



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

## BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of The Proposed Cancellation )  
of the Water Rights Evidenced by )  
Certificates 10852 and the Partial )  
Cancellation of the Water Rights Evidenced )  
by Certificate 13570 for Use of Water From )  
Bridge Creek and Gable Creek for Irrigation,)  
Domestic and Stock, Wheeler County, )  
Oregon )  
)

**FINAL ORDER  
INCORPORATING  
SETTLEMENT AGREEMENT  
RESOLVING ALLEGED NON USE  
OF WATER RIGHT UNDER  
CERTIFICATES 10852 AND  
13570**

U.S. Bureau of Land Management, *Protestant*

Robert Powell, Michael R. Keys, and Craig  
Woodward<sup>1</sup>, *Proponents*

### HISTORY OF THE CASE

On July 30, 2002, the Proponents, Robert Powell, Michael R. Keys, and Craig Woodward, each filed with the Oregon Water Resources Department (OWRD) affidavits asserting non use of water right evidenced by Water Right Certificate 10852 and a portion of the water right evidenced by Water Right Certificate 13570. The alleged period of non use was January 1, 1987 through December 31, 1991.

On July 25, 2003, the Bureau of Land Management (BLM), the Protestant, filed a timely protest with the OWRD against the proposed and partial cancellation of the water rights evidenced by Certificates 10852 and 13570. The protest asserted that Water Right Certificates 10852 and 13570 are valid and not subject to cancellation for non use for a period of five years or more.

The Proponents and Protestant agree to settle this matter without the need for further proceedings pursuant to the terms listed in the Settlement Agreement (Attachment 1).

<sup>1</sup> Originally a Proponent, Don Maxwell is deceased.

The OWRD, BLM, and Proponents agree that the lands identified by Water Right Certificate 13570 are clarified as to the location of certain lands in accordance with Exhibit 1 "Water Right Survey for U.S. Bureau of Land Management", and are identified as follows:

Tract #1 (Jones Ditch #4)

<u>Subject to Cancellation</u>	<u>Remaining Right</u>	<u>Water Right Certificate 13570</u>
0.4 acre	0.6 acre	1.0 acre in NW1/4 NE1/4
	3.0 acres	3.0 acres in SW1/4 NE1/4
	7.0 acres	7.0 acres in SE1/4 NE1/4
1.1 acres	6.9 acres	8.0 acres in NE1/4 NW1/4
2.0 acres	4.0 acres	6.0 acres in NW1/4 NW1/4
	2.0 acres	2.0 acres in NE1/4 SE1/4
	Section 27	
	1.0 acre	1.0 acre in NE1/4 NE1/4
	Section 28	
	Township 11 South, Range 21 East, W.M.	

Tract #2 (Jones Ditch #5)

<u>Subject to Cancellation</u>	<u>Remaining Right</u>	<u>Water Right Certificate 13570</u>
	7.8 acres	7.8 acres in SW1/4 NE1/4
	3.3 acres	3.3 acres in NE1/4 NW1/4
2.6 acres	8.5 acres	11.1 acres in NW1/4 NW1/4
	Section 27	
0.1 acre	0.4 acre	0.5 acre in NE1/4 NE1/4
	Section 28	
	Township 11 South, Range 21 East, W.M.	

Tract #3 (Jones Ditch #6)

<u>Subject to Cancellation</u>	<u>Remaining Right</u>	<u>Water Right Certificate 13570</u>
4.5 acres		4.5 acres in SE1/4 SW1/4
0.1 acre		0.1 acre in NE1/4 SE1/4
10.2 acres		10.2 acres in NW1/4 SE1/4
5.7 acres		5.7 acres in SW1/4 SE1/4
	Section 28	
1.5 acres		1.5 acres in NE1/4 NW1/4
	Section 33	
	Township 11 South, Range 21 East, W.M.	

Tract #4 (Jones Ditch #2)

<u>Subject to Cancellation</u>	<u>Remaining Right</u>	<u>Water Right Certificate 13570</u>
0.8 acre	6.3 acres 1.5 acres 2.7 acres	1.3 acres in NE1/4 SW1/4 5.0 acres in NW1/4 SW1/4 5.0 acres in SE1/4 SW1/4 0.0 acre in SW1/4 SW1/4
	Section 26	
3.3 acres	1.5 acres 1.7 acres 2.9 acres	3.9 acres in SW1/4 NE1/4 3.5 acres in NE1/4 NW1/4 2.0 acres in SE1/4 NW1/4
	Section 35	
Township 11 South, Range 21 East, W.M.		

