

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRANK SMITH FUSSNER

of **Star Route, Spray**, 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 **John Day River**

97874

a tributary of **Columbia River** for the purpose of
irrigation of 17.4 acres

under Permit No. **33450** 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 **April 9, 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 **0.43 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 **SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T. 9 S., R. 22 E., W. M., 670 feet North and 340 feet West from SE Corner, Section 13.**

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:

**3.5 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
9.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 13
T. 9 S., R. 22 E., W. M.**

**4.3 acres Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 18
T. 9 S., R. 23 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. **August 18, 1975**

James E. Saxon
Water Resources Director **State Engineer**