

STATE OF OREGON  
COUNTY OF UMATILLA  
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

W.F. ZIMMERMAN, R.L. SMITH AND HAROLD BARTSCH  
PENDLETON, OREGON 97801

SUPERSEDED BY  
CERT. NO. 90490

confirms the right to use the waters of MCKAY CREEK, a tributary of UMATILLA RIVER, for IRRIGATION OF 92.88 ACRES, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Page 127. The date of priority is 1894 for 43.65 acres and 1907 for 49.23 acres.

The use is limited to 1.16 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

- 1) The point of diversion for the irrigation of the land owned by W.F. Zimmerman is located South 28° 10' West 1627 feet from the Northeast corner of the Northwest quarter, Section 21, and being within the SE¼ NW¼, said Section 21, Township 2 North, Range 32 East, W.M.
- 2) The point of diversion for the irrigation of the land owned by C.R. Smith is located 694 feet South and 1929 feet East from the Northwest corner of Section 21, and being within the NE¼ NW¼, said Section 21, Township 2 North, Range 32 East, W.M.
- 3) The point of diversion for the irrigation of the land owned by Harold E. Bartsch is located 2640 feet South and 2170 feet East from the Northwest corner of Section 21, and being within SE¼ NW¼, said Section 21, Township 2 North, Range 32 East, W.M.
- 4) The point of diversion for the irrigation of the land owned by Harold E. Bartsch, successor to F. L. Ingram is located North 50° 30' West 470 feet from the center of Section 21, and being within the SE¼ NW¼, said Section 21, Township 2 North, Range 32 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) subject to the provisions of paragraph 33 of said decree.

A description of the place of use to which this right is appurtenant is as follows:

| <u>W. F. ZIMMERMAN</u> | PRIORITY | DATE |
|------------------------|----------|------|
| NE¼ NW¼ 0.69 ACRE      |          | 1894 |
| SE¼ NW¼ 0.53 ACRE      |          | 1894 |
| NE¼ NW¼ 0.78 ACRE      |          | 1907 |
| SE¼ NW¼ 0.60 ACRE      |          | 1907 |
| <br><u>R.L. SMITH</u>  |          |      |
| NE¼ NW¼ 11.25 ACRES    |          | 1894 |
| NW¼ NW¼ 6.49 ACRES     |          | 1894 |
| SW¼ NW¼ 5.46 ACRES     |          | 1894 |
| SE¼ NW¼ 0.85 ACRE      |          | 1894 |
| NE¼ NW¼ 12.70 ACRES    |          | 1907 |
| NW¼ NW¼ 7.31 ACRES     |          | 1907 |
| SW¼ NW¼ 6.15 ACRES     |          | 1907 |
| SE¼ NW¼ 0.94 ACRE      |          | 1907 |

**CANCELED**

HAROLD BARTSCH

PRIORITY DATE

|                                 |            |      |
|---------------------------------|------------|------|
| SW <del>X</del> NW <del>X</del> | 2.17 ACRES | 1894 |
| SE <del>X</del> NW <del>X</del> | 0.68 ACRE  | 1894 |
| NE <del>X</del> SW <del>X</del> | 6.66 ACRES | 1894 |
| NW <del>X</del> SW <del>X</del> | 4.70 ACRES | 1894 |
| SW <del>X</del> NW <del>X</del> | 2.46 ACRES | 1907 |
| SE <del>X</del> NW <del>X</del> | 0.77 ACRE  | 1907 |
| NE <del>X</del> SW <del>X</del> | 7.51 ACRES | 1907 |
| NW <del>X</del> SW <del>X</del> | 5.30 ACRES | 1907 |

HAROLD BARTSCH, successor to F.L. INGRAM

|                                 |            |      |
|---------------------------------|------------|------|
| SE <del>X</del> NW <del>X</del> | 0.96 ACRE  | 1894 |
| NE <del>X</del> SW <del>X</del> | 0.39 ACRE  | 1894 |
| SW <del>X</del> NE <del>X</del> | 2.82 ACRES | 1894 |
| SE <del>X</del> NW <del>X</del> | 1.09 ACRES | 1907 |
| NE <del>X</del> SW <del>X</del> | 0.44 ACRE  | 1907 |
| SW <del>X</del> NE <del>X</del> | 3.18 ACRES | 1907 |

SECTION 21

TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 53297, Volume 48, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on

**AUG 01 1996**

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 is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,

affixed           **AUG 01 1996**          .

*/s/ Steve Applegate for*  
Martha O. Pagel, Director

**SUPERSEDED BY**  
**CERT. NO. 88102**

Canceled Sp.Or.Vol. 52 p. 294 + 250  
+ 253

Recorded in State Record of Water Right Certificates numbered 72441.

T-6699.JM

Superseded by  
Cert. No. 75262