

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

THOMAS ORCHARDS, INCORPORATED
PO BOX 496
KIMBERLY, OREGON 97848

JACK CAVENDER
PO BOX 407
MONUMENT, OREGON 97864

GORDON SMITH
1950 NE THIRD STREET
BEND, OREGON 97701

confirms the right to use the waters of PINE HOLLOW CREEK AND STORAGE FROM A RESERVOIR CONSTRUCTED UNDER PERMIT R-8654, tributaries of the NORTH FORK JOHN DAY RIVER, for IRRIGATION OF 13.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 218.2 ACRES.

This right was perfected under **Permit 47562**. The date of priority is APRIL 11, 1983. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 CUBIC FOOT PER SECOND FROM PINE HOLLOW CREEK, with any deficiency to be made up by diversion from storage and 175.0 ACRE-FEET STORED WATER ONLY for supplemental irrigation and any deficiency in the available supply for lands listed as primary, or its equivalent in case of rotation, measured at the points of diversion from the sources.

65014.LHN

Certificate Number 83576

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

POD 8 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 36, T 8 S, R 27 E, WM; 230 FEET NORTH AND 1770 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 36.

POD 9 - LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 2, T 9 S, R 27 E, W.M.; 300 FEET SOUTH AND 220 FEET EAST FROM THE SW CORNER, SECTION 31, T 8 S, R 28 E, WM.

The points of re-diversion are located as follows:

POD 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 19, T 9 S, R 26 E, WM; 1100 FEET NORTH AND 580 FEET WEST FROM THE SE CORNER, SECTION 19.

POD 2 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 30, T 9 S, R 26 E, WM; 620 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER, SECTION 30.

POD 2A - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 30, T 9 S, R 26 E, WM; 680 FEET SOUTH AND 830 FEET WEST FROM THE NE CORNER, SECTION 30.

POD 3 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 30, T 9 S, R 26 E, WM; 3450 FEET NORTH AND 580 FEET WEST FROM THE SE CORNER, SECTION 30.

POD 4 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 9 S, R 26 E, WM; 1700 FEET NORTH AND 1210 FEET WEST FROM THE SE CORNER, SECTION 30.

POD 7 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 2, T 9 S, R 27 E, WM; 1000 FEET SOUTH AND 20 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 2.

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 irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-8654, provided further the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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

PRIMARY WITH DEFICIENCY FROM STORAGE

SW¹/₄ NW¹/₄ 2.7 ACRES

NW¹/₄ SW¹/₄ 10.8 ACRES

SECTION 1

TOWNSHIP 9 SOUTH, RANGE 27 EAST, W.M.

SUPPLEMENTAL

NE¹/₄ SE¹/₄ 1.0 ACRE

SW¹/₄ SE¹/₄ 0.6 ACRE

SE¹/₄ SE¹/₄ 21.2 ACRES

SECTION 19

SW¹/₄ SW¹/₄ 10.7 ACRES

SECTION 20

NW¹/₄ NW¹/₄ 5.8 ACRES

SW¹/₄ NW¹/₄ 2.4 ACRES

NW¹/₄ SW¹/₄ 0.2 ACRE

SECTION 29

NE¹/₄ NE¹/₄ 22.2 ACRES

SW¹/₄ NE¹/₄ 9.1 ACRES

SE¹/₄ NE¹/₄ 27.0 ACRES

NE¹/₄ SW¹/₄ 0.8 ACRE

NE¹/₄ SE¹/₄ 10.1 ACRES

NW¹/₄ SE¹/₄ 31.8 ACRES

SW¹/₄ SE¹/₄ 6.5 ACRES

SECTION 30

TOWNSHIP 9 SOUTH RANGE 26 EAST W.M.

LOT 3 (NE¹/₄ NW¹/₄) 4.2 ACRES

LOT 4 (NW¹/₄ NW¹/₄) 3.4 ACRES

SW¹/₄ NW¹/₄ 18.0 ACRES

SE¹/₄ NW¹/₄ 6.3 ACRES

NE¹/₄ SW¹/₄ 24.8 ACRES

NW¹/₄ SW¹/₄ 9.2 ACRES

SW¹/₄ SW¹/₄ 0.4 ACRE

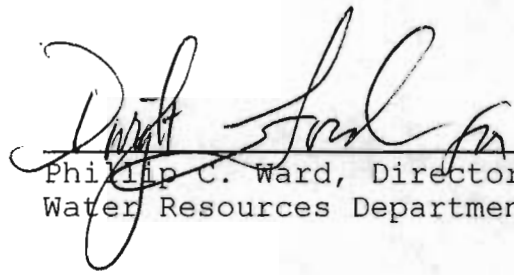
SE¹/₄ SW¹/₄ 2.5 ACRES

SECTION 1

TOWNSHIP 9 SOUTH, RANGE 27 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.

Issued DEC 26 2007.


Philip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83576.

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