

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **CHARLES F. DUBY**

of Keating, 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 West Eagle Creek and Goose Creek a tributary of Powder River for the purpose of Irrigation under Permit No. 11042 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 October 4, 1935;

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 0.52 cubic foot per second measured at the point of diversion from the stream, - being from Goose Creek until May 20 to June 1, and then from West Eagle Creek for the remainder of the irrigation season,

The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 6 South, Range 43 East, W. M., and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 8 South, Range 43 East, W. M. or its equivalent in case of rotation.

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,

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

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

3.25 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
3.50 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$,
4.50 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$,
9.75 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 19,
Township 8 South, Range 43 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 16th day of December, 1937.

CHAS. E. STRICKLIN
State Engineer