

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 MALHEUR

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

DEPARTMENT OF STATE LANDS
1645 NE FORBES RD, STE 112
BEND, OREGON 97701

confirms the right to store the waters of DRY CREEK, A TRIBUTARY OF JORDAN CREEK, IN BROWN RESERVOIR (AKA RESERVOIR 2) for LIVESTOCK AND WILDLIFE.

The right to store and use these waters was perfected under Reservoir Application R-80248.

The date of priority is May 22, 1995. The amount of water entitled to be stored and used each year under this right is not more than 22.6 ACRE-FEET.

The reservoir is located as follows:

SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 2

NW 1/4 NE 1/4
SECTION 11

TOWNSHIP 32 SOUTH, RANGE 43 EAST, W.M.

ORS 498.351 and ORS 509.605 through 509.625 provides that no person shall construct an artificial obstruction across a waterway in which anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife (ODFW). If the subject pond is in-channel and fish are present, the

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Certificate Number 83128

certificate holder is directed to contact the ODFW Fish Passage Program Coordinator, 3406 Cherry Avenue NE, Salem, OR 97303. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

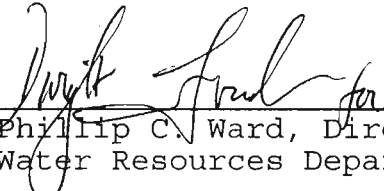
If water is to be diverted from an in-channel pond where fish are present, the certificate holder shall install, maintain and operate fish screening and by-pass devices as required by ORS 498.306 through ORS 498.346 and approved by ODFW. Contact the ODFW Fish Screening Program Coordinator, 3406 Cherry Avenue NE, Salem, OR 97303. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use listed above.

WITNESS the signature of the Water Resources Director, affixed

MAR 30 2007



Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 83128

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