Tract #5 (Jones Ditch #1)

<u>Subject to Cancellation</u>	<u>Remaining Right</u>	<u>Water Right Certificate 13570</u>
0.2 acre	3.0 acres 4.7 acres 0.1 acre	3.0 acres in NW1/4 SW1/4 2.0 acres in SW1/4 SW1/4 3.0 acres in SE1/4 SW1/4
	Section 26	
1.6 acres	1.6 acres 0.3 acre	3.5 acres in NE1/4 NW1/4 0.0 acre in NW1/4 NW1/4
	Section 35	
Township 11 South, Range 21 East, W.M.		

Tract #6 (Jones Ditch #1)

<u>Subject to Cancellation</u>	<u>Remaining Right</u>	<u>Water Right Certificate 13570</u>
1.0 acre	1.0 acre	2.0 acres in NW1/4 SW1/4
2.0 acres		2.0 acres in SW1/4 SW1/4
	Section 26	
0.4 acre	4.6 acres 1.0 acre	5.0 acres in SW1/4 NE1/4 1.0 acre in SE1/4 NE1/4
3.3 acres	17.0 acres 1.5 acres	17.0 acres in NE1/4 SE1/4 4.8 acres in NW1/4 SE1/4
0.2 acre	0.2 acre	0.4 acre in SE1/4 SE1/4
	Section 27	
	1.4 acres 4.3 acres 1.3 acres 0.2 acre	2.0 acres in SW1/4 NE1/4 5.0 acres in NE1/4 NW1/4 0.0 acre in NW1/4 NW1/4 0.2 acre in SE1/4 NW1/4
	Section 35	
Township 11 South, Range 21 East, W.M.		

Tract #7 (Jones Ditch #1)

Subject to Cancellation

<u>Remaining Right</u>	<u>Water Right Certificate 13570</u>
0.6 acre	2.4 acres
	3.0 acres in SW1/4 NE1/4

Section 35  
Township 11 South, Range 21 East, W.M.

The Proponents agree and stipulate that 105.7 acres of the right evidenced by Water Right Certificate 13570, identified above as "Remaining Right," have been irrigated at least once out of every five years from January 1, 1987, through January 1, 2009, and are not subject to cancellation

The Proponents and Protestant (the recorded deed owner of the water right land) agree that there is no evidence in the record that the lands of the water right evidenced by Water Right Certificate 10852 were irrigated from January 1, 1987, December 31, 1991, and the water right is subject to cancellation. Based on the Agreement, which is incorporated herein, and the record in this matter, the acres to be cancelled under Water Right Certificate 10852 are as follows:

1.0 acre in the SE1/4 SE1/4, Section 21; 2.0 acres in the SW1/4 SW1/4, Section 22; 5.0 acres NE1/4 NW1/4, 6.0 acres in the NW1/4 NW1/4, Section 27; 1.0 acre in the NE1/4 NE1/4, Section 28, all in Township 11 South, Range 21 East, W.M.

The Proponents and Protestant (the recorded deed owner of the water right land) agree that there is no evidence in the record that 41.6 acres of the water right evidenced by Water Right Certificate 13570 were irrigated from January 1, 1987, December 31, 1991, and the portion of the water right associated with those lands is subject to cancellation. Based on the Agreement, which is incorporated herein, and the record in this matter, the acres to be cancelled under Water Right Certificate 13570 are as follows:

Tract #1 (Jones Ditch #4): 3.5 acres being, 0.4 acre NW1/4 NE1/4, 1.1 acres NE1/4 NW1/4, 2.0 acres NW1/4 NW1/4, Section 27, Township 11 South, Range 21 East, W.M.

Tract #2 (Jones Ditch #5): 2.7 acres being, 2.6 acres NW1/4 NW1/4, Section 27; 0.1 acre NE1/4 NE1/4, Section 28, Township 11 South, Range 21 East, W.M.

