

STATE OF OREGON

COUNTY OF WHEELER

Superseded by
Cert. No. _____

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MARIE HICKS KITTO and PETE KITTO
of Clarno, State of Oregon 97874, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
John Day River
a tributary of Columbia River for the purpose of
irrigation
under Permit No. 12736 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from July 16, 1937;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.15 c.f.s. measured at the point of diversion from the stream,

The point of diversion is located in the (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Lot 3, Section 23, Township 8 South,
Range 19 East, W. M. or its equivalent in case of rotation.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be limited to a
diversion of not to exceed 1 acre foot per acre for each acre irrigated during
any month and shall be further limited to a total diversion of not to exceed
5 acre feet per acre for each acre irrigated during the irrigation season from
April 1st to September 30th of each year, and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

5.53 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 23
Township 8 South, Range 19 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any
federal power license issued in connection with this right, and after not less than two years' notice in
writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to
take over the dams, plants and other structures and all appurtenances thereto which have been con-
structed for the purpose of devoting to beneficial use the water rights specified herein, upon condition
that before taking possession the State or municipality shall pay not to exceed the fair value of the
property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable prop-
erty of the holder of this certificate, not taken over, as may be caused by the severance therefrom of
the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

SUPERSEDED BY
CERT. NO. 85496

this 31st day of January, 1939

CHAS. E. TRICKLIN
State Engineer

T-5186