

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TOM "MAC" KERNS  
ROUTE 1 BOX 10  
HAINES, OREGON 97837

confirms the right to use the waters of A RESERVOIR ON PINE CREEK, CONSTRUCTED UNDER PERMIT R-660, a tributary of the POWDER RIVER, for SUPPLEMENTAL IRRIGATION OF 200.0 ACRES, DOMESTIC AND STOCK.

This right was perfected under Permit 10721. The date of priority is DECEMBER 11, 1931. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.00 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW¼ NW¼, SECTION 26; SW¼ NE¼, SECTION 32, T 8 S, R 38 E, WM.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

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:

NE¼ SE¼ 40.0 ACRES  
SE¼ SE¼ 40.0 ACRES

NW¼ SW¼ 40.0 ACRES  
SW¼ SW¼ 40.0 ACRES

SECTION 12

SECTION 7

TOWNSHIP 8 SOUTH, RANGE 38 EAST,  
W.M.

NW¼ NW¼ 40.0 ACRES  
SECTION 18  
TOWNSHIP 8 SOUTH, RANGE 39 EAST,  
W.M.

This right shall be subject to the following condition that the City of Baker's right and priorities both as to natural flow and storage shall be preserved and shall not be affected by this subsequent filing; that should the City of Baker at any time hereafter elect to employ its said rights in this reservoir, Mrs. Perkins, or her successors in interest, will promptly recognize the City's right to the use of such reservoir for municipal purposes as specified in the agreement between the City and her on February 16, 1932, and that Mrs. Perkins or her successors in interest, will at all time indemnify and save the City harmless of any damage which may result through her enjoyment of said facilities as specified in said agreement.

This certificate describes that portion of the water right confirmed by Certificate 55731, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 9 1995, approving Transfer Application 6785.

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. 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           AUG 9 1995          .

**M MARTHA O. PAGEL**

Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 68541.

T-6785.LEN