

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TIMOTHY E & JANICE M HEATER
RT 1 BOX 113
RICHLAND OR 97870

confirms the right to store water perfected under the terms of Permit R-11852. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-80961

SOURCE: THREE UNNAMED SPRINGS, SIX UNNAMED SEEPS AND RUN-OFFS, tributaries of LAWRENCE CREEK

STORAGE FACILITY: RESERVOIRS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10

PURPOSE or USE: LIVESTOCK WATERING

MAXIMUM STORAGE VOLUME: 0.715 ACRE FOOT (AF) TOTAL, BEING 0.002 AF IN RESERVOIR 1, 0.11 AF IN RESERVOIR 2, 0.01 AF IN RESERVOIR 3, 0.01 AF IN RESERVOIR 4, 0.02 AF IN RESERVOIR 5, 0.003 AF IN RESERVOIR 6, 0.06 AF IN RESERVOIR 7, 0.07 AF IN RESERVOIR 8, 0.21 AF IN RESERVOIR 9, AND 0.22 AF IN RESERVOIR 10

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: YEAR ROUND FOR RESERVOIRS 1, 4, 5, 6, 7, 8, 9, AND 10; MAY 1 THROUGH DECEMBER 31 FOR RESERVOIR 2; APRIL 1 THROUGH DECEMBER 31 FOR RESERVOIR 3

DATE OF PRIORITY: NOVEMBER 27, 1995

DAMS ARE LOCATED AS FOLLOWS:

POND	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7	10 S	43 E	WM	3	SW NE	1570 FEET SOUTH & 720 FEET EAST FROM N1/4 CORNER, SECTION 3
10	10 S	43 E	WM	3	SE NW	1000 FEET NORTH & 2220 EAST FROM W1/4 CORNER, SECTION 3
5	10 S	43 E	WM	3	SE SW	30 FEET NORTH & 400 FEET WEST FROM S1/4 CORNER, SECTION 3

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.

POND	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8	10 S	43 E	WM	4	NW NE	1260 FEET EAST FROM N1/4 CORNER, SECTION 4
9	10 S	43 E	WM	4	NE NW	1220 FEET SOUTH & 200 FEET WEST FROM N1/4 CORNER, SECTION 4
6	10 S	43 E	WM	10	NW NW	450 FEET SOUTH & 1100 FEET EAST FROM NW CORNER, SECTION 10
4	10 S	43 E	WM	10	NW SE	2210 FEET NORTH & 670 FEET EAST FROM S1/4 CORNER, SECTION 10
1	10 S	43 E	WM	11	NE NE	790 FEET SOUTH & 910 FEET WEST FROM NE CORNER, SECTION 11
2	10 S	43 E	WM	11	SW NE	510 FEET NORTH & 1410 FEET WEST FROM E1/4 CORNER, SECTION 11
3	10 S	43 E	WM	11	NE SW	1670 FEET NORTH & 1010 FEET WEST FROM S1/4 CORNER, SECTION 11

The areas submerged by these reservoirs are as follows:

Pond	Twp	Rng	Mer	Sec	Q-Q
7	10 S	43 E	WM	3	SW NE
10	10 S	43 E	WM	3	SE NW
5	10 S	43 E	WM	3	SE SW
8	10 S	43 E	WM	4	NW NE
9	10 S	43 E	WM	4	NE NW
6	10 S	43 E	WM	10	NW NW
4	10 S	43 E	WM	10	NW SE
1	10 S	43 E	WM	11	NE NE
2	10 S	43 E	WM	11	SW NE
3	10 S	43 E	WM	11	NE SW

CONDITIONS OF USE

1. Measurement, recording and reporting:

A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order, and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.

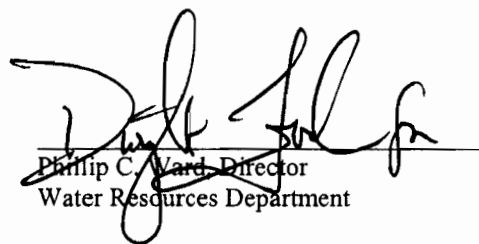
B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used, and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water-use information, the periods of water use, and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

2. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Director to satisfy prior downstream rights.

3. The use of water allowed herein may be made only at times when water from the springs would not otherwise flow into a tributary of the Burnt River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

4. Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.
5. This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
6. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

Issued **DEC 26 2008**



Philip C. Ward, Director
Water Resources Department