

## 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 7.8 acres

under Permit No. 33665 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 June 10, 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 0.19 cubic foot per second, if available at the original point of diversion in the NW 1/4 SE 1/4, Section 3, T9S, R27E, WM; Allen Ditch - 2300 feet South and 8440 feet East from the NW Corner, Section 4

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, Section 3, T9S, R27E, WM; 2030 feet North and 2270 feet East from the SW Corner, Section 3.

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:

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1.4 acres SW 1/4 NE 1/4  
1.4 acres SW 1/4 NW 1/4  
4.6 acres SE 1/4 NW 1/4  
0.4 acre NW 1/4 SE 1/4

Section 3

Township 9 South, Range 27 East, WM

This certificate is issued to confirm an additional point of diversion approved by an order of the Water Resources Director entered November 1, 1983 and together with certificate of water right recorded at page 51853, Volume 46, State Record of Water Right Certificates, supersedes Certificate 39967.

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 53620