

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 GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD D. NELSON & VICKI C. NELSON, TRUSTEES
HC 84, BOX 715
CANYON CITY, OREGON 97820

confirms the right to use the waters of FLAT CREEK AND SOUTH FORK JOHN DAY RIVER, tributaries of the JOHN DAY RIVER, for PRIMARY IRRIGATION OF 67.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 25.4 ACRES.

This right was perfected under Permit 51443. The date of priority is JUNE 26, 1987. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.31 CUBIC FOOT PER SECOND (CFS), BEING 0.71 CFS FROM POINT OF DIVERSION (POD) #1 FOR IRRIGATION OF 28.4 ACRES; 0.69 CFS FROM POD #2 FOR IRRIGATION OF 2.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 24.9 ACRES; 0.04 CFS FROM POD #3 FOR IRRIGATION OF 1.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 0.5 ACRE; 0.29 CFS FROM POD #4 FOR IRRIGATION OF 11.6 ACRES, 0.58 CFS FROM POD #5 FOR IRRIGATION OF 23.1 ACRES, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

POD #1 (SOUTH FORK JOHN DAY RIVER): SW 1/4 SE 1/4, SECTION 10, T 18 S, R 28 E, W.M.; 535 FEET NORTH AND 1580 FEET WEST FROM THE SOUTHEAST CORNER, SECTION 10

POD #2 (SOUTH FORK JOHN DAY RIVER): SE 1/4 NW 1/4, SECTION 10, T 18 S, R 28 E, W.M.; 2300 FEET SOUTH AND 1950 FEET EAST FROM THE NORTHWEST CORNER, SECTION 10

POD #3 (FLAT CREEK): NE 1/4 NW 1/4, SECTION 10, T 18 S, R 28 E, W.M.; 410 FEET SOUTH AND 1760 FEET EAST FROM THE NORTHWEST CORNER, SECTION 10

POD # 4 (FLAT CREEK): NE 1/4 SW 1/4, SECTION 9, T 18 S, R 28 E, W.M.; 1750 FEET NORTH AND 2320 FEET EAST FROM THE SOUTHWEST CORNER, SECTION 9;

POD # 5 (FLAT CREEK): SE 1/4 SW 1/4, SECTION 8, T 18 S, R 28 E, W.M.; 630 FEET NORTH AND 1385 FEET EAST FROM THE SOUTHWEST CORNER, SECTION 8

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 of one cubic foot per second per acre irrigated(or its equivalent) and shall be further limited to a diversion of not to exceed 3.75 acre feet for each acre irrigated during the irrigation season of each year.

The use of water is limited to the period of January 1 through June 15 of each year.

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

		<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
POD # 2	NE 1/4 SW 1/4		6.0 ACRES
POD # 2	SE 1/4 SW 1/4	1.2 ACRES	4.4 ACRES
POD # 3	SE 1/4 SW 1/4	0.3 ACRE	
POD # 2	NW 1/4 SE 1/4		1.6 ACRES
SECTION 3			
POD # 5	SE 1/4 SW 1/4	4.7 ACRES	
POD # 5	SW 1/4 SE 1/4	10.1 ACRES	
POD # 5	SE 1/4 SE 1/4	7.9 ACRES	
SECTION 8			
POD # 4	NE 1/4 NE 1/4	1.2 ACRES	
POD # 4	SW 1/4 NE 1/4	2.0 ACRES	
POD # 4	SE 1/4 NE 1/4	3.1 ACRES	
POD # 4	NW 1/4 SE 1/4	5.0 ACRES	
POD # 5	SW 1/4 SW 1/4	0.4 ACRE	
SECTION 9			
POD # 2	NE 1/4 NW 1/4	1.6 ACRES	8.5 ACRES
POD # 3	NE 1/4 NW 1/4	1.0 ACRE	0.5 ACRE
POD # 4	SW 1/4 NW 1/4	0.3 ACRE	
POD # 1	SE 1/4 NW 1/4	8.8 ACRES	
POD # 2	SE 1/4 NW 1/4		4.4 ACRES

		<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
POD # 1	NE 1/4 SW 1/4	3.0 ACRES	
POD # 1	SW 1/4 NE 1/4	0.7 ACRE	
POD # 1	NW 1/4 SE 1/4	12.6 ACRES	
POD # 1	SW 1/4 SE 1/4	3.3 ACRES	

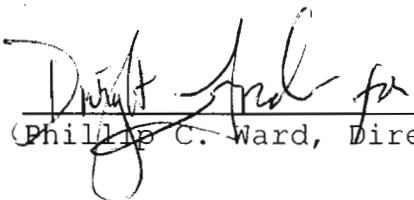
SECTION 10

TOWNSHIP 18 SOUTH, RANGE 28 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

DEC 15 2006


 Phillip C. Ward, Director



Recorded in State Record of Water Right Certificates Number 82353.

S-69151.JWG