Tract #3 (Jones Ditch #6): 22.0 acres being, 4.5 acres SE1/4 SW1/4, 0.1 acre NE1/4 SE1/4, 10.2 acres NW1/4 SE1/4, 5.7 acres SW1/4 SE1/4, Section 28; 1.5 acres NE1/4 NW1/4, Section 33, Township 11 South, Range 21 East, W.M.

Tract #4 (Jones Ditch #2): 5.4 acres being, 0.8 acre SE1/4 SW1/4, 1.3 acres NE1/4 SW1/4, Section 26; 3.3 acres NE1/4 NW1/4, Section 35, Township 11 South, Range 21 East, W.M.

Tract #5 (Jones Ditch #1): 1.8 acres being, 0.2 acre SE1/4 SW1/4, Section 26; 1.6 acres NE1/4 NW1/4, Section 35, Township 11 South, Range 21 East, W.M.

Tract #6 (Jones Ditch #1): 6.9 acres being, 1.0 acre NW1/4 SW1/4, 2.0 acres SW1/4 SW1/4, Section 26; 0.4 acre SW1/4 NE1/4, 3.3 acres NW1/4 SE1/4, 0.2 acre SE1/4 SE1/4, Section 27, Township 11 South, Range 21 East, W.M.

Tract #7 (Jones Ditch #1): 0.6 acre SW1/4 NE1/4, Section 35, Township 11 South, Range 21 East, W.M.

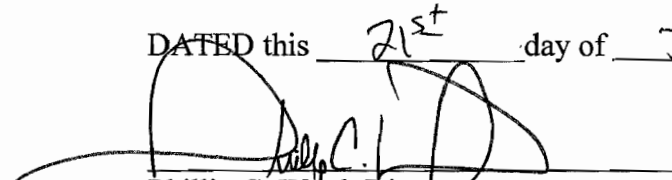
### ORDER

It is THEREFORE ORDERED that a water right certificate consistent with the attached Draft Certificate (Attachment 2) shall issue.

It is ORDERED that the water right evidenced by Water Right Certificate 10852, being 1.0 acre in the SE1/4 SE1/4, Section 21; 2.0 acres in the SW1/4 SW1/4, Section 22; 5.0 acres NE1/4 NW1/4, 6.0 acres in the NW1/4 NW1/4, Section 27; 1.0 acre in the NE1/4 NE1/4, Section 28, all in Township 11 South, Range 21 East, W.M., be cancelled in its entirety.

It is ORDERED that a portion of the water right evidenced by Water Right Certificate 13570, being Tract #1 (Jones Ditch #4): 3.5 acres being, 0.4 acre NW1/4 NE1/4, 1.1 acres NE1/4 NW1/4, 2.0 acres NW1/4 NW1/4, Section 27, Township 11 South, Range 21 East, W.M.; Tract #2 (Jones Ditch #5): 2.7 acres being, 2.6 acres NW1/4 NW1/4, Section 27; 0.1 acre NE1/4 NE1/4, Section 28, Township 11 South, Range 21 East, W.M.; Tract #3 (Jones Ditch #6): 22.0 acres being, 4.5 acres SE1/4 SW1/4, 0.1 acre NE1/4 SE1/4, 10.2 acres NW1/4 SE1/4, 5.7 acres SW1/4 SE1/4, Section 28; 1.5 acres NE1/4 NW1/4, Section 33, Township 11 South, Range 21 East, W.M.; Tract #4 (Jones Ditch #2): 5.4 acres being, 0.8 acre SE1/4 SW1/4, 1.3 acres NE1/4 SW1/4, Section 26; 3.3 acres NE1/4 NW1/4, Section 35, Township 11 South, Range 21 East, W.M.; Tract #5 (Jones Ditch #1): 1.8 acres being, 0.2 acre SE1/4 SW1/4, Section 26; 1.6 acres NE1/4 NW1/4, Section 35, Township 11 South, Range 21 East, W.M.; Tract #6 (Jones Ditch #1): 6.9 acres being, 1.0 acre NW1/4 SW1/4, 2.0 acres SW1/4 SW1/4, Section 26; 0.4 acre SW1/4 NE1/4, 3.3 acres NW1/4 SE1/4, 0.2 acre SE1/4 SE1/4, Section 27, Township 11 South, Range 21 East, W.M.; and Tract #7 (Jones Ditch #1): 0.6 acre SW1/4 NE1/4, Section 35, Township 11 South, Range 21 East, W.M., be cancelled.

