

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This is to certify, That ESTATE OF CHESTER O. ELLIOTT

c/o Elliott Livestock, Inc., of Box 312, John Day, State of Oregon 97845, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Dog Creek and Spring Gulch

a tributary of John Day River for the purpose of irrigation of 78.5 acres and stock

under Permit No. 38941 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 February 5, 1974

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 1.97 cubic feet per second, being 1.72 cfs for irrigation and 0.005 cfs for stock from Dog Creek; 0.24 cfs for irrigation and 0.005 cfs for stock from Spring Gulch

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 SE 1/4, SE 1/4 SE 1/4, Section 32, T13S, R32E, WM; Dog Creek - 1040 feet North and 550 feet West; Spring Gulch - 2060 feet North and 230 feet West, both from SE Corner, Section 32.

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 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:

- 0.1 acre SW 1/4 SW 1/4 Section 28
- 3.6 acres SW 1/4 SE 1/4
- 7.0 acres SE 1/4 SE 1/4 Section 29
- stock and 39.4 acres NE 1/4 NE 1/4
- stock and 15.7 acres NW 1/4 NE 1/4
- stock and 6.6 acres SE 1/4 NE 1/4 Section 32
- 6.1 acres NW 1/4 NW 1/4 Section 33
- Township 13 South, Range 32 East, WM

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. May 7, 1985

/s/ William H. Young Water Resources Director