

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE MARION JACK IMPROVEMENT DISTRICT
c/o TERRY WARHOL, MANAGER
71498 SW LAKE DRIVE
PENDLETON, OREGON 97801

confirms the right to use the waters of the McKAY CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION OF 120.98 ACRES.

This right was perfected under Permit 1540. The date of priority is JANUARY 3, 1912. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.51 CUBIC FEET PER SECOND if available at the original point of diversion from the source: McKay Creek at McKay Dam - NW¼ SE¼, Section 34, T 2 N, R 32 E, W.M..

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre.

This certificate does NOT include rights inchoate under Transfer Application T-9645. The inchoate rights allow for the use of 0.17 cfs for irrigation of 13.60 acres as listed in Table 2. This certificate does NOT include inchoate rights under Transfer Application T-9766, proposing a change in point of diversion for the use of 0.055 cfs for irrigation 4.41 acres as listed in Table 3.

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

TABLE 1. - IRRIGATION							
TWP	RNG	MER	SEC	QTR-QTR	TAX LOT	ACRES	USER
2 N	32 E	W.M.	27	NW SW	100	1.01	DAVIS
2 N	32 E	W.M.	27	NW SW	200	0.94	DICKEY
2 N	32 E	W.M.	27	NW SW	300	1.46	SWEET
2 N	32 E	W.M.	27	NW SW	301	0.60	SWEET
2 N	32 E	W.M.	27	NW SW	305	1.49	SWEET
2 N	32 E	W.M.	27	SW SW	100	3.40	MONAHAN
2 N	32 E	W.M.	27	SW SW	200	0.27	DICKEY
2 N	32 E	W.M.	27	SW SW	200	2.29	SWAGGART
2 N	32 E	W.M.	27	SW SW	201	2.23	COCKBURN
2 N	32 E	W.M.	27	SW SW	200	2.34	PATTON

TABLE 1. - IRRIGATION							
TWP	RNG	MER	SEC	QTR-QTR	TAX LOT	ACRES	USER
2 N	32 E	W.M.	27	SW SW	300	2.15	MONAHAN
2 N	32 E	W.M.	27	SW SW	301	0.63	SWEET
2 N	32 E	W.M.	27	SW SW	303	6.65	BARILETTI
2 N	32 E	W.M.	27	SW SW	304	3.89	WHITTEN
2 N	32 E	W.M.	27	SW SW	305	2.50	SWEET
2 N	32 E	W.M.	27	SW SW	400	2.41	SCHIMEL
2 N	32 E	W.M.	27	SW SW	1800	1.06	TERIBURY
2 N	32 E	W.M.	27	SW SW	1900	1.20	NEIL
2 N	32 E	W.M.	27	SW SW	3100	0.30	Green Meadows (Well / Quasi-Mun)
2 N	32 E	W.M.	27	SW SW	3300	0.17	TABER
2 N	32 E	W.M.	27	SW SW	3400	0.16	GARD
2 N	32 E	W.M.	27	SW SW	5100	0.05	PITNER
2 N	32 E	W.M.	27	SE SW	1400	0.54	ASHCRAFT
2 N	32 E	W.M.	27	SE SW	1400	1.03	ROBINSON
2 N	32 E	W.M.	27	SE SW	1500	1.00	CUELLAR
2 N	32 E	W.M.	27	SE SW	1600	1.28	BOSTWICK
2 N	32 E	W.M.	27	SE SW	1900	0.08	NEIL
2 N	32 E	W.M.	27	SE SW	2100	1.07	GREEN
2 N	32 E	W.M.	27	SE SW	2300	0.25	SMITH
2 N	32 E	W.M.	27	SE SW	2400	0.21	SMITH
2 N	32 E	W.M.	27	SE SW	3300	0.04	TABER
2 N	32 E	W.M.	27	SE SW	3900	0.21	GUIWITTS
2 N	32 E	W.M.	27	SE SW	4000	0.21	BAEHMANN
2 N	32 E	W.M.	27	SE SW	4200	0.22	MORRISON
2 N	32 E	W.M.	27	SE SW	4300	0.27	BARILETTI
2 N	32 E	W.M.	27	SE SW	4400	0.26	BARILETTI
2 N	32 E	W.M.	27	SE SW	4500	0.22	HAGUEWOOD
2 N	32 E	W.M.	27	SE SW	4800	0.20	BERHEIM
2 N	32 E	W.M.	27	SE SW	4900	0.22	VAN DORN
2 N	32 E	W.M.	27	SE SW	5000	0.25	PITNER
2 N	32 E	W.M.	27	SE SW	5100	0.20	PITNER
2 N	32 E	W.M.	27	SE SW	5300	0.20	GUIDRY
2 N	32 E	W.M.	27	SE SW	5400	0.17	MATHSON
2 N	32 E	W.M.	27	SE SW	5500	0.15	IRVING
2 N	32 E	W.M.	27	SE SW	5600	0.12	SHOWAKER
2 N	32 E	W.M.	27	SE SW	5700	0.16	JONES
2 N	32 E	W.M.	27	SE SW	5900	0.18	PETTYJOHN
2 N	32 E	W.M.	27	SE SW	6100	4.76	STANHOPE
2 N	32 E	W.M.	28	SE SE	100	0.30	WHITTEN
2 N	32 E	W.M.	28	SE SE	201	0.10	COCKBURN
2 N	32 E	W.M.	28	SE SE	202	0.42	PATTON
2 N	32 E	W.M.	34	NWNE	100	1.66	FERGUSON

