

STATE OF OREGON  
COUNTY OF GRANT  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That J. DONALD CAPON**

of **Kimberly**, State of **Oregon**, **97848**, 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 **98.3 acres**

under Permit No. **33401** 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 **March 29, 1968**

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 **2.46 cubic feet 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 **SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 9, T. 9 S., R. 27 E., W. M., 4280 feet South and 3940 feet East, 5170 feet South and 1330 feet East, both from NW Corner, Section 4.**

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,

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:

1.1 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
3.8 acres Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
31.2 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
30.3 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
15.5 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
16.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 4  
T. 9 S., R. 27 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. **February 26, 1974**

.....**Chris L. Wheeler**.....

State Engineer

Recorded in State Record of Water Right Certificates, Volume **32**, page **39966**