

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of PINE CREEK, tributary to JOHN DAY RIVER, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

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 dates of priority are 1870, 1871, 1872, 1874, 1880, and March 1881.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, or its equivalent in case of rotation, and shall not exceed:

Priority Dates	Instream Period					
	April 1 – April 30	May 1 – May 31	June 1 – June 30	July 1 – July 31	Aug 1 – Aug 31	Sept 1 – Sept 30
1870	0.50 CFS	0.71 CFS	0.88 CFS	1.08 CFS	0.91 CFS	0.65 CFS
1871	0.10 CFS	0.15 CFS	0.19 CFS	0.23 CFS	0.19 CFS	0.14 CFS
1872	0.02 CFS	0.02 CFS	0.03 CFS	0.04 CFS	0.03 CFS	0.02 CFS
1874	0.13 CFS	0.18 CFS	0.22 CFS	0.28 CFS	0.22 CFS	0.17 CFS
1880	0.07 CFS	0.09 CFS	0.12 CFS	0.14 CFS	0.12 CFS	0.09 CFS
March 1881	0.07 CFS	0.10 CFS	0.12 CFS	0.15 CFS	0.12 CFS	0.09 CFS
Totals	0.89 CFS	1.25 CFS	1.56 CFS	1.92 CFS	1.59 CFS	1.16 CFS

Within the specified stream reach, protection of the instream flows identified in the table above shall be based on measurement and regulation of flows at River Mile 0.4.

The description of the stream reach is as follows:

From the location of the diversion authorized previously under Certificate 25167, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
8 S	20 E	WM	1	NE NW	4	JOHN F. JORDAN DITCH (RIVER MILE 9.0)

To the mouth of Pine Creek (River Mile 0.0).

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and

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 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.

the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach. A loss factor may be applied in calculating the quantity of water to be protected instream on finding that available data demonstrate that channel losses are occurring and a reduction in water protected instream is necessary to avoid injury to other water rights.

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right to the use of the water for the above purpose is restricted to beneficial use in the place of use described and is subject to all other conditions and limitations contained in Certificates 25167, 25332, 25333, 25334, 25335, 25365, 25462, and 25523, and any related decree.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 78, Page 985, approving Transfer T-9862, and supersedes Certificates 25167, 25332, 25333, 25334, 25335, 25365, 25462, and 25523, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed SEP 25 2009.


Phillip C. Ward, Director 