

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TIMOTHY E. & JANICE M. HEATER
ROUTE 1, BOX 113
RICHLAND, OREGON 97870

confirms the right to use the waters of EAGLE CREEK, DRY GULCH CREEK AND GOVER CREEK, tributaries of THE POWDER RIVER, for PRIMARY IRRIGATION OF 8.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 17.7 ACRES.

This right was perfected under Permit 45438. The date of priority is FEBRUARY 25, 1980, FOR 0.2 CFS FROM EAGLE CREEK, 0.2 CFS FROM DRY GULCH CREEK AND 0.14 CFS FROM GOVER CREEK AND JANUARY 23, 1981, FOR 0.1 CFS FROM DRY GULCH CREEK. This right is limited to 0.64 CUBIC FOOT PER SECOND, BEING 0.2 CFS PRIMARY FROM EAGLE CREEK AND 0.3 CFS SUPPLEMENTAL FROM DRY GULCH CREEK AND 0.14 CFS SUPPLEMENTAL FROM GOVER CREEK or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

EAGLE CREEK - SE 1/4 SW 1/4, SECTION 33, T 8 S, R 45 E, 1230 FEET NORTH AND 2520 FEET EAST FROM THE SW CORNER OF SECTION 33.
DRY GULCH CREEK - SW 1/4 NW 1/4, SECTION 21, T 9 S, R 45 E, W.M.; 2630 FEET NORTH AND 960 FEET EAST FROM THE SW CORNER OF SECTION 21.
GOVER CREEK - SW 1/4 SW 1/4, SECTION 21, T 9 S, 45 E, W.M.; 620 FEET NORTH AND 630 FEET EAST FROM THE SW CORNER OF SECTION 21.

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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SW 1/4	6.4 ACRES	5.7 ACRES
NW 1/4 SW 1/4	1.6 ACRES	6.3 ACRES
SW 1/4 SW 1/4		2.5 ACRES
SE 1/4 SW 1/4		3.2 ACRES
SECTION 21		
TOWNSHIP 9 SOUTH, RANGE 45 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed OCTOBER 2, 1991.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 66792.

59820.DSM

Cancelled - sp. or Rec. Vol. 53,384 P. 53 ss by 75359