

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 use the waters of SEVEN UNNAMED SPRINGS AND BLACK SPRINGS CREEK, tributaries of LAWRENCE CREEK for LIVESTOCK.

This right was perfected under Permit 52399. The date of priority is JANUARY 14, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.027 CUBIC FOOT PER SECOND (CFS), BEING 0.005 CFS EACH FROM SPRINGS 1, 2, 4, AND BLACK SPRING SCREEK; 0.002 CFS FROM SPRINGS 3, 5, AND 6; AND 0.01 CFS FROM SPRING 7, measured at the point of diversion.

Period of use is year round for springs 3, 4, 5, 6, and 7; September 1 through June 30 for springs 1 and 2, and Black Springs Creek.

The points of diversion are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7	10 S	43 E	WM	3	SE SW	730 FEET NORTH & 360 FEET WEST FROM S1/4 CORNER, SECTION 3
6	10 S	43 E	WM	10	NE SW	1800 FEET NORTH & 400 FEET WEST FROM S1/4 CORNER, SECTION 10
5	10 S	43 E	WM	10	NW SE	2080 FEET NORTH & 690 FEET EAST FROM S1/4 CORNER, SECTION 10
3	10 S	43 E	WM	11	NW NE	370 FEET SOUTH & 930 FEET EAST FROM N1/4 CORNER, SECTION 11
4	10 S	43 E	WM	11	NE SW	1580 FEET NORTH & 870 FEET WEST FROM S1/4 CORNER, SECTION 11
8	10 S	43 E	WM	11	SE SE	1240 FEET NORTH & 770 FEET WEST FROM SE CORNER, SECTION 11
1	10 S	43 E	WM	12	NW NE	1130 FEET SOUTH & 270 FEET EAST FROM N1/4 CORNER, SECTION 12
2	10 S	43 E	WM	12	NW NW	200 FEET SOUTH & 250 FEET EAST FROM NW CORNER, SECTION 12

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.

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

Twp	Rng	Mer	Sec	Q-Q
10 S	43 E	WM	3	SE SW
10 S	43 E	WM	10	NE SW
10 S	43 E	WM	10	NW SE
10 S	43 E	WM	11	NW NE
10 S	43 E	WM	11	NE SW
10 S	43 E	WM	11	SE SE
10 S	43 E	WM	12	NW NE
10 S	43 E	WM	12	NW NW

Measurement, recording and reporting conditions:

- 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.

The water user may be required in the future to install, maintain and operate fish screening to prevent fish from entering the diversion.

The use of water allowed in July and August may be made only at times when water from Springs 3, 4, 5, 6, and 7 do not flow into a tributary of Powder River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

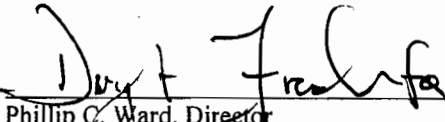
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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.

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.

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.

Issued DEC 26 2008


Phillip C. Ward, Director
Water Resources Department