

STATE OF OREGON

County of Baker

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, That ORIN HUTTON, FRED A. PHILLIPS and LULU M. PHILLIPS, husband and wife, WAYNE PHILLIPS and ARA PHILLIPS, husband and wife, IRA STAGGS and BERNICE STAGGS, husband and wife, MILLIE JACKSON, a widow, WALTER JACKSON, JOSEPH JACKSON, JR., DAVID JACKSON, and CAROLINE M. DUBEY, a widow, doing business as Phillips & Ingle Ditch Company (successors in interest to A. N. Ingle, F. A. Phillips, Russell Ingle, and Lula M. Phillips, the original applicants in application No. 5727, Permit No. 3939, upon which this certificate is based), have made proof to the satisfaction of the State Engineer of Oregon of the right to the use of the water stored in Eagle Lake Reservoir and Looking Glass Lake Reservoir, constructed under application No. 5839, Permit No. R-441, and application No. 5752, Permit No. R-440, which reservoir rights are now evidenced by certificates of water right issued by the then State Water Board on December 1, 1920, and appearing of record at pages 2924 and 2925 of Volume 4, State Record of Water Right Certificates, for the purpose of irrigation of 2,699 acres under secondary permit No. 3939 of the State Engineer (recorded in Vol. 9, page 3939, State Records of Permits) and that said right to the use of said waters has been perfected in accordance with the laws of the State of Oregon, and that the priority of the right hereby confirmed dates from September 18, 1917, as to water stored in Looking Glass Lake, and November 16, 1917, as to water stored in Eagle Lake, respectively; 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 purpose, and shall not exceed 1,371 acre feet or its equivalent in case of rotation, measured at the point of diversion from the reservoirs. The point of diversion from Looking Glass Lake is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T. 5 S., R. 44 E., W.M. and from Eagle Lake is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, T. 5 S., R. 44 E., W.M., both as projected in unsurveyed territory.

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 3 $\frac{1}{2}$ acre feet per acre, 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:

- 40 acres Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
- 40 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
- 40 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 19
- 40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
- 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
- 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
- 37 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
- 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
- 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 24
- 37 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
- 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
- 35 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
- 35 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
- 40 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
- 35 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 25
- 40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
- 38 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
- 25 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
- 38 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
- 15 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 26
- 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
- 40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 29
- 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
- 40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
- 40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
- 40 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
- 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 30

T. 8 S., R. 42 E., W.M.

40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
18 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
30 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
39 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$	Section 32
31 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 31	40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 33
40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	

That such use shall be indirect, by diverting water from West Eagle Creek through what was formerly known as the Hogum Ditch (now known as the Phillips & Ingle Ditch), which has a point of diversion from West Eagle Creek in the Southwest quarter of the Southwest quarter, Section 9, Township 6 South, Range 43 East, W.M., Baker County, Oregon, and replacing the same with the said stored water under the terms and conditions as set out and specified in the order of Charles E. Stricklin, then State Engineer, dated December 21, 1943, in the matter of the application of Orin Britton, et al, for a change of use of water. As specified in said order, permittees may, during any irrigation season, release the waters impounded in said Eagle and Looking Glass Lakes for an equal quantity of the stream flow of West Eagle Creek, to be diverted into the said Hogum or Phillips & Ingle Ditch; such release to be accomplished as follows:

If at any time during an irrigation season an appropriator of water from Eagle Creek below the confluence of said stream with West Eagle Creek shall be entitled to water as against the permittees, under the law of beneficial use, the water master, upon demand, shall cause to be released from Eagle and Looking Glass Lakes, into Eagle Creek, an amount of water not exceeding that amount to be diverted by permittees from West Eagle Creek, so that the quantity available will be the same as if no diversion was made by permittees from the natural flow of West Eagle Creek; such released water to be available to users of water from Eagle Creek below the confluence of said stream with West Eagle Creek, entitled to water as against the permittees, under the law of beneficial use, and the water master, upon demand, shall cause to be released from Eagle and Looking Glass Lakes into Eagle Creek an amount of water not exceeding that then diverted by permittees from the flow of West Eagle Creek, such released water then to be available for the irrigation of the lands adjacent to and irrigated from Eagle Creek below the confluence of said stream with West Eagle Creek, and having rights prior in time to the lands of the permittees above described. If, at the time such demand is made, there is no impounded water available in such lakes, or during the irrigation season all of such impounded water has been released and the requirements of such appropriators have not been supplied, then the water master shall turn down waters of West Eagle Creek to supply said lands and priorities.

The right to the use of the water for the purposes aforesaid is restricted to the lands and place of use herein described, under and pursuant to the conditions above set forth and the natural flow water diverted from West Eagle Creek, for water so released from storage in said Eagle and Looking Glass Lakes, as aforesaid, shall be used as a supplemental supply for the irrigation of the lands herein described.

WITNESS the signature of the State Engineer, affixed

this date, December 15, 1960

 LEWIS A. STANLEY
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 20, page 27920