

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 WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PHILIP S. WILSON AND DOUGLAS E. WILSON
PO BOX 274
FOSSIL, OREGON 97830

confirms the right to use the waters of BUTTE CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 26.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.9 ACRES.

This right was perfected under Permit 42710. The date of priority is MARCH 14, 1977. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.56 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NW 1/4, SECTION 25, T 6 S, R 20 E, W.M.; 2270 FEET SOUTH AND 2330 FEET EAST FROM THE NW CORNER, SECTION 25.

The use to which this water is to be applied is irrigation and supplemental irrigation. The use allowed herein may be made any time between October 1 and March 31 when water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season.

S-55476.JWG

Certificate Number 82764

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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the period from April 1 to September 30, and shall be further limited to a diversion of not to exceed 1.5 acre feet per acre for each acre irrigated during the period from October 1 to March 31, provided further the right allowed herein, together with the amount secured under any other right existing for the same land, shall not exceed 5.0 acre feet for each acre irrigated in any one year. The use of water during the period from October 1 to March 31, as authorized herein, shall not establish priority of right as against future appropriations of surface water for beneficial uses or for storage for such beneficial uses, other than similar rights for irrigation from October 1 to March 31. Sufficient flow shall be left in Butte Creek to provide stockwater and domestic water throughout its course during the period of use authorized herein.

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

PRIMARY IRRIGATION (YEAR AROUND USE)

NE 1/4 NW 1/4	6.1 ACRES
NW 1/4 NW 1/4	6.2 ACRES
SW 1/4 NW 1/4	1.2 ACRES
SE 1/4 NW 1/4	12.8 ACRES
NE 1/4 SW 1/4	0.2 ACRE
NW 1/4 SE 1/4	0.1 ACRE

SUPPLEMENTAL IRRIGATION (OCTOBER 1 TO MARCH 31)

SE 1/4 NW 1/4	11.1 ACRES
SW 1/4 NE 1/4	2.8 ACRES

SECTION 25

TOWNSHIP 6 SOUTH, RANGE 20 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 01 2006**


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 82764.

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