DATED this 21<sup>st</sup> day of January, 2010.

  
Phillip C. Ward, Director  
Oregon Water Resources Department

## CERTIFICATE OF SERVICE

I certify that on January 21, 2010, I mailed the attached Final Order Incorporating Settlement Agreement Resolving Alleged Non Use of Water Right Under Certificates 10852 and 13570 by certified mail postage prepaid to:

Michael R. Keys  
38633 Richmond Rd  
Spray OR 97874

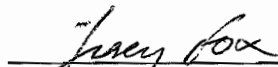
Craig Woodward  
PO Box 663  
126 West 1<sup>st</sup>  
Prineville OR 97754

Don Maxwell  
PO Box 158  
Mitchell OR 97750

Robert Powell  
PO Box 36  
Mitchell OR 97750

U.S. Bureau of Land Management  
Attn: Tina Welch and Anna Smith  
Prineville District Office  
3050 NE Third St  
Prineville OR 97754

U.S. Department of the Interior  
Office of the Solicitor/Portland Region  
Attn: Barbara Scott-Brier, Atty  
805 SW Broadway, Suite 600  
Portland OR 97205



Tracy Fox  
Oregon Water Resources Department

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
FOR THE  
OREGON WATER RESOURCES DEPARTMENT**

IN THE MATTER OF THE PROPOSED )  
CANCELLATION OF THE WATER RIGHTS )  
EVIDENCED BY CERTIFICATE 10852 AND )  
THE PARTIAL CANCELLATION OF THE )  
WATER RIGHTS EVIDENCED BY )  
CERTIFICATE 13570 FOR USE OF WATER )  
FROM BRIDGE CREEK AND GABLE CREEK )  
FOR IRRIGATION, DOMESTIC, AND STOCK, )  
WHEELER COUNTY, OREGON )  
)  
U.S. Bureau of Land Management, )  
*Protestant* )  
)  
Robert Powell, Michael R. Keys, and Craig )  
Woodward<sup>1</sup> )  
*Proponents* )

**SETTLEMENT AGREEMENT  
RESOLVING ALLEGED  
NON-USE OF WATER RIGHTS  
UNDER CERTIFICATES 10852  
AND 13570**

Proponents Robert Powell, Michael R. Keys, and Craig Woodward,(collectively, the Proponents) Protestant the Bureau of Land Management, United States Department of the Interior (BLM) (collectively, the Proponents and Protestant BLM are known as the Parties or Parties to this Settlement Agreement), wish to enter into a full and final settlement on all of the issues, claims and allegations raised in this matter. The Parties agree that this Agreement has been reached in good faith negotiations for the purpose of resolving legal disputes, including pending litigation. Accordingly, the Parties do enter into this Settlement Agreement Resolving Alleged Non-Use of Water Right Certificates 10852 and 13570 (Agreement) and for the purposes of settlement stipulate and agree as follows:

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<sup>1</sup> Originally a Proponent, Don Maxwell is deceased.

## **A. BACKGROUND**

1. On July 30, 2002, the Proponents each filed with the Oregon Water Resources Department (OWRD) an Affidavit of Non-Use, as subsequently modified on September 16, 2002, asserting non-use of the water right evidenced by Water Right Certificate 10852 and a portion of the water right under Water Right Certificate 13570, for the period 1/1/1987 through 12/31/1991 (Affidavits).
2. On June, 2, 2003, the OWRD issued a Notice of Proposed Cancellation and Partial Cancellation of Water Rights evidenced by Water Right Certificates 10852 and 13570, respectively. The Notice provided that any protest to the proposed cancellation had to be received by OWRD by August 4, 2003.
3. On July 25, 2003, the BLM filed with OWRD a Protest Against the Proposed and Partial Cancellation of Water Right evidenced by Water Right Certificates. 10852 and 13570, respectively. The protest asserted that Water Right Certificates 10852 and 13570 are valid and not subject to cancellation for nonuse for a period of five years or more.
4. The Parties agree that this matter can be resolved without the need for further proceedings, pursuant to the below terms.

