

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.

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

D. R. JOHNSON LUMBER COMPANY
P. O. BOX 66
RIDDLE, OREGON 97469

confirms the right to use the waters of HORSE SHOE CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 75.8 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1880.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.9 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION (I.M. CHAPMAN DITCH): NE 1/4 NW 1/4, SECTION 36, T 9 S, R 23 E, W.M.; 320 FEET SOUTH AND 430 FEET WEST FROM THE N 1/4 CORNER, SECTION 36).

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

I.M. CHAPMAN DITCH (ORIGINAL POD): NE 1/4 NW 1/4, SECTION 36, T 9 S, R 23 E, W.M.; 320 FEET SOUTH AND 430 FEET WEST FROM THE N 1/4 CORNER, SECTION 36.

HORSE SHOE CREEK (ADDITIONAL POD): NE 1/4 NW 1/4, SECTION 36, T 9 S, R 23 E, W.M.; 1141 FEET SOUTH AND 519 FEET WEST FROM N 1/4 CORNER, SECTION 36.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to 1.0 acre-foot per calendar month to June 1 and 4.0 acre-feet per acre during the irrigation season April 1 to September 30, measured at the point of diversion.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 SW 1/4	6.2 ACRES
SW 1/4 SE 1/4	3.2 ACRES
SECTION 24	

NE 1/4 NW 1/4	16.3 ACRES
SW 1/4 NW 1/4	3.0 ACRES
SE 1/4 NW 1/4	22.2 ACRES
NE 1/4 SW 1/4	15.7 ACRES
NW 1/4 SW 1/4	0.9 ACRE
SE 1/4 SW 1/4	8.3 ACRES

SECTION 25

TOWNSHIP 9 SOUTH, RANGE 23 EAST, W.M.

The quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water at the old point of diversion under the subject right.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the wateruser is entitled;

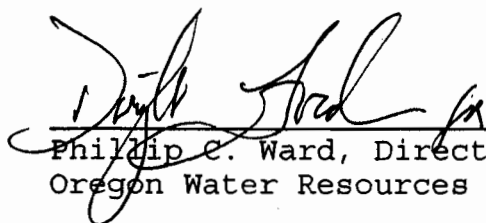
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered on NOVEMBER 23, 1977, approving Transfer Application 3694, and supersedes Certificate 25666, State Record of Water Right Certificates.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

SEP 22 2006


Phillip C. Ward, Director
Oregon Water Resources Department



Recorded in State Record of Water Right Certificates Number 82343

T-3694.JWG