

STATE OF OREGON

COUNTY OF

BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HARRY H. JACOBS & SONS

of HRC 88, Box 136, Baker, State of OR 97814, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Balm Creek and Balm Creek Reservoir enlargement constructed under Permit R-3679

a tributary of Powder River for the purpose of irrigation of 44.4 acres and supplemental irrigation of 443.9 acres

under Permit No. 29014 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 July 18, 1963

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 7.5 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SE 1/4, Section 7, T7S, R43E, WM; NE 1/4 SW 1/4, Section 6, T8S, R43E, WM; Balm Creek Reservoir - 2800 feet South and 2400 feet West from NE corner Section 7, T7S, R43E, WM; Balm Creek - 1600 feet North and 2200 feet East from SW corner Section 6, T8S, R43E, WM.

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 3.5 acre-feet from direct flow and storage from reservoir constructed under Permit R-3679; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

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:

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PRIMARY

17.6 acres SE 1/4 SW 1/4
Section 7

4.0 acres NE 1/4 NE 1/4
0.2 acre NW 1/4 NE 1/4
1.0 acres SW 1/4 NE 1/4
1.8 acres SE 1/4 NE 1/4
5.6 acres NE 1/4 NW 1/4
6.0 acres SE 1/4 NW 1/4
2.0 acres NE 1/4 SW 1/4
3.0 acres Lot 4 (SW 1/4 SW 1/4)
2.0 acres SE 1/4 SW 1/4
1.2 acres NW 1/4 SE 1/4

Section 18

Township 8 South, Range 43 East, WM

SUPPLEMENTAL

27.6 acres SE 1/4 SE 1/4
Section 13

Township 8 South, Range 42 East, WM

38.0 acres NW 1/4 NE 1/4
39.0 acres SW 1/4 NE 1/4
38.0 acres SE 1/4 NE 1/4
34.4 acres NE 1/4 NW 1/4
15.1 acres Lot 2 (SW 1/4 NW 1/4)
34.0 acres SE 1/4 NW 1/4
38.0 acres NE 1/4 SW 1/4
26.0 acres Lot 3 (NW 1/4 SW 1/4)
39.0 acres Lot 4 (SW 1/4 SW 1/4)
38.0 acres SE 1/4 SW 1/4
15.2 acres NE 1/4 SE 1/4
38.0 acres NW 1/4 SE 1/4
23.6 acres SW 1/4 SE 1/4

Section 18

Township 8 South, Range 43 East, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. January 30, 1987

/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51 , page 55506

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