

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DUNCAN S MACKENZIE AND ELIZABETH HARRELL-MACKENZIE
19265 CHANDLER LANE
BAKER CITY OR 97814

confirms the right to use the waters of ELEVEN UNNAMED STREAMS, TRIBUTARIES OF RUCKLES CREEK AND ALDER CREEK for LIVESTOCK.

This right was perfected under Permit 52957. The date of priority is MAY 6, 1992. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.022 CUBIC FEET PER SECOND (CFS), BEING 0.002 CFS FROM EACH DIVERSION, measured at the point of diversion.

Period of use is October 1 through June 30 for diversions 1 through 4, and 7 through 10, and 13; and October 1 through May 31 for diversions 11 and 12.

The points of diversion are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2	9 S	41 E	WM	26	NE NE	360 FEET SOUTH & 560 FEET WEST FROM NE CORNER, SECTION 26
1	9 S	41 E	WM	26	NW NE	140 FEET SOUTH & 1050 FEET EAST FROM N1/4 CORNER, SECTION 26
7	10 S	41 E	WM	1	SE NE	640 FEET NORTH & 200 FEET WEST FROM E1/4 CORNER, SECTION 1
10	10 S	42 E	WM	5	NW SW	1440 FEET NORTH & 930 FEET EAST FROM SW CORNER, SECTION 5
3	10 S	42 E	WM	6	SW NE	2055 FEET SOUTH & 495 FEET EAST FROM N1/4 CORNER, SECTION 6
4	10 S	42 E	WM	6	SW NE	2005 FEET SOUTH & 520 FEET EAST FROM N1/4 CORNER, SECTION 6
8	10 S	42 E	WM	6	NE NW	2005 FEET SOUTH & 495 FEET EAST FROM N1/4 CORNER, SECTION 6
9	10 S	42 E	WM	6	SW SW	420 FEET NORTH & 350 FEET EAST FROM SW CORNER, SECTION 6

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.

POD	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
11	10 S	42 E	WM	7	SW NE	1925 FEET SOUTH & 410 FEET EAST FROM N1/4 CORNER, SECTION 7
12	10 S	42 E	WM	8	SW NE	2410 FEET SOUTH & 630 FEET WEST FROM N1/4 CORNER, SECTION 8
13	10 S	42 E	WM	9	NW NW	710 FEET SOUTH & 830 FEET WEST FROM NW CORNER, SECTION 9

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

Twp	Rng	Mer	Sec	Q-Q
9 S	41 E	WM	26	NE NE
9 S	41 E	WM	26	NW NE
10 S	41 E	WM	1	SE NE
10 S	42 E	WM	5	NW SW
10 S	42 E	WM	6	SW NE
10 S	42 E	WM	6	SW SW
10 S	42 E	WM	7	SW NE
10 S	42 E	WM	8	SW NE
10 S	42 E	WM	7	SW NE
10 S	42 E	WM	9	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 and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

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.

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Phillip C. Ward, Director
Water Resources Department