## **B. TERMS**

1. The Parties stipulate and agree that the lands identified by Water Right Certificate 13570 should be clarified as to the location of certain lands in accord with Exhibit 1, "Water Right Survey for U.S. Bureau of Land Management" dated September 14, 2005, enclosed with this Agreement. All descriptions of lands in this Agreement associated with Water Right Certificates 10852 and 13570 are in reference to Exhibit 1.
2. The Proponents stipulate and agree, subject to the terms of this Agreement, that 105.7 acres of land evidenced by Water Right Certificate 13570 have been irrigated at least one out of



every five years from January 1, 1987 through December 31, 2004, and are not subject to cancellation as follows:

<b>ACRES</b>	<b>LEGAL DESCRIPTION</b>
<b>Tract #1 – Jones Ditch #4</b>	
0.6	NW1/4 NE1/4
3.0	SW1/4 NE1/4
7.0	SE1/4 NE1/4
6.9	NE1/4 NW1/4
4.0	NW1/4 NW1/4
2.0	NE1/4 SE1/4
	Section 27
1.0	NE1/4 NE1/4
	Section 28
<b>Total 24.5 acres</b>	
<b>Tract #2 – Jones Ditch #5</b>	
7.8	SW1/4 NE1/4
3.3	NE1/4 NW1/4
8.5	NW1/4 NW1/4
	Section 27
0.4	NE1/4 NE1/4
	Section 28
<b>Total 20.0 acres</b>	
<b>Tract #3 – Jones Ditch #6</b>	
0.0	SE1/4 SW1/4
0.0	NE1/4 SW1/4
0.0	NW1/4 SE1/4
0.0	SW1/4 SE1/4
	Section 28
0.0	NE1/4 NW1/4
	Section 33
<b>Total 0.0 acres</b>	
<b>Tract #4 – Jones Ditch #2</b>	
0.0	NE1/4 SW1/4
6.3	NW1/4 SW1/4
1.5	SE1/4 SW1/4
2.7	SW1/4 SW1/4
	Section 26
1.5	SW1/4 NE1/4
1.7	NE1/4 NW1/4
2.9	SE1/4 NW1/4

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Section 35

**Total 16.6 acres**

**Tract #5 – Jones Ditch #1**

3.0	NW1/4 SW1/4
4.7	SW1/4 SW1/4
0.1	SE1/4 SW1/4

Section 26

1.6	NE1/4 NW1/4
0.3	NW1/4 NW1/4

Section 35

**Total 9.7 acres**

**Tract #6 – Jones Ditch #1**

1.0	NW1/4 SW1/4
0.0	SW1/4 SW1/4

Section 26

4.6	SW1/4 NE1/4
1.0	SE1/4 NE1/4
17.0	NE1/4 SE1/4
1.5	NW1/4 SE1/4
0.2	SE1/4 SE1/4

Section 27

1.4	SW1/4 NE1/4
4.3	NE1/4 NW1/4
1.3	NW1/4 NW1/4
0.2	SE1/4 NW1/4

Section 35

**Total 32.5 acres**

**Tract #7 – Jones Ditch #3**

2.4	SW1/4 NE1/4
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Section 35

**Total 2.4 acres**  
**ALL IN TOWNSHIP 11 SOUTH, RANGE 21 EAST, WILLAMETTE MERIDIAN,**  
**TOTAL 105.7 ACRES**

SEE Exhibit 1, "Water Right Survey for U.S. Bureau of Land Management" dated September 14, 2005, incorporated by reference.

3. The BLM stipulates and agrees, subject to the Terms of this Agreement, to voluntarily cancel the remainder of the acres evidenced by Certificates 10852 and 13570, totaling 56.6 acres, being:

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all 15 acres evidenced by Certificate 10852; and

41.6 acres evidenced by Certificate No. 13570, as follows:

Tract #1 (Jones Ditch #4): 3.5 acres, being 0.4 acre NW1/4 NE1/4, 1.1 acres NE1/4 NW1/4, 2.0 acres NW1/4 NW1/4, Section 27, Township 11 South, Range 21 East, W.M.

Tract #2 (Jones Ditch #5): 2.7 acres, being 2.6 acres NW1/4 NW1/4, Section 27; 0.1 acre NE1/4 NE1/4, Section 28, Township 11 South, Range 21 East, W.M.

