

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to use the waters of MCKAY CREEK, a tributary of the UMATILLA RIVER, for DOMESTIC, LIVESTOCK AND IRRIGATION OF 73.57 ACRES.

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 34.57 acres and 1907 for 39.0 acres.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.919 cubic feet per second (cfs), being 0.432 cfs for 1894 and 0.487 CFS FOR 1907, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversions are located as follows:

W.F. ZIMMERMAN - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 21, T 2 N, R 32 E, WM;
SOUTH 28° 10' WEST, 1627 FEET FROM THE NE CORNER OF THE NW $\frac{1}{4}$, SECTION 21;

C.R. SMITH - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 21, T 2 N, R 32 E, WM; 694 FEET AND 1929 FEET EAST FROM THE NW CORNER, SECTION 21;

HAROLD BARTSCH - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 21, T 2 N, R 32 E, W.M.; 2640 FEET SOUTH AND 2170 FEET EAST FROM THE NW CORNER, SECTION 21;

HAROLD BARTSCH, successor to F.L. INGRAM - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 21, T 2 N, R 32 E, WM; NORTH 50° 30' WEST, 470 FEET FROM THE CENTER OF SECTION 21.

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.

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:

<u>W.F. ZIMMERMAN</u>	<u>PRIORITY DATE</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.69 ACRE	1894
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.53 ACRE	1894
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.78 ACRE	1907
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.60 ACRE	1907
 <u>R.L. SMITH</u>	
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.25 ACRES	1894
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.49 ACRES	1894
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.46 ACRES	1894
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.85 ACRE	1894
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.70 ACRES	1907
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.31 ACRES	1907
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.15 ACRES	1907
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.94 ACRE	1907

HAROLD BARTSCH

SW¼ NW¼	2.17 ACRES	1894
SE¼ NW¼	0.68 ACRE	1894
NE¼ SW¼	1.17 ACRES	1894
NW¼ SW¼	1.11 ACRES	1894
SW¼ NW¼	2.46 ACRES	1907
SE¼ NW¼	0.77 ACRE	1907
NE¼ SW¼	1.32 ACRES	1907
NW¼ SW¼	1.26 ACRES	1907

HAROLD BARTSCH, successor to
F.L. INGRAM

SE¼ NW¼	0.96 ACRE	1894
NE¼ SW¼	0.39 ACRE	1894
SW¼ NE¼	2.82 ACRES	1894
SE¼ NW¼	1.09 ACRES	1907
NE¼ SW¼	0.44 ACRE	1907
SW¼ NE¼	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 Certificate 72441, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 25 1998, approving Transfer Applications 7168, 7665 and 7709.

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 MAR 25 1998.

M/ MARTHA O. PAGEL

Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 75552.

T-7168,7665,7709.BW