

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TOMMY L DUNCAN AND RICHARD CAMP
PO BOX 37
HAINES OR 97833

confirms the right to use the waters of BIG MUDDY CREEK, a tributary of Powder River, with any deficiency in the supply from Big Muddy Creek to be made up by appropriation from Kilmerque Creek, provided the total quantity shall not exceed 0.333 CFS, for PRIMARY AND SUPPLEMENTAL IRRIGATION of 13.3 ACRES.

This right was perfected under Permit 48341. The date of priority is OCTOBER 14, 1983. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.333 CUBIC FOOT PER SECOND (CFS) or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion (POD) are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
BIG MUDDY CREEK	7 S	38 E	WM	28	SW NW	1580 FEET SOUTH & 570 FEET EAST FROM NW CORNER, SECTION 28
KILMERQUE CREEK	8 S	38 E	WM	7	NW NE	1310 FEET SOUTH & 2760 FEET WEST FROM NE CORNER, SECTION 7

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

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

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	21	SW SE	1.0
7 S	38 E	WM	28	NW NE	5.3
7 S	38 E	WM	28	NE NW	7.0

This right is for the beneficial use of water.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

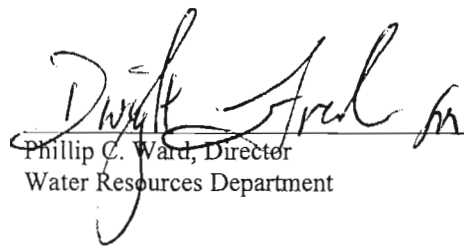
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review 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.

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 right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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 OCT 09 2009


Phillip C. Ward, Director
Water Resources Department