Tract #3 (Jones Ditch #6): 22.0 acres, being 4.5 acres SE1/4 SW1/4, 0.1 acre NE1/4 SE1/4, 10.2 acres NW1/4 SE1/4, 5.7 acres SW1/4 SE1/4, Section 28; 1.5 acres NE1/4 NW1/4, Section 33, Township 11 South, Range 21 East, W.M.

Tract #4 (Jones Ditch #2): 5.4 acres, being 0.8 acre SE1/4 SW1/4, Section 26; 3.3 acres NE1/4 NW1/4, Section 35, Township 11 South, Range 21 East, W.M.

Tract #5 (Jones Ditch #1): 1.8 acres, being 0.2 acre SE1/4 SW1/4, Section 26; 1.6 acres NE1/4 NW1/4, Section 35, Township 11 South, Range 21 East, W.M.

Tract #6 (Jones Ditch #1): 6.9 acres, being 1.0 acre NW1/4 SW1/4, 2.0 acres SW1/4 SW1/4, Section 26; 0.4 acre SW1/4 NE1/4, 3.3 acres NW1/4 SE1/4, 0.2 acre SE1/4 SE1/4, Section 27, Township 11 South, Range 21 East, W.M.

Tract #7 (Jones Ditch #1): 0.6 acre, being 0.6 acre SW1/4 NE1/4, Section 35, Township 11 South, Range 21 East, W.M.

4. The Proponents also stipulate and agree, subject to the Terms of this Agreement, that they will not file affidavits asserting nonuse for any year between January 1, 1987 – January 1, 2009 for the remaining water right evidenced by Water Right Certificate 13570, as modified by this Agreement in Paragraph B.3.

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### C. RESOLUTION BASED ON TERMS OF AGREEMENT

1. The Parties agree that, pursuant to this Agreement, this matter has been satisfactorily resolved and such resolution vitiates the need for a hearing before the Office of Administrative Hearings.
2. If OWRD does not issue a modified Water Right Certificate 13570 in conformance with this Agreement, this Agreement shall be null and void and the Parties reserve the rights to participate in further proceedings on this matter.
3. Subject to paragraph C.2, this Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, executors, administrators, trustors, trustees, beneficiaries, predecessors, successors, affiliated and related entities, officers, directors, principals, agents, employees, assigns, representatives and all persons, firms, associations, and/or corporations connected with them.
4. Each entity or person entering into this Agreement represents, warrants, and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that entity or person and bind that entity or person to the terms of the Agreement
5. Except as provided in paragraph C.3 of this Agreement, the Parties agree not to oppose or object to this Agreement or any of its terms, provisions, conditions, or covenants.
6. The terms, provisions, conditions, or covenants of this Agreement are not severable, except, if any term, provision, condition, or covenant of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms, provisions, conditions, or covenants shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.
7. This Agreement may be executed in several counterparts and all documents so executed shall constitute one Agreement, binding on the signatories, notwithstanding that the signatories did not sign the same original or the same counterparts. Delivery of an executed signature page

of this Agreement by facsimile transmission shall be as effective as delivery of an original signed counterpart of this Agreement.

8. This Agreement comprises the entire agreement and no promise, inducement, or representation other than herein set forth has been made, offered and/or agreed upon, and the terms of this Agreement are contractual and not merely a recital.
9. The Parties shall each bear their own costs and attorneys' fees in this proceeding.
10. This Agreement shall be effective as of the date of the last signature hereto.

**FOR THE PROPONENTS:**

Robert Powell  
Robert Powell

8-18-09  
Date

Michael R. Keys  
Michael R. Keys

10/27/09  
Date

Craig Woodward  
Craig Woodward

9-3-09  
Date

**FOR THE PROTESTANT THE UNITED STATES OF AMERICA  
BUREAU OF LAND MANAGEMENT:**

Barbara Scott-Brier  
Barbara Scott-Brier  
Office of the Solicitor  
U.S. Department of the Interior

11-2-09  
Date

Christina M. Welch  
Christina Welch  
Bureau of Land Management  
U.S. Department of the Interior

Aug. 14, 2009  
Date

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STATE OF OREGON  
COUNTY OF WHEELER  
**DRAFT CERTIFICATE OF WATER RIGHT**

THIS CERTIFICATE ISSUED TO

L L JONES  
MITCHELL OR 97750

confirms the right to use the waters of BRIDGE CREEK, a tributary to the JOHN DAY RIVER for IRRIGATION OF 147.3 ACRES, DOMESTIC, AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wheeler County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 388. The dates of priority are 1889 FOR TRACTS 1, 2, 4, 5, AND 6; 1897 FOR TRACT 7.

