

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

This is to certify, That LUTHER E. THORNBURGH

of 401 SW 2nd Street, Enterprise, State of OR 97828, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of West Fork Prairie Creek

a tributary of Prairie Creek (Wallowa River) for the purpose of irrigation of 24.0 acres

under Permit No. 45521 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 January 5, 1981 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 0.38 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 1/4 SW 1/4, Section 3, T3S, R45E, WM; 860 feet North and 10 feet West from S 1/4 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 3.5 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: 10.4 acres SE 1/4 SW 1/4 Section 3 13.6 acres NE 1/4 NW 1/4 Section 10 Township 3 South, Range 45 East, WM

In processing the application towards issuance of the permit, it appears that a clerical error was inadvertently made in limiting the duty of water to not exceed 1/40th of one cubic foot per second per acre and 2.5 acre feet per acre. In the issuance of this certificate, the duty of water has been raised to 1/40th cubic foot per second per acre and 3.5 acre feet per acre for each acre irrigated during the irrigation season of each year, in keeping with the customary policy and determination of this office of the proper maximum limits.

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. October 23, 1986

/s/ William H. Young Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50, page 55034