

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DON TOELLE
BUCHANAN ROUTE
BURNS OR 97720

confirms the right to use the waters of COW CREEK AND EAST COW CREEK for IRRIGATION of 216.2 ACRES.

This right was perfected under Permit 46500. The date of priority is FEBRUARY 6, 1980. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.9 CUBIC FEET PER SECOND (CFS), BEING 1.70 CFS FROM COW CREEK AND 1.24 CFS FROM EAST COW CREEK or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1-COW CREEK	22 S	32.5 E	WM	14	SE NW	1950 FEET SOUTH & 2080 FEET EAST FROM NW CORNER, SECTION 14
2-EAST COW CREEK	22 S	32.5 E	WM	25	NW SW	1780 FEET NORTH & 1190 FEET EAST FROM SW CORNER, SECTION 25

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 acre-feet per acre for each acre irrigated during the irrigation season of each year. 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.

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

IRRIGATION - DIVERSION 1							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
22 S	32.5 E	WM	23	SW SE			16.0
22 S	32.5 E	WM	25	NW SW			1.8
22 S	32.5 E	WM	25	SW SW			2.5
22 S	32.5 E	WM	26	NE NE			28.0
22 S	32.5 E	WM	26	NW NE			23.0

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. 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.

IRRIGATION - DIVERSION 1							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
22 S	32.5 E	WM	26	SW NE			2.0
22 S	32.5 E	WM	26	SE NE			11.0
22 S	32.5 E	WM	26	NE SE			6.3
22 S	32.5 E	WM	26	SE SE			31.6

IRRIGATION - DIVERSION 2							
22 S	32.5 E	WM	25	SE SW			20.0
22 S	32.5 E	WM	25	NE SE			8.0
22 S	32.5 E	WM	25	SW SE			28.0
22 S	32.5 E	WM	25	SE SE			38.0

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be subsequently reduced.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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 Phillip C. Ward, Director
 Water Resources Department