The amount of water for Tracts 1, 2, 4, 5, 6, and 7 shall not exceed one-fortieth of one cubic foot per second per acre of land irrigated before June 15, and one-eighthieth of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

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

<b>IRRIGATION, DOMESTIC AND STOCK</b>					
<b>TRACT 1</b>					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	27	NW NE	0.6
11 S	21 E	WM	27	SW NE	3.0
11 S	21 E	WM	27	SE NE	7.0
11 S	21 E	WM	27	NE NW	6.9
11 S	21 E	WM	27	NW NW	4.0
11 S	21 E	WM	27	NE SE	2.0
11 S	21 E	WM	28	NE NE	1.0
<b>TRACT 2</b>					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	27	SW NE	7.8
11 S	21 E	WM	27	NE NW	3.3
11 S	21 E	WM	27	NW NW	8.5
11 S	21 E	WM	28	NE NE	0.4
<b>TRACT 4</b>					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	26	NW SW	6.3
11 S	21 E	WM	26	SW SW	2.7
11 S	21 E	WM	26	SE SW	1.5
11 S	21 E	WM	35	SW NE	1.5
11 S	21 E	WM	35	NE NW	1.7
11 S	21 E	WM	35	SE NW	2.9

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.

pc-13570.pks

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TRACT 5					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	26	NW SW	3.0
11 S	21 E	WM	26	SW SW	4.7
11 S	21 E	WM	26	SE SW	0.1
11 S	21 E	WM	35	NE NW	1.6
11 S	21 E	WM	35	NW NW	0.3
TRACT 6					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	26	NW SW	1.0
11 S	21 E	WM	27	SW NE	4.6
11 S	21 E	WM	27	SE NE	1.0
11 S	21 E	WM	27	NE SE	17.0
11 S	21 E	WM	27	NW SE	1.5
11 S	21 E	WM	27	SE SE	0.2
11 S	21 E	WM	35	SW NE	1.4
11 S	21 E	WM	35	NE NW	4.3
11 S	21 E	WM	35	NW NW	1.3
11 S	21 E	WM	35	SE NW	0.2
TRACT 7					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	35	SW NE	2.4

This certificate correctly re-describes that portion of the water right confirmed by Certificate 13570, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_ and recorded in Special Order Volume \_\_, Page \_\_, approving a partial cancellation of a water right. This certificate supercedes Certificate 13570.

