

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

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

of Route 1, 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 16.3 acres

under Permit No. 31011 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 November 3, 1965

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 0.41 cubic foot per second, if available at the original points of diversion NW 1/4 SE 1/4, Section 3, SE 1/4 SE 1/4, Section 4, T9S, R27E, WM; 2300 feet South and 8440 feet East; 4100 feet South and 4920 feet East, both from the NW* 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 SW 1/4, SW 1/4 SW 1/4, Section 3, SE 1/4 SE 1/4, Section 4, T9S, R27E, WM; 1 - 2030 feet North and 2270 feet East; 2 - 950 feet North and 1200 feet East; 3 - 370 feet North and 1210 feet West, all from the SW corner, Section 3; 4100 feet South and 4920 feet East from the 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:

*Corner, Section 4.

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3.5 acres NE 1/4 SW 1/4
1.3 acres SW 1/4 SW 1/4
1.5 acres NW 1/4 SE 1/4
Section 3

10.0 acres SE 1/4 SE 1/4
Section 4
Township 9 South, Range 27 East, WM

This certificate is issued to confirm additional points of diversion approved by an order of the Water Resources Director entered November 1, 1983, and supersedes certificate of water right recorded at page 39965, Volume 32, State Record of Water Right Certificates.

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 Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. December 31, 1985

...../s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48 , page 53619