

STATE OF OREGON
COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **MACK BIRKMAIER**

of **Enterprise**, State of **Oregon** **97028**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Elk Creek, Chesnimus Creek, Crow Creek, and Joseph Creek** a tributary of **Saske River** for the purpose of **irrigation of 69.5 acres** under Permit No. **33090** 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 **December 6, 1967**

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 **1.75 cubic feet per second, being 0.45 c.f.s. from Elk Creek, 0.35 c.f.s. from Chesnimus Creek, 0.78 c.f.s. from Crow Creek, and 0.17 c.f.s. from Joseph Creek**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **Joseph Cr. - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Chesnimus Cr. - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Crow Cr. - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Elk Cr. - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T. 3 N., R. 45 E., W. M., Joseph Cr. - 3910 feet North and 3700 feet West, Chesnimus Cr. - 2560 ***

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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **3 acre feet per acre** for each acre irrigated during the irrigation season of each year;

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:

(SEE SECOND PAGE)

- * feet North and 2550 feet West, 1270 feet North and 370 feet West, Crow Cr. - 1800 feet North and 2430 feet West, 670 feet North and 2000 feet West, 50 feet North and 1910 feet West, 2420 feet South and 2620 feet West, 3220 feet South and 2450 feet West, Elk Cr. - 780 feet South and 2330 feet West, 1430 feet South and 3300 feet West, all from NE Corner, Section 35.

<u>Elk</u> <u>Creek</u>	<u>Chesnimus</u> <u>Creek</u>	<u>Crow</u> <u>Creek</u>	<u>Joseph</u> <u>Creek</u>
	1.0 acre		SW $\frac{1}{4}$ NE $\frac{1}{4}$
	6.6 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$
	0.1 acre	1.3 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
	6.2 acres	9.9 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
0.2 acre		8.6 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
		Section 26	
13.2 acres		0.8 acre	NW $\frac{1}{4}$ NE $\frac{1}{4}$
1.8 acres		5.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
2.2 acres			NE $\frac{1}{4}$ NW $\frac{1}{4}$
0.6 acre		2.4 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$
		0.9 acre	NE $\frac{1}{4}$ SW $\frac{1}{4}$
		2.1 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
		Section 35	
		T. 3 N., R. 45 E., 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.

WITNESS the signature of the State Engineer, affixed

this 11 day of December, 1974.

Chris L. Wheeler

State Engineer