

STATE OF OREGON

COUNTY OF

BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

DAVID GARDNER
HENRY LEVINGER

Route 1, Baker
of Pocohantus Road, Baker, State of Oregon, has a right
to the use of the waters of East Hibberd Creek and Spring in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16

a tributary of Powder River for the purpose of
irrigation of 47.0 acres
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 6, at page 291; that the priority of the right thereby
confirmed dates from 1864;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed a rate of flow of
one-fortieth of one cubic foot per second per acre; and shall be subject to all
other conditions and limitations contained in said decree

The point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, T. 9 S., R. 39 E.,
W. M.

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

37.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10

10.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 9
T. 9 S., R. 39 E., W. M.

Certificate of water right issued to E. J. Lew and recorded at page 4305,
Volume 5, State Record of Water Right Certificates, confirms the right to the
use of water for irrigation of 50.0 acres. Subsequently, the right to the use
of water appurtenant to 3.0 acres was canceled by order of the State Engineer
entered July 25, 1969. This certificate is issued to confirm the remaining right
to the use of water for irrigation and supersedes the certificate heretofore
issued to E. J. Lew.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described.

WITNESS the signature of the State Engineer, affixed

this date October 28, 1969.

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36458