

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRELL LAND AND LIVESTOCK, LTD
42590 SALMON CREEK ROAD
BAKER CITY OR 97814

confirms the right to use the waters of SALMON CREEK AND HARRELL SALMON CREEK RESERVOIR
CONSTRUCTED UNDER PERMIT R-8346, tributaries of POWDER RIVER, for IRRIGATION of 40.25 ACRES, and
SUPPLEMENTAL IRRIGATION of 13.2 ACRES.

This right was perfected under Permit 51732. The date of priority is AUGUST 14, 1989. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.01 CUBIC FEET PER SECOND FROM SALMON CREEK FOR PRIMARY IRRIGATION AND 46.2 ACRE FEET STORED WATER ONLY FOR SUPPLEMENTAL IRRIGATION, or its equivalent in case of rotation, measured at the points of diversion.

The period of allowed use is when necessary for beneficial use in conjunction with the irrigation of the respective lands excepting the use of live flow during the period July 1 through September 30.

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

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
RESERVOIR	9 S	39 E	WM	8	NW NE	780 FEET SOUTH & 2000 FEET WEST FROM NE CORNER, SECTION 8
SALMON CREEK	9 S	39 E	WM	8	SE NW	140 FEET NORTH & 1220 FEET WEST FROM C1/4 CORNER, SECTION 8

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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	39 E	WM	4	NE SW	6.50

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.

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	39 E	WM	4	SW SW	4.50
9 S	39 E	WM	4	SE SW	20.55
9 S	39 E	WM	9	NW NW	8.70

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	39 E	WM	4	SW SW	4.50
9 S	39 E	WM	9	NW NW	8.70

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. 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.

In the event of a request for a change in the point of diversion, an additional point of diversion, or alternation of the diversion facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Diversion screening or fish passage facilities shall be maintained and operated to Oregon Department of Fish and Wildlife specifications.

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.

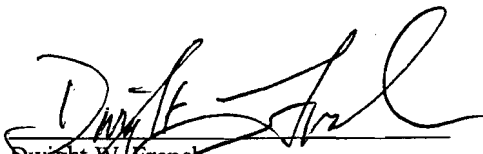
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 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 APR 01 2011



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department

