

STATE OF OREGON
 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **JOHNS, SMITH, & BEAMER**

of **P. O. Box 161, Athena**, State of **Oregon 97813**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Birch Creek and Umatilla River** a tributary of **Columbia River** for the purpose of **irrigation of 335.4 acres** under Permit No. **29330** 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 11, 1964**

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 **3.58 cubic feet per second, being 1.81 cubic feet per second from diversion point #1, Umatilla River, 0.99 cubic foot per second from diversion point #2, Umatilla River, and 0.78 cubic foot per second from diversion point #3, Birch Creek**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **River - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, T. 2 N., R. 32 E., W. M., SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T. 2 N., R. 31 E., W. M., Creek - NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Whitney DLC 37, Section 13, T. 2 N., R. 31 E., W. M., #1 (River) - 630 feet South and 730 feet East from NW Corner, Section 18, T. 2 N., R. 32 E., W. M., ***

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 **4 $\frac{1}{2}$ acre feet per acre** for each acre irrigated during the irrigation season of each year; and is subject to the policy program adopted by the State Water Resources Board on February 13, 1964, under ORS 536.300,

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:

- * #2 (River) - 2220 feet North and 2640 feet West from NE Corner, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, #3 (Creek) - 1760 feet South and 1720 feet West from NE Corner, Whitney DLC 37.

**Umatilla River Only
 Diversion Point #2**

**6.8 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 27.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 5.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 14
 T. 2 N., R. 31 E., W. M.**

**Birch Creek & Umatilla River
Diversion Points 1 & 3**

0.1 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$
3.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
As projected within Whitney DLC 37
4.5 acres Lot 5 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
11.7 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
34.6 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
27.8 acres Lot 6 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
3.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
4.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
12.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
0.7 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within Whitney DLC 37

Section 13

1.0 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$
0.9 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$
8.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
18.6 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
28.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
3.3 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14

30.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
32.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
37.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
34.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 24

T. 2 N., R. 31 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 11 day of December, 1974

Chris L. Wheeler
State Engineer