STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARILYN SMITH
HCR 56, BOX 572
JOHN DAY, OREGON 97845

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 10.5 ACRES.

This right was perfected under Permit 48194. The date of priority is OCTOBER 7, 1983. This right is limited to 0.263 CUBIC FOOT PER SECOND, BEING 0.148 CFS FROM POD 1; AND 0.115 CFS FROM POD 2, or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

POD 1 - NE 1/4 NE 1/4, SECTION 26, T 13 S, R 30 E, W.M.; BEING 810 FEET SOUTH AND 300 FEET WEST FROM THE NORTHEAST CORNER, SECTION 26.

POD 2 - NW 1/4 SW 1/4, SECTION 20, T 13 S, R 31 E, W.M.; BEING 1700 FEET NORTH AND 650 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 20.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NW 1/4 NW 1/4   4.6 ACRES
SECTION 25

NE 1/4 NE 1/4   5.9 ACRES
SECTION 26
TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed JANUARY 14 , 1997.

/S/ Richard D. Bailey
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Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 73984.

67432.JM