

STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES G. and ADA S. MCKAY  
4029 SW HIGHWAY 395  
PENDLETON, OR 97801

confirms the right to use the waters of McKAY CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 3.0 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 15 at page 454. The date of priority is JANUARY, 1904.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under this right, and shall not exceed 0.037 cubic foot per second, subject to the provisions of paragraph 33 of said decree.

The point of diversion is located as follows:

870 FEET SOUTH AND 200 FEET EAST OF THE NW CORNER OF SECTION 34 being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 34, TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.;

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:

3.0 Acres, Tax Lot 206  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 34  
Township 2 North, Range 32 East, W.M.

APPEAL RIGHTS

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 must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

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.

This certificate is issued to confirm an order of the Water Resources Director issued July 29, 1986, recorded in Volume 40, Page 232, Special Order Records of the Water Resources Department; approving Transfer application T-5777. Those 1.5 acres of land that were not irrigated by the new point of diversion shall revert to the original point of diversion and be combined with irrigation of those acres in remaining right certificate 75272.

Issued: April 2, 2009

A handwritten signature in cursive script, appearing to read "Phillip C. Ward", written over a horizontal line.

Phillip C. Ward, Director  
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates numbered 85450