

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MCKINLEY BROTHERS
RICHARD MCKINLEY
ROUTE 1, BOX 191
MT. VERNON, OREGON 97865

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 102.6 ACRES.

This right was perfected under Permit 3163. The date of priority is OCTOBER 23, 1916. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.28 CUBIC FEET PER SECOND, if available at the original point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T 13 S, R 30 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 21, T 13 S, R 29 E, W.M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T 13 S, R 30 E, W.M.; (ADDITIONAL) 2530 FEET NORTH AND 2810 FEET WEST FROM THE SE CORNER, SECTION 20; (BOYCE DITCH) SOUTH 27 DEGREES 30 MINUTES EAST, 1817 FEET FROM THE W $\frac{1}{4}$ CORNER, SECTION 21; (BLUE MOUNTAIN DITCH) 565 FEET NORTH AND 2320 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 29.

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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.0 acre-foot per acre for each acre irrigated during any month prior to July 1, and thereafter $\frac{3}{4}$ of one acre-foot per acre irrigated and shall be further limited to a total

diversion of not to exceed 5.0 acre-feet for each acre irrigated during the irrigation season from April 1 to September 30 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:

NE¼ SW¼	17.7 ACRES
SE¼ SW¼	7.0 ACRES
SW¼ SE¼	34.3 ACRES
SE¼ SE¼	31.6 ACRES

SECTION 20

NE¼ NE¼	10.0 ACRES
NW¼ NE¼	2.0 ACRES

SECTION 29

TOWNSHIP 13 SOUTH, RANGE 29 EAST, W.M.

When in the judgement of the Watermaster it becomes necessary to install headgates and measuring devices:

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

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.

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the original point of diversion.

This certificate describes that portion of the water right confirmed by Certificate 74275, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application 8851.

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 SEP 21 2001.


For Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 77607.