

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that JAMES E. KERNS, of ROUTE 1, BOX 28, HAINES, OREGON 97833, has a right to the use of waters of ROCK CREEK, a tributary of POWDER RIVER, for the purpose of THE IRRIGATION OF 40.0 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at page 291. The date of priority is 1879.

The right is limited to not more than 0.025 CUBIC FOOT PER SECOND PER ACRE.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 33, T 7 S, R 38 E, W.M.; 1580 FEET NORTH & 1430 FEET WEST FROM SE CORNER SECTION 33.

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

SW 1/4 SW 1/4 40.0 ACRES  
SECTION 35  
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered SEPTEMBER 13, 1978, and together with certificate 46853, supersedes certificate 45020, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date AUGUST 29, 1988.

/s/ WILLIAM H. YOUNG  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57606

T-3000A