

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DON R. STEPHENS
 RT 1 BOX 20
 HAINES, OR 97833

confirms the right to use the waters of ROCK CREEK, tributary to POWDER RIVER for IRRIGATION of 102.4 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 1893 FOR 64.2 ACRES AND 1891 FOR 38.2 ACRES.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre, if available at the authorized points of diversion, OWENS AND ANDERSON ASHWOOD DITCHES, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	38 E	WM	36	SW NW	ANDERSON MORRIS DITCH-900 FEET NORTH & 920 FEET EAST FROM W1/4 CORNER, SECTION 36
7 S	39 E	WM	31	SW NW	OWENS DITCH-210 FEET NORTH & 890 FEET EAST FROM W1/4 CORNER, SECTION 31

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

IRRIGATION – ANDERSON MORRIS DITCH						
Twp	Rng	Mer	Sec	Q-Q	Priority Date	Acres
7 S	38 E	WM	36	SE SE	1891	23.2

IRRIGATION – OWENS DITCH						
Twp	Rng	Mer	Sec	Q-Q	Priority Date	Acres
8 S	39 E	WM	6	SE NE	1891	15.0
8 S	39 E	WM	6	SE NE	1893	24.6
8 S	39 E	WM	6	NE SE	1893	39.6

NOTICE OF RIGHT TO 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.

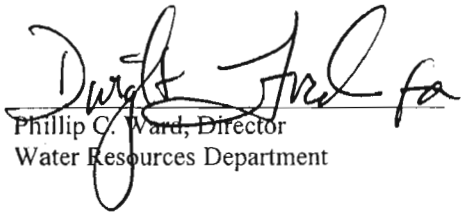
The quantity of water diverted at the new points of diversion, together with that diverted at the old diversions, shall not exceed the quantity of water lawfully available at the original points of diversion.

When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in PLACE IN USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered October 14, 1996, at Special Order Volume 50, Page 699, approving Transfer Application 6995, and supercedes Certificate 4140, State Record of Water Right Certificates.

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 and is subject to all other conditions and limitations contained in said decree.

Issued OCT 03 2008.


Phillip C. Ward, Director
Water Resources Department