Permit A-1—400—2-37

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, *That* J. A. KIRBY

of Richland, *State of* Oregon, *has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of* Surplus waters of Eagle Creek *a tributary of* Powder River *for the purpose of* Irrigation *under Permit No.* 10830 *of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from* March 7, 1933;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.0 cubic foot per second measured at the point of diversion from the stream,

or its equivalent in case of rotation.

The point of diversion is located in the SE¼NW¼, Section 35, Township 8 South, Range 45 East, W. M.

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-fortieth *of one cubic foot per second per acre,* shall not exceed 3 acre feet per acre throughout the irrigation season from April 1 to October 1,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

2 acres in the NW¼NE¼,
8 acres in the NE¼NW¼,
10 acres in the NW¼NW¼,
Section 29,
20 acres in the S½NE¼NE¼,
Section 30,
Township 9 South, Range 46 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years' notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed this 8th *day of* September, *193* 7.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, *page* 11830

These lands may be covered in part
by Brownlee Reservoir
See H.E. License File