

STATE OF OREGON
 COUNTY OF WHEELER
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT J. VANIER, JR.
 PO BOX 326
 DAYVILLE OR 97825

confirms the right to use the waters of ROCK CREEK AND BIRCH CREEK for PRIMARY OF 203.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 2.4 ACRES.

This right was perfected under Permit S-28123. The date of priority is JUNE 13, 1962. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.06 CUBIC FEET PER SECOND (CFS), BEING 2.20 CFS FROM ROCK CREEK AND 2.94 CFS FROM BIRCH CREEK, or its equivalent in case of rotation, measured at the points of diversion.

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

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7	12 S	25 E	WM	14	SE SW	730 FEET NORTH & 1420 FEET EAST FROM SW CORNER, SECTION 14
8	12 S	25 E	WM	14	SW SE	850 FEET NORTH & 3380 FEET EAST FROM SW CORNER, SECTION 14
9	12 S	25 E	WM	14	SE SE	200 FEET NORTH & 470 FEET WEST FROM SE CORNER, SECTION 14
6	12 S	25 E	WM	15	SE SE	300 FEET NORTH & 410 FEET WEST FROM SW CORNER, SECTION 14
5	12 S	25 E	WM	21	NE NE	270 FEET SOUTH & 680 FEET WEST FROM NE CORNER, SECTION 21
4	12 S	25 E	WM	23	SW NW	140 FEET NORTH & 720 FEET EAST FROM W1/4 CORNER, SECTION 23
3	12 S	25 E	WM	23	NW SW	410 FEET SOUTH & 710 FEET EAST FROM W1/4 CORNER, SECTION 23
2	12 S	25 E	WM	27	NE SE	250 FEET SOUTH & 870 FEET WEST FROM E1/4 CORNER, SECTION 27
1	12 S	25 E	WM	27	SW SE	1800 FEET SOUTH & 1510 FEET WEST FROM E1/4 CORNER, SECTION 27

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that 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; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 CFS at USGS Gage No. 14-0465 and more than 20 CFS at USGS Gage No. 14-0480.

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

Rock Creek Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	25 E	WM	14	SW SW	0.7
12 S	25 E	WM	14	SE SW	5.3
12 S	25 E	WM	14	SW SE	1.6
12 S	25 E	WM	14	SE SE	2.4
12 S	25 E	WM	22	NE NE	0.1
12 S	25 E	WM	22	NW NE	4.1
12 S	25 E	WM	22	NE NW	14.1
12 S	25 E	WM	22	NW NW	5.3
12 S	25 E	WM	23	NE NE	1.2
12 S	25 E	WM	23	NW NE	1.9
12 S	25 E	WM	24	NE NE	0.6
12 S	25 E	WM	24	NW NE	8.0
12 S	25 E	WM	24	SW NE	10.5
12 S	25 E	WM	24	SE NE	11.7
12 S	25 E	WM	24	NE NW	13.4
12 S	25 E	WM	24	NW NW	6.6
12 S	25 E	WM	24	SE NW	0.6
Total		88.1			

Birch Creek Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	25 E	WM	14	SW SW	5.1
12 S	25 E	WM	22	NE NE	6.5
12 S	25 E	WM	22	SE NE	1.4
12 S	25 E	WM	23	NW NW	13.3
12 S	25 E	WM	23	SW NW	30.3
12 S	25 E	WM	23	SE NW	2.9
12 S	25 E	WM	23	NW SW	1.6
12 S	25 E	WM	27	SE NE	9.6
12 S	25 E	WM	27	NE SE	20.4
12 S	25 E	WM	27	NW SE	1.5
12 S	25 E	WM	27	SW SE	16.2
12 S	25 E	WM	27	SE SE	6.6
Total		115.4			

Birch Creek Supplemental Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	25 E	WM	14	SW SW	2.0
12 S	25 E	WM	14	SE SW	0.4

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 of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department