

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LEO AND DIANE HOLTHOUSE
25039 HWY 395 SOUTH
CANYON CITY, OREGON 97820

SUPERSEDED BY
CERT. NO. 88805

confirms the right to use the waters of CUMMINGS CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 13.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 24.1 ACRES.

This right was perfected under Permit 4497. The date of priority is MARCH 12, 1920. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.46 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS BEING LOCATED WITHIN THE SW 1/4 NW 1/4, SECTION 15, TOWNSHIP 13 SOUTH, RANGE 28 EAST, W.M.; SOUTH 14 DEGREES, 30 MINUTES EAST, 1793 FEET FROM THE NORTHWEST CORNER OF SECTION 15), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 3, TOWNSHIP 13 SOUTH, RANGE 28 EAST, W.M.; 1320 FEET NORTH AND 2350 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 3.

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 during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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:

PRIMARY

NW 1/4 NE 1/4 2.0 ACRES

NE 1/4 NW 1/4 11.0 ACRES

SECTION 16

TOWNSHIP 13 SOUTH, RANGE 28 EAST, W.M.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

Cancelled due to

T-9590 Sp. Or.

Superseded by

Cert. No. 81894

T-5044.SB

Vol. 68 P. 113

Certificate Number 80792

SUPPLEMENTAL

SW 1/4 SE 1/4 8.8 ACRES
SE 1/4 SE 1/4 6.8 ACRES

SECTION 8

NW 1/4 NE 1/4 5.6 ACRES
NE 1/4 NE 1/4 2.9 ACRES

SECTION 17

TOWNSHIP 13 SOUTH, RANGE 28 EAST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates 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

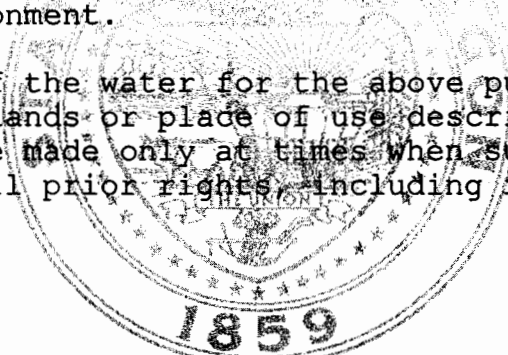
The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION, PLACE OF USE AND USE approved by an order of the Water Resources Director entered MAY 12, 1982, and supersedes Certificate 4973, 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.

Issued July 22, 2004.



Phillip C. Ward
Phillip C. Ward, Acting Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80792.