

STATE OF OREGON
 COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This Is to Certify, That THOMAS ORCHARD, INC.

of **Kimberly**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Fork John Day River

a tributary of **John Day River** for the purpose of irrigation of **72.6 acres**

under Permit No. **28480** 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 **November 7, 1962**

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 **1.82 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE¹/₄ NE¹/₄, SE¹/₄ NE¹/₄, Section 30, T. 9 S., R. 26 E., W. M., 620 feet South and 750 feet West; 1800 feet South and 750 feet West; both from NE Corner, Section 30.**

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 further limited to a diversion of not to exceed **5 acre feet per acre** for each acre irrigated during the irrigation season of each year; 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 cubic feet per second** at USGS Gage No. **14-0465** and more than **20 cubic feet per second** at USGS Gage No. **14-0480**,

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:

12.8 acres SE¹/₄ SE¹/₄
Section 19

3.4 acres SW¹/₄ SW¹/₄
Section 20

5.8 acres NW¹/₄ NW¹/₄
2.4 acres SW¹/₄ NW¹/₄
Section 29

21.2 acres NE¹/₄ NE¹/₄
27.0 acres SE¹/₄ NE¹/₄
Section 30
T. 9 S., R. 26 E., 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.

WITNESS the signature of the State Engineer, affixed

this date. **December 14, 1972**

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CHRIS L. WHEELER

State Engineer