

This is a final 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.

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN M. PEILA JR.
PO BOX 697
BURNS, OREGON 97720

confirms the right to use the waters of RATTLE SNAKE CREEK; COUCH, WILSON, RANDALL, AND BONEYARD SPRINGS; 10 UNNAMED STREAMS; AND 5 UNNAMED SPRINGS, tributaries of WILSON CREEK, for IRRIGATION OF 498.0 ACRES, DOMESTIC USE FOR TWO HOUSEHOLDS INCLUDING IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN FOR EACH, AND STOCK.

This right was perfected under Permit 47163. The date of priority is AUGUST 23, 1979. This right is limited to 8.4 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source. BEING 1.55 CUBIC FEET PER SECOND (CFS) OF WATER FROM UNNAMED STREAM 1, 2.2 CFS FROM UNNAMED STREAM 2, 1.15 CFS FROM UNNAMED STREAM 3, BEING 0.85 CFS EACH FROM UNNAMED STREAM 4 AND RATTLESNAKE CREEK, 0.87 CFS FROM BONEYARD SPRINGS, AND BEING 0.83 CFS FROM UNNAMED STREAM 6 FOR IRRIGATION; BEING 0.01 CFS EACH FROM UNNAMED SPRINGS 4 AND 5 FOR DOMESTIC USE FOR TWO HOUSEHOLDS INCLUDING IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN EACH; AND BEING 0.005 CFS EACH FROM RATTLESNAKE CREEK, COUCH SPRINGS, BONEYARD SPRINGS, RANDELL SPRINGS, UNNAMED STREAMS 1, 3, 5, 7, 8, 9, AND 10, AND UNNAMED SPRINGS 1, 2, 3, 4, AND 5 FOR STOCK USE.

The points of diversion are located as follows:

DIVERSION 1 (UNNAMED STREAM 4): NE 1/4 NW 1/4, SECTION 33, T 25 S, R 24 E, W.M.; 1100 FEET SOUTH AND 2600 FEET EAST FROM THE NW CORNER, SECTION 33.

DIVERSION 2 (UNNAMED SPRING 5): SE 1/4 SE 1/4, SECTION 20, T 26 S, R 24 E, W.M.; 1280 FEET NORTH AND 500 FEET WEST FROM THE SE CORNER, SECTION 20.

DIVERSION 3 (UNNAMED STREAM 1): NW 1/4 NW 1/4, SECTION 20, T 25 S, R 24 E, W.M.; 125 FEET SOUTH AND 125 FEET EAST FROM THE NW CORNER, SECTION 20.

DIVERSION 4 (UNNAMED SPRING 1): SW 1/4 NE 1/4, SECTION 20, T 25 S, R 24 E, W.M.; 1350 FEET SOUTH AND 2600 FEET WEST FROM THE NE CORNER, SECTION 20.

DIVERSION 5 (UNNAMED STREAM 2): NW 1/4 NE 1/4, SECTION 20, T 25 S, R 24 E, W.M.; 2100 FEET NORTH AND 1750 FEET WEST FROM THE SE CORNER, SECTION 20.

DIVERSION 6 (UNNAMED STREAM 7): NE 1/4 SW 1/4, SECTION 29, T 25 S, R 24 E, W.M.; 1950 FEET NORTH AND 1450 FEET EAST FROM THE SW CORNER, SECTION 29,

DIVERSION 7 (UNNAMED SPRING 2): SE 1/4 NE 1/4, SECTION 30, T 25 S, R 24 E, W.M.; 1900 FEET SOUTH AND 200 FEET WEST FROM THE NE CORNER, SECTION 30.

DIVERSION 8 (UNNAMED SPRING 3): NE 1/4 NW 1/4, SECTION 31, T 25 S, R 24 E, W.M.; 250 FEET SOUTH AND 1650 FEET EAST FROM THE SW CORNER, SECTION 31.

