

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A. B. THOMPSON, owner and
BERT PULLOR, owner of contract to purchase
ECHO, OR 97826

confirms the right to use the waters of FIVEMILE CREEK for IRRIGATION of 75.5 ACRES and SUPPLEMENTAL IRRIGATION of 38.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County (John Day River Decree). 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 1908.

The amount of water to which this right is entitled is limited to an amount actually used beneficially for said purposes, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH of one cubic foot per second per acre thereafter; further limited to 1.0 acre-foot per calendar month to June 1 and 4.0 acre-feet per acre during the season April 1 to September 30, measured at the point of diversion.

(NOTE: Water is diverted in SE¼ NE¼, Section 28, Township 4 S, Range 29 E, W.M. and taken northerly across divide into Butter Creek.)

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	NW NE	2.6
3 N	28 E	WM	30	SW NE	30.9
3 N	28 E	WM	30	SW NW	2.0
3 N	28 E	WM	30	SE NW	5.0
3 N	28 E	WM	30	SE NW	35.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	30	SW NW	38.0

(NOTE: The 38.0 acres in the SW ¼ NW ¼ have a primary right under the Butter Creek Decree with priority dates of 1864 and 1898 as confirmed by Certificate #2690.)

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 said right shall be subject to all other conditions and limitations contained in said decree.

This certificate describes that portion of the water right confirmed by Certificate 25901, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 14 2008, approving Transfer Application T-10320 and includes a note about the diversion of water that was ordered by the Decree Volume 15, Page 471 but had been left off of the previous certificate.

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.

WITNESS the signature of the Water Resources Director, affixed MAR 14 2008


Phillip C. Ward, Director