

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. H. TONEY

of Haines, State of Oregon, 97833, has
a right to the use of the waters of Powder River, Rock Creek and Sand Creek

a tributary of Snake River for the purpose of
the irrigation of 430.0 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 WATER RESOURCES DIRECTOR, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1905 for 78.0 acres Tract No. 1: 1883 for 3.0 acres, 1898 for 25.5 acres and 1894 for 80.0 acres in Tract No. 2; 1878 for * that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for sua purposes, and shall not exceed 1/40 of one cubic foot per second per acre;

The point of diversion is located in the

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

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* 171.0 acres, 1880 for 57.5 acres and 1897 for 15.0 acres in Tract No. 3

Powder River

Tract No. 1

16.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
22.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
5.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
35.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 27

T. 7 S., R. 39 E., W. M.

Rock Creek

Tract No. 2

12.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
16.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35

T. 7 S., R. 38 E., W. M.

Rock Creek & Sand Creek

Tract No. 3

15.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
33.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 27

27.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
25.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
39.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
28.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 28

36.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 33

T. 7 S., R. 39 E., W. M.

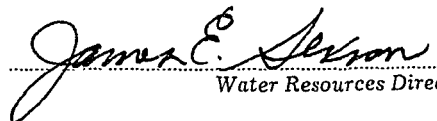
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4509, Volume 5, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on December 18, 1978.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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 Water Resources Director, affixed

this date January 19, 1979.


Water Resources Director