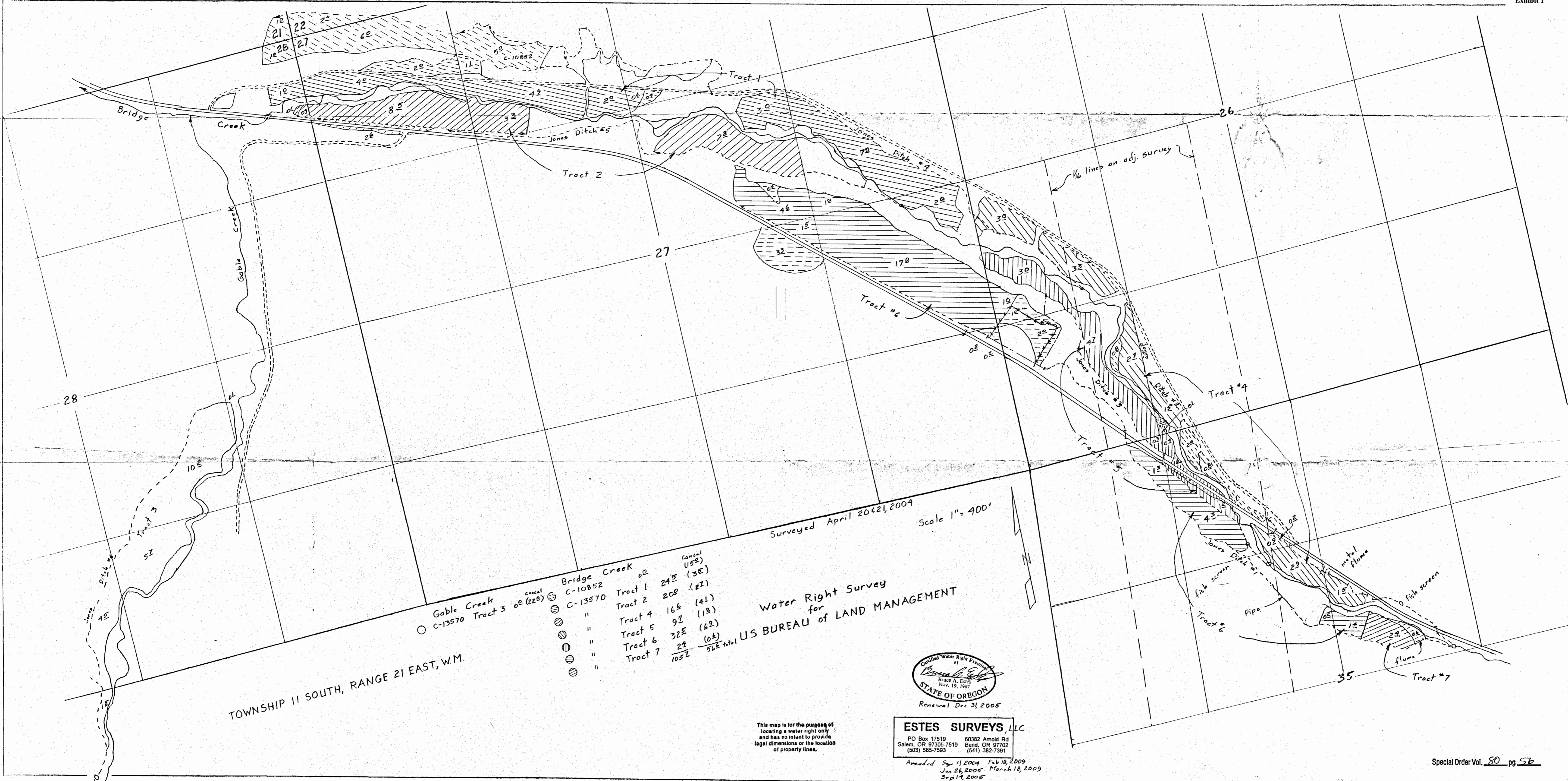
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

**DRAFT**

\_\_\_\_\_  
Phillip C. Ward, Director



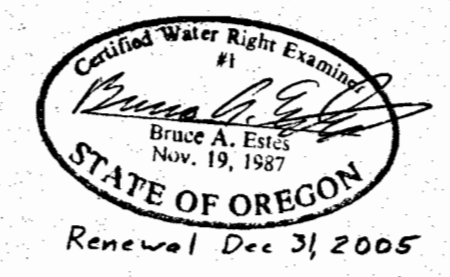
TOWNSHIP 11 SOUTH, RANGE 21 EAST, W.M.

○	Gable Creek	Cancel	Bridge Creek	02	Cancel
○	C-13570 Tract 3	02 (228)	C-10852	Tract 1	24 <sup>5</sup> (3E)
○			C-13570	Tract 2	200 (21)
○			"	Tract 4	16 <sup>6</sup> (41)
○			"	Tract 5	9 <sup>7</sup> (13)
○			"	Tract 6	32 <sup>8</sup> (62)
○			"	Tract 7	29 (64)
					105 <sup>7</sup> 566 total

Surveyed April 20 & 21, 2004

Scale 1" = 400'

Water Right Survey  
for  
US BUREAU of LAND MANAGEMENT



**ESTES SURVEYS, LLC**  
 PO Box 17519 60382 Arnold Rd  
 Salem, OR 97305-7519 Bend, OR 97702  
 (503) 585-7593 (541) 382-7391  
 Amended Sep 11, 2004 Feb 18, 2009  
 Jan 26, 2005 March 18, 2009  
 Sept 14, 2005

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.