

STATE OF OREGON
 COUNTY OF MALHEUR
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS WERNER
 463 S MOON BEAM WAY
 EAGLE ID 83616

confirms the right to store water perfected under the terms of Permit R-14826. 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-87481

SOURCE: NORTH ALKALI CREEK; TRIBUTARY OF SNAKE RIVER

STORAGE FACILITY: ALKALI CREEK WETLANDS POND 1

MAXIMUM STORAGE VOLUME: 7.4 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JUNE 26, 2009

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

| | Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|--------------------|------|------|-----|-----|-------|---|
| Pond 1 Outlet | 22 S | 46 E | WM | 14 | SE NW | 2620 FEET SOUTH AND 2625 FEET WEST FROM NE CORNER, SECTION 14 |
| Point of Diversion | 22 S | 46 E | WM | 14 | NE SW | 3870 FEET SOUTH AND 2815 FEET WEST FROM NE CORNER, SECTION 14 |

The Area Submerged:

| Twp | Rng | Mer | Sec | Q-Q |
|------|------|-----|-----|-------|
| 22 S | 46 E | WM | 14 | SW NE |
| 22 S | 46 E | WM | 14 | SE NW |
| 22 S | 46 E | WM | 14 | NE SW |
| 22 S | 46 E | WM | 14 | NW SE |

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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

CONDITIONS OF USE

Measurement, recording and reporting conditions:

- A. The water user shall maintain the United States Geological Survey style porcelain enamel iron staff gage style A, C, E, or I. 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.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The water user shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

Notwithstanding that ODFW determined that fish screens and/or by-pass devices were not necessary at the time of permit issuance, the user may be required in the future to install, maintain, and operate fish-screening and by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

This right allows an annual appropriation (not to exceed the specified volume). This right does not provide for the appropriation of water for any out-of-reservoir uses, the maintenance of the water level, or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

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.

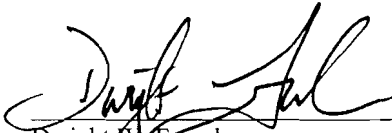
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

The use may be restricted if the quality of the source stream decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

Issued DEC 13 2012


Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department