

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FOSTER RANCH  
18826 ELK CREEK LANE  
BAKER CITY, OR 97814

confirms the right to store water perfected under the terms of Permit R-11864. 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-71442

SOURCE: ELK CREEK, A TRIBUTARY OF THE POWDER RIVER

STORAGE FACILITY: RESERVOIR 2, RESERVOIR 3, RESERVOIR 4, AND RESERVOIR 5

PURPOSE OR USE: TO BE APPROPRIATED UNDER APPLICATION S-71443, PERMIT S-52438, FOR IRRIGATION AND STOCK WATER

MAXIMUM VOLUME ALLOWED: 29.5 ACRE-FEET (AF) EACH YEAR, BEING 1.26 AF IN RESERVOIR 2, 2.1 AF IN RESERVOIR 3, 24.7 AF IN RESERVOIR 4, AND 1.44 AF IN RESERVOIR 5.

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE YEAR-ROUND

DATE OF PRIORITY: MARCH 27, 1991

DAM LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Reservoir
10 S	40 E	WM	6	NW NE	RESERVOIR 5
10 S	40 E	WM	6	NE SW	RESERVOIR 3
10 S	40 E	WM	6	NW SW	RESERVOIR 4
10 S	40 E	WM	6	NE SE	RESERVOIR 2

The area submerged by the reservoirs are as follows:

Twp	Rng	Mer	Sec	Q-Q
10 S	40 E	WM	6	NW NE
10 S	40 E	WM	6	SW NW
10 S	40 E	WM	6	NE SW
10 S	40 E	WM	6	NW SW
10 S	40 E	WM	6	NE 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.

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.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

When in the judgment of the Watermaster it becomes necessary to regulate waters of the stream system, storage of water in the reservoir shall be subject to the installation of suitable devices for measuring all incoming natural flows and outflows from the reservoir or passing all incoming natural flows. The types and plans for such devices shall be approved by the Watermaster and shall be installed under the general supervision of said Watermaster.

The right is limited to any deficiency in the available supply of any prior right existing for the same land.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times. Routine maintenance of the embankment and spillway shall be performed as necessary to remove trees, brush, debris and /or burrowing animals, or to repair areas of erosion.

Neither shall the existing structure, nor the asbuilt drawing, be altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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.

**MAR 20 2015**

Issued \_\_\_\_\_.



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department