	12 E	WM	16	NW NE	25.00
4 S	12 E	WM	17	NW NE	5.00
4 S	12 E	WM	17	NW NW	7.00
4 S	12 E	WM	18	NE NE	2.50
4 S	13 E	WM	5	NE SW	7.40
4 S	13 E	WM	5	NW SW	20.00
4 S	13 E	WM	5	SE SW	11.50
4 S	13 E	WM	5	NW SE	4.00
4 S	13 E	WM	5	SW SE	8.60
4 S	13 E	WM	6	NE SW	17.40
4 S	13 E	WM	6	NW SW	9.50
4 S	13 E	WM	6	SE SW	37.00
4 S	13 E	WM	6	SW SE	20.00
4 S	13 E	WM	7	NW NE	20.00
4 S	13 E	WM	7	SW NE	25.30
4 S	13 E	WM	7	SE NE	18.00
4 S	13 E	WM	7	NW NW	20.00
4 S	13 E	WM	7	SW NW	8.50
4 S	13 E	WM	7	SE NW	11.00
4 S	13 E	WM	7	SW SW	5.00
4 S	13 E	WM	7	SE SW	4.40
4 S	13 E	WM	7	NE SE	8.00
4 S	13 E	WM	7	NW SE	2.80
4 S	13 E	WM	8	NE NW	20.00
4 S	13 E	WM	8	SW NW	22.80
4 S	13 E	WM	8	SE NW	7.60
4 S	13 E	WM	8	NE SW	5.00
4 S	13 E	WM	9	NE SW	6.20
4 S	13 E	WM	9	SE SW	7.00

This certificate correctly describes the place of use, clearing up a scrivener's error found in Certificate 76222. This certificate also describes that portion of the water right confirmed by Certificate 76222, State Record of Water Right Certificates, NOT modified by the provisions of three orders of the Water Resources Director entered FEB 12 2007, approving Transfer Applications T-8080, T-9990 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.

FEB 12 2007

WITNESS the signature of the Water Resources Director, affixed _____.


Phillip C. Ward, Director *FR*