

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 AND LAYCOCK CREEK, tributaries of COLUMBIA RIVER, for IRRIGATION OF 8.0 ACRES.

This right was 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 1876.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed JOHN DAY RIVER - 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED FROM APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO ONE ACRE FOOT PER ACRE PER CALENDAR MONTH TO JULY 1 AND 3/4 ACRE FOOT PER ACRE THEREAFTER; TOTAL FIVE ACRE FEET PER ACRE FOR SEASON, LAYCOCK CREEK - 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED TO JUNE 1 AND 1/80 CUBIC FOOT PER SECOND PER ACRE THEREAFTER; FURTHER LIMITED TO ONE ACRE FOOT PER CALENDAR MONTH TO JUNE 1 AND FOUR ACRE FEET PER ACRE DURING SEASON APRIL 1 TO SEPTEMBER 30, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

ENTERPRISE DITCH - NW 1/4 SW 1/4, SECTION 20 TOWNSHIP 13 SOUTH, RANGE 31 EAST, WM, 1700 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER, SECTION 20;

PUMP - NE 1/4 NE 1/4, SECTION 26, TOWNSHIP 13 SOUTH, RANGE 30 EAST, WM, 1830 FEET NORTH AND 300 FEET WEST FROM THE E 1/4 CORNER, SECTION 26.

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

NE 1/4 NE 1/4 8.0 ACRES  
SECTION 26  
TOWNSHIP 13 SOUTH, RANGE 30 EAST, WM

When in the judgment of the Watermaster it becomes necessary to install head gates and measuring devices:

The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled; and

The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

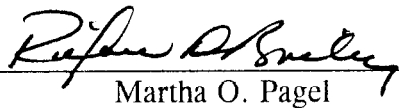
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This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 9, 1980 and supersedes Certificate 44939, State Record of Water Right Certificates.

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

WITNESS the signature of the Water Resources Director, affixed JULY 22, 1998.



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75756.