DIVERSION 9 (UNNAMED STREAM 3): SW 1/4 SW 1/4, SECTION 28, T 25 S, R 24 E, W.M.; 450 NORTH AND 600 FEET EAST FROM THE SW CORNER, SECTION 28.

DIVERSION 10 (COUCH SPRING): NE 1/4 NE 1/4, SECTION 32, T 25 S, RANGE 24 EAST, W.M.; 1000 FEET SOUTH AND 1200 FEET WEST FROM THE NE CORNER, SECTION 32.

DIVERSION 11 (UNNAMED STREAM 8): SW 1/4 NW 1/4, SECTION 33, T 25 S, R 24 E, W.M.; 1650 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER, SECTION 33.

DIVERSION 12 (UNNAMED SPRING 4): SE 1/4 NW 1/4, SECTION 4, T 26 S, R 24 E, W.M.; 1820 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER, SECTION 4.

DIVERSION 13 (RATTLESNAKE CREEK): SW 1/4 SW 1/4, SECTION 5, T 26 S, R 24 E, W.M.; 150 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER, SECTION 5.

DIVERSION 14 (UNNAMED STREAM 9): SE 1/4 NW 1/4, SECTION 9, T 26 S, R 24 E, W.M.; 1330 FEET SOUTH AND 1900 FEET EAST FROM THE NW CORNER, SECTION 9.

DIVERSION 15 (UNNAMED STREAM 10): SE 1/4 NW 1/4, SECTION 9, T 26 S, R 24 E, W.M.; 1900 FEET SOUTH AND 1900 FEET EAST FROM THE NW CORNER, SECTION 9.

DIVERSION 16 (UNNAMED STREAM 5): SE 1/4 NE 1/4, SECTION 9, T 26 S, R 24 E, W.M.; 1360 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER, SECTION 9.

DIVERSION 17 (BONEYARD SPRINGS): NE 1/4 SE 1/4, SECTION 16, T 26 S, R 24 E, W.M.; 2260 FEET NORTH AND 380 FEET WEST FROM THE SE CORNER, SECTION 16.

DIVERSION 18 (RANDALL SPRINGS): NE 1/4 NE 1/4, SECTION 17, T 26 S, R 24 E, W.M.; 430 FEET SOUTH AND 900 FEET WEST FROM THE NE CORNER, SECTION 17.

DIVERSION 19 (UNNAMED STREAM 6): SE 1/4 SE 1/4, SECTION 20, T 26 S, R 24 E, W.M.; 1280 FEET NORTH AND 300 FEET WEST FROM THE SE CORNER, SECTION 20.

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-SIXTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet 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:

NE 1/4 NE 1/4	18.0 ACRES
NW 1/4 NE 1/4	8.0 ACRES
SW 1/4 NE 1/4	10.0 ACRES AND STOCK
SE 1/4 NE 1/4	16.0 ACRES
NW 1/4 NW 1/4	STOCK USE
NE 1/4 SE 1/4	17.0 ACRES
NW 1/4 SE 1/4	6.0 ACRES

SECTION 20

SW 1/4 NE 1/4	32.0 ACRES
NE 1/4 NW 1/4	2.0 ACRES
NW 1/4 NW 1/4	16.0 ACRES
SW 1/4 NW 1/4	10.0 ACRES
SE 1/4 NW 1/4	13.0 ACRES
NE 1/4 SW 1/4	18.0 ACRES
NW 1/4 SW 1/4	19.0 ACRES
NW 1/4 SE 1/4	32.0 ACRES
SW 1/4 SE 1/4	8.0 ACRES

