

STATE OF OREGON
COUNTY OF UNION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PHILLIP W. WHITLEY
HCR 88, BOX 332
BAKER, OREGON 97814

confirms the right to use the waters of BIG CREEK, AN UNNAMED DRAINAGE, A TRIBUTARY OF BIG CREEK AND HARMON RESERVOIR, CONSTRUCTED UNDER PERMIT R-6406, a tributary of the POWDER RIVER, for the purpose of THE PRIMARY IRRIGATION OF 13.4 ACRES AND THE SUPPLEMENTAL IRRIGATION OF 35.0 ACRES.

The right has been perfected under Permit 40115. The date of priority is SEPTEMBER 10, 1975. The right is limited to not more than 1.21 CUBIC FEET PER SECOND; BEING 0.335 CFS FROM BIG CREEK, THE UNNAMED DRAINAGEWAY AND RESERVOIR FOR PRIMARY IRRIGATION AND 0.875 CFS FROM THE UNNAMED DRAINAGE AND RESERVOIR FOR SUPPLEMENTAL IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SE 1/4 SE 1/4, SECTION 26, NE 1/4 NE 1/4, SECTION 36,
T 6 S, R 41 E, W.M.; BIG CREEK - 50 FEET SOUTH FROM THE NE CORNER OF SECTION 36; UNNAMED DRAINAGE - 70 FEET NORTH AND 900 FEET WEST FROM THE SE CORNER OF SECTION 26.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage.

The right 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.

The right 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, and to which such right is appurtenant, is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SE 1/4	3.5 ACRES	11.0 ACRES
SE 1/4 SE 1/4	9.9 ACRES	24.0 ACRES

SECTION 26
TOWNSHIP 6 SOUTH, RANGE 41 EAST, W.M.

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. The right 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 OCTOBER 29, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64900
53625.JW