

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THEODORE DURST, JAMES W. DAMON, & LOWELL FRANKS
P.O. BOX 266
MT. VERNON, OREGON 97865

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for the purpose of IRRIGATING 4.6 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for GRANT County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at page 461. The date of priority is 1862.

The right is limited to not more than 0.115 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION; FRY INGLE-WALLACE LEMONS DITCH, NW 1/4 NE 1/4, SECTION 26, T 13 S, R 30 E, W.M.

The point of diversion is located as follows:

NE 1/4 NW 1/4, SECTION 25, T 13 S, R 30 E, W.M.; PANAMA DITCH - 390 FEET SOUTH AND 2100 FEET EAST FROM NW CORNER SECTION 25.

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 ONE ACRE FOOT PER CALENDAR MONTH TO JULY 1 AND 3/4 ACRE FOOT PER ACRE THEREAFTER, AND 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year APRIL 1 TO SEPTEMBER 30.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

NW 1/4 NE 1/4 4.6 ACRES
SECTION 28
TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 25, 1979, and together with certificate 48347, supersedes certificate 25873, 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 above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date FEBRUARY 9, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60014

T-4167.BE