SECTION 21

SW 1/4 NE 1/4	12.0 ACRES
SE 1/4 NE 1/4	8.0 ACRES

NE 1/4 SW 1/4 19.0 ACRES
 SW 1/4 SW 1/4 10.0 ACRES
 SE 1/4 SW 1/4 8.0 ACRES
 NW 1/4 SE 1/4 12.0 ACRES

SECTION 28

NE 1/4 SW 1/4 STOCK USE
 SECTION 29

SE 1/4 NE 1/4 STOCK USE
 SECTION 30

NE 1/4 NW 1/4 STOCK USE
 NW 1/4 SE 1/4 STOCK USE
 SECTION 31

NE 1/4 NE 1/4 STOCK USE
 SECTION 32

NE 1/4 NE 1/4 34.0 ACRES
 NW 1/4 NE 1/4 17.0 ACRES
 SW 1/4 NE 1/4 16.0 ACRES
 SE 1/4 NE 1/4 6.0 ACRES
 SW 1/4 NW 1/4 STOCK USE
 NW 1/4 SE 1/4 19.0 ACRES
 SW 1/4 SE 1/4 10.0 ACRES

SECTION 33

TOWNSHIP 25 SOUTH, RANGE 24 EAST, W.M.

NW 1/4 NE 1/4 DOMESTIC USE FOR ONE HOUSEHOLD
 INCLUDING IRRIGATION OF NOT
 TO EXCEED ONE-HALF ACRE LAWN
 AND NONCOMMERCIAL GARDEN

SE 1/4 NW 1/4 STOCK USE
 SECTION 4

SW 1/4 SW 1/4 STOCK USE
 SECTION 5

SE 1/4 NE 1/4 STOCK USE
 SE 1/4 NW 1/4 STOCK USE
 SECTION 9

SW 1/4 NE 1/4 13.0 ACRES
 SE 1/4 NE 1/4 2.5 ACRES
 SW 1/4 NW 1/4 3.0 ACRES
 SE 1/4 NW 1/4 11.0 ACRES
 NE 1/4 SW 1/4 5.0 ACRES
 NW 1/4 SW 1/4 12.0 ACRES

SECTION 15

NE 1/4 SE 1/4 6.0 ACRES
 NE 1/4 SE 1/4 STOCK USE
 SECTION 16

NE 1/4 NE 1/4 STOCK USE
SECTION 17

SE 1/4 SE 1/4 DOMESTIC USE FOR ONE HOUSEHOLD
INCLUDING IRRIGATION OF NOT TO
EXCEED ONE-HALF ACRE LAWN
AND NONCOMMERCIAL GARDEN
AND STOCK USE

SECTION 20

NE 1/4 NE 1/4 4.5 ACRES
SECTION 21

NE 1/4 NW 1/4 3.0 ACRES
NW 1/4 NW 1/4 21.0 ACRES
SW 1/4 NW 1/4 5.0 ACRES
SE 1/4 NW 1/4 16.0 ACRES

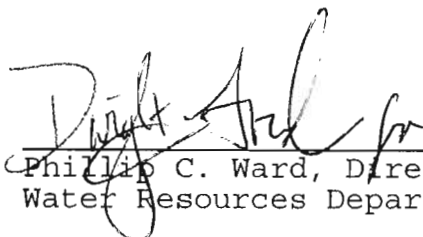
SECTION 22

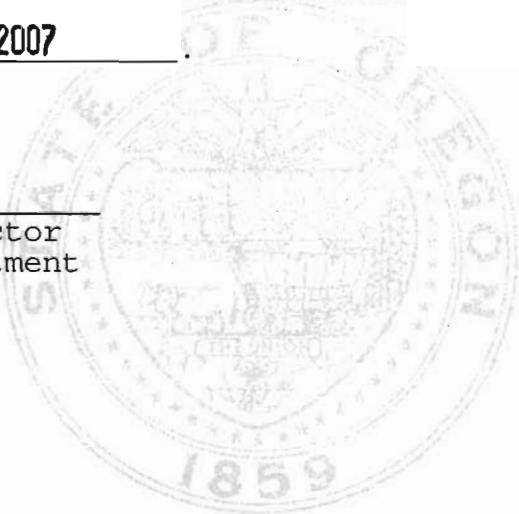
TOWNSHIP 26 SOUTH, RANGE 24 EAST, W.M.

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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

JAN 19 2007


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates numbered 82051.

S-58163.RMS/JWG