TABLE 1. - IRRIGATION

TWP	RNG	MER	SEC	QTR-QTR	TAX LOT	ACRES	USER
2 N	32 E	W.M.	34	NWNE	200	1.01	GERBER
2 N	32 E	W.M.	34	NWNE	201	0.83	COZBY
2 N	32 E	W.M.	34	NWNE	300	1.72	CHASE
2 N	32 E	W.M.	34	NWNE	401	0.42	HALE
2 N	32 E	W.M.	34	NWNE	500	1.32	MILTENBERGER
2 N	32 E	W.M.	34	NWNE	501	0.36	KINSLEY
2 N	32 E	W.M.	34	NWNE	502	0.28	SENER
2 N	32 E	W.M.	34	NWNE	600	0.42	OLES
2 N	32 E	W.M.	34	NWNE	601	0.31	WELLINGTON
2 N	32 E	W.M.	34	NWNE	700	0.52	McALLISTER
2 N	32 E	W.M.	34	NWNE	800	0.56	FOSDICK
2 N	32 E	W.M.	34	NWNE	900	1.18	HALE
2 N	32 E	W.M.	34	NWNE	1000	2.52	STANLEY
2 N	32 E	W.M.	34	NWNE	1001	1.89	WRIGHT
2 N	32 E	W.M.	34	SWNE	600	2.77	BURNS
2 N	32 E	W.M.	34	SWNE	700	0.81	WELLS
2 N	32 E	W.M.	34	SWNE	701	0.84	DOUTRE
2 N	32 E	W.M.	34	SWNE	702	0.87	PETERSON
2 N	32 E	W.M.	34	SWNE	1001	1.87	DILLAVOU
2 N	32 E	W.M.	34	SWNE	1002	0.77	BOYD
2 N	32 E	W.M.	34	SWNE	1004	1.59	COOPER
2 N	32 E	W.M.	34	SWNE	1005	1.98	WITCHER
2 N	32 E	W.M.	34	SWNE	1100	1.37	MOORE
2 N	32 E	W.M.	34	NE NW	100	1.81	MICHAEL
2 N	32 E	W.M.	34	NE NW	200	1.60	MICHAEL
2 N	32 E	W.M.	34	NE NW	100	0.52	HART
2 N	32 E	W.M.	34	NE NW	300	1.29	WHITE
2 N	32 E	W.M.	34	NE NW	400	1.19	GAYLORD
2 N	32 E	W.M.	34	NE NW	500	1.12	LICURSE
2 N	32 E	W.M.	34	NE NW	600	1.19	LICURSE
2 N	32 E	W.M.	34	NE NW	700	0.63	PENCZAK
2 N	32 E	W.M.	34	NE NW	701	0.33	FNMA
2 N	32 E	W.M.	34	NE NW	800	0.04	PETERSON
2 N	32 E	W.M.	34	NE NW	800	0.66	HERBURGER
2 N	32 E	W.M.	34	NE NW	801	0.44	HERBURGER
2 N	32 E	W.M.	34	NE NW	900	1.71	SEWELL
2 N	32 E	W.M.	34	NE NW	901	2.08	WENTZ
2 N	32 E	W.M.	34	NE NW	902	1.93	WENTZ
2 N	32 E	W.M.	34	NE NW	903	1.50	MILLER
2 N	32 E	W.M.	34	NE NW	904	1.57	SMITH, Michael
2 N	32 E	W.M.	34	NE NW	905	1.72	OLSON
2 N	32 E	W.M.	34	NE NW	906	1.34	THOMPSON

