

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

FRANK VANDERWALL of HAINES, OR 97833 has a right to the use of the waters of KILMERQUE CREEK, ROCK CREEK AND BIG MUDDY CREEK, TRIBUTARIES TO POWDER RIVER

for the purpose of IRRIGATION OF 125.48 ACRES OF LAND.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is recorded at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, page 291. The date of priority is 1895 FOR 10 ACRES IN TRACT 1; 1882 FOR 80 ACRES AND 1891 FOR 35.48 ACRES IN TRACT 2.

The right is limited to an amount of water actually beneficially used for said purposes, and shall not exceed 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:

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

	ACRES	1/4	1/4	SECTION	TOWNSHIP	RANGE,	WM
	<u>Rock Creek</u>						
Tract No. 1	10.00	SE	NW	33	7	S	38 E
	<u>Kilmerque, Rock and Big Muddy Creeks</u>						
Tract No. 2	40.00	NE	NE	27	7	S	38 E
	40.00	NW	NE	27	7	S	38 E
	8.66	SW	NE	27	7	S	38 E
	9.66	SE	NE	27	7	S	38 E
	10.50	NE	NW	27	7	S	38 E
	6.66	SE	NW	27	7	S	38 E
Total:	125.48 acres.						

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

The 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, November 7, 1988.

/s/ WILLIAM H. YOUNG
Water Resources Director