

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 Water Resources Director, 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 66.3 acres

under Permit No. 33401 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 1.66 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 1/4 SE 1/4, Section 4, NE 1/4 NW 1/4, Section 9, T9S, R27E, WM; 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 5.0 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:

- 4.1 acres SE 1/4 NW 1/4 30.3 acres NE 1/4 SW 1/4
15.5 acres SE 1/4 SW 1/4 16.4 acres SW 1/4 SE 1/4
Section 4
Township 9 South, Range 27 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 39966, Volume 32, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on August 16, 1984, approving Transfer Application 5495.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to minimum flows established by the Water Policy Review Board with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. December 4, 1984

/s/ William H. Young Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47, page 52553