

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This is to certify, That

W. AND E. MILLER RANCHES, INC. AND/OR EARL F. AND WARREN E. MILLER

of Kimberly, State of Oregon 97223, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Fork John Day River

a tributary of John Day River for the purpose of irrigation of 8.66 acres

under Permit No. 29230 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from November 6, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.215 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 NE 1/4, Section 8, T9S, R27E, WM; 2300 feet South and 3820 feet West from the NE Corner, SW 1/4 SW 1/4, Section 4.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 cfs at USGS Gage No. 14-0465 and more than 20 cfs at USGS Gage No. 14-0480.

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

4.26 acres NW 1/4 NE 1/4
4.4 acres NE 1/4 NW 1/4
Section 8
Township 9 South, Range 27 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 35945, Volume 27, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on November 19, 1985.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. December 13, 1985

/s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48, page 53609