

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

Superseded by
Cert. No. 79662

Cancelled due to
T-7837; Sp. Or.
Vol. 56 P. 1043

THIS CERTIFICATE ISSUED TO
CHARLES TULLIS, JR.
PENDLETON, OREGON 97801

SUPERSEDED BY
CERT. NO. 92055 + 79662
T-7837

confirms the right to use the waters of MCKAY CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 22.0 acres.

This right was perfected under Permit 5996. The date of priority is August 16, 1923. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.275 CUBIC FOOT PER SECOND, if available at the original point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as described below.

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-EIGHTIETH of one cubic foot per second 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.

Descriptions of the points of diversion and places of use to which this right is appurtenant are as follows:

Original Point of Diversion: Marion Jack Ditch, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34, T 2 N, R 32 E, WM.

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.18 ACRES
SECTION 28
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

TRANSFERS G-36 and G-43: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 2 N, R 32 E, WM; NORTH 57° 30' WEST, 1414.19 FEET, THENCE NORTH 6° 42' EAST, 55 FEET, FROM THE E $\frac{1}{4}$ CORNER, SECTION 28.

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.04 ACRES
SECTION 28
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

TRANSFER B-87: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 2 N, R 32 E, WM; NORTH 35° 37' 32' WEST, 1070.36 FEET FROM THE E $\frac{1}{4}$ CORNER, SECTION 28.

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.80 ACRES
SECTION 28
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

TRANSFER G-38: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 2 N, R 32 E, WM; 290 FEET NORTH AND 8 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 28.

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.44 ACRE
SECTION 28
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

TRANSFER S-100: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 2 N, R 32 E, WM; 13 FEET NORTH AND 280 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 28.

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.38 ACRES
SECTION 28
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

TRANSFER R-52: SE¼ NE¼, SECTION 28, T 2 N, R 32 E, WM; 815 FEET NORTH AND 465 FEET WEST FROM THE E¼ CORNER, SECTION 28.

SE¼ NE¼ 2.06 ACRES
SECTION 28
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

TRANSFER S-106: SE¼ NE¼, SECTION 28, T 2 N, R 32 E, WM; 1300.59 FEET NORTH AND 1091.95 FEET WEST FROM THE E¼ CORNER, SECTION 28.

SE¼ NE¼ 2.00 ACRES
SECTION 28
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

TRANSFER B-97: SE¼ NE¼, SECTION 28, T 2 N, R 32 E, WM; 740 FEET NORTH AND 301 FEET WEST FROM THE E¼ CORNER, SECTION 28.

SE¼ NE¼ 1.10 ACRES
SECTION 28
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 5100, State Record of Water Right Certificates, NOT modified by the provisions of orders of the State Engineer, entered May 12, 1953, approving Transfer Application G-36; June 9, 1955, approving Transfer Applications G-38, S-100, and R-52; June 19, 1956, approving Transfer Application 106; January 14, 1957, approving Transfer Application B-97; July 16, 1957, approving Transfer Application G-43; and an order of the Water Resources Director entered JAN 16 1998 approving Transfer Application 7417; confirms the changes in points of diversion approved by the orders of the State Engineer; and supersedes Certificates 5100 and 75108, 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. 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 JAN 16 1998.

M. MARTHA O. PAGEL

Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 75447.

T-7417.LHN