TABLE 1. - IRRIGATION							
TWP	RNG	MER	SEC	QTR-QTR	TAX LOT	ACRES	USER
2 N	32 E	W.M.	34	NE NW	907	1.67	SMITH, Claud
2 N	32 E	W.M.	34	NE NW	908	0.83	THACKER
2 N	32 E	W.M.	34	NE NW	909	1.36	SCHOLL
2 N	32 E	W.M.	34	NE NW	1700	0.19	INGRAM
2 N	32 E	W.M.	34	NE NW	1800	0.44	HERNANADEZ
2 N	32 E	W.M.	34	SE NW	100	0.32	HART
2 N	32 E	W.M.	34	SE NW	200	0.80	DENTON
2 N	32 E	W.M.	34	SE NW	300	1.03	WARHOL
2 N	32 E	W.M.	34	SE NW	400	0.94	WARHOL
2 N	32 E	W.M.	34	SE NW	500	1.05	WARHOL
2 N	32 E	W.M.	34	SE NW	600	0.99	ROSE
2 N	32 E	W.M.	34	SE NW	700	0.94	ACEVEDO
2 N	32 E	W.M.	34	SE NW	800	0.63	PETERSON
2 N	32 E	W.M.	34	SE NW	900	0.93	HARRISON
2 N	32 E	W.M.	34	SE NW	1000	1.03	YOUNCS
2 N	32 E	W.M.	34	SE NW	1100	1.11	ROSE
2 N	32 E	W.M.	34	SE NW	1200	0.42	ROSE
2 N	32 E	W.M.	34	SE NW	1400	0.33	ROSE
2 N	32 E	W.M.	34	SE NW	1500	0.92	COOLEY
2 N	32 E	W.M.	34	SE NW	1600	0.98	COURTNEY
2 N	32 E	W.M.	34	SE NW	1700	0.15	INGRAM
2 N	32 E	W.M.	34	SE NW	1800	0.66	HERNANDEZ
2 N	32 E	W.M.	34	SE NW	1900	0.59	UNDERWOOD
2 N	32 E	W.M.	34	SE NW	2000	0.01	WOODS
2 N	32 E	W.M.	34	SE NW	2700	0.03	COVLIN
2 N	32 E	W.M.	34	SE NW	2800	0.57	COVLIN
TOTAL:						120.98	

The right to the use of the water for any purpose is restricted to the lands or place of use herein described, and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

This certificate describes that portion of the water right confirmed by Certificate 55836, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered August 23, 2005, approving District Permanent Transfer Application 9645.

This certificate does NOT include the following inchoate rights proposed under T-9645:

TABLE 2. - INCHOATE RIGHTS UNDER T-9645							
TWP	RNG	MER	SEC	QTR-QTR	TAX LOT	ACRES	USER
2 N	32 E	W.M.	27	NE SW	1100	0.36	GERBERDING
2 N	32 E	W.M.	27	NE SW	1200	0.24	GEORGE
2 N	32 E	W.M.	27	NE SW	1300	1.33	WARD

TABLE 2. - INCHOATE RIGHTS UNDER T-9645

TWP	RNG	MER	SEC	QTR-QTR	TAX LOT	ACRES	USER
2 N	32 E	W.M.	27	NE SW	1400	0.65	ASHCRAFT
2 N	32 E	W.M.	27	SE SW	800	0.61	HODGEN
2 N	32 E	W.M.	27	SE SW	900	0.58	BOSTWICK
2 N	32 E	W.M.	27	SE SW	1100	0.48	MORRIS
2 N	32 E	W.M.	27	SE SW	1101	0.49	ALDERMAN
2 N	32 E	W.M.	27	SE SW	1200	0.24	GEORGE
2 N	32 E	W.M.	27	SE SW	1200	0.48	TOWNE
2 N	32 E	W.M.	27	SE SW	1300	0.54	WALDMAN
2 N	32 E	W.M.	27	SE SW	3400	0.17	GARD
2 N	32 E	W.M.	27	SE SW	3500	0.28	COOK
2 N	32 E	W.M.	27	SE SW	3600	0.18	GRIFFITH
2 N	32 E	W.M.	27	SE SW	3700	0.15	OVERSTREET
2 N	32 E	W.M.	27	SE SW	3800	0.17	KELLY
2 N	32 E	W.M.	27	SE SW	4100	0.16	GERATHS
2 N	32 E	W.M.	27	SE SW	4600	0.19	WALLIS
2 N	32 E	W.M.	27	SE SW	4700	0.19	MILTENBERGER
2 N	32 E	W.M.	27	SE SW	5800	0.10	GILLETTE
2 N	32 E	W.M.	27	SE SW	6000	0.17	COOK
2 N	32 E	W.M.	27	SE SW	6100	0.82	STANHOPE
2 N	32 E	W.M.	34	NW NE	400	0.60	MILTENBERGER
2 N	32 E	W.M.	34	SW NE	900	2.67	BURTON
2 N	32 E	W.M.	34	SW NE	901	1.75	KENNEDY
TOTAL:						13.60	

This certificate does not include the following inchoate rights proposed under T-9766:

TABLE 3. - INCHOATE RIGHTS UNDER T-9766

TWP	RNG	MER	SEC	QTR-QTR	TAX LOT	ACRES	USER
2 N	32 E	W.M.	27	NE SW	206	0.96	DABOLING
2 N	32 E	W.M.	27	NE SW	206	3.45	DABOLING
TOTAL:						4.41	

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.

Issued: *August 23, 2005*

Debbie Colbert
 For Phillip C. Ward, Director
 Water Resources Department

Recorded in State Record of Water Right Certificates numbered 81502