

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

John M. Burnside
Haines, Oregon 97833

confirms the right to use the waters of ROCK CREEK, tributary to the POWDER RIVER for IRRIGATION OF 80.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is May 1, 1889. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.0 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	Ditch
7 S	38 E	WM	35	SE NE	MILLER DITCH (R-19)

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 per acre; and shall be subject to all other conditions and limitations contained in said decree.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	26	SE SE	40.0
7 S	38 E	WM	35	NE NE	40.0

This certificate describes that portion of the water right confirmed by Certificate 4044, State Record of Water Right Certificates, NOT modified by the provisions of an order of Administrative Law Judge Weisha Mize, entered September 18, 1996, and recorded in Special Order Volume 50, Page 592, approving partial cancellation and supercedes Certificate 4044.

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.

The right shall be subject to all other conditions and limitations contained in said decree. 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.

WITNESS the signature of the Water Resources Director, affixed April 4, 2007


Phillip C. Ward, Director

This is a final order in other than 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 137-004-080 and OAR 690-01-005 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.