

STATE OF OREGON

WATER DIVISION NO. 2

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That MARTIN M. DERR

of Mitchell, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Birch Creek, a tributary of John Day River

, for the purpose of the irrigation of 60.4 acres of land

under Permit No. 90 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1

at page 168, on the 18th day of November, 1914; that the priority of

the right hereby confirmed dates from September 11, 1909; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not

exceed 76/100 of 1 cubic foot per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper state officer. A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

25 acres in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$; 12 acres in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$; 17.8 acres in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$; 1.6 acres in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$; and 4 acres in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$; of Section Thirty-four (34), Township Twelve (12) South Range Twenty-five (25) East of Willamette Meridian.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 16th day

(SEAL OF STATE WATER BOARD)

of December, 1914.

STATE WATER BOARD

By JOHN H. LEWIS
State Engineer, President

Attest: M. F. MERS
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, Page 718