

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

State of Oregon (ODOT)  
417 Transportation Bldg.  
Salem, Oregon 97310

confirms the right to use the waters of Rock Creek and Sand Creek, a tributaries of Powder River for irrigation of 3.5 acres of land.

This right was confirmed by decree of the Circuit Court of the State of Oregon and BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291, Powder River Decree. The dates of priority are 1890 for Tract 1 and April 28, 1881 for Tract 4.

The amount of water entitled and hereby confirmed for the purposes a fore said is limited to an amount actually beneficially used and shall not exceed **ONE FORTIETH** of one cubic foot per second per acre or its equivalent in case of rotation.

The point of diversion is described and located as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 31, T. 7 S., R. 39E., W.M.

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

Tract 1 - Source: Rock Creek - 1890  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  1.5 acres  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  1.8 acres  
Section 28

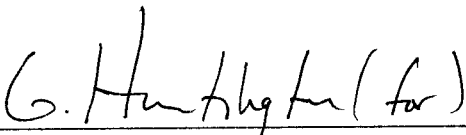
Tract 4 - Source: Sand Creek - April 28, 1881  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  0.2 acre  
Section 28  
Township 7 South, Range 39 East, W.M.

This certificate describes that portion of the water right confirmed by Certificate 43541, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on MAR 25 1996, 1996 and recorded in Special Order Volume 50, page 194, approving a petition by James P. Ingram under ORS 541.329.

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

The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Witness the signature of the Water Resources Director,  
affixed March 25, 1996.

  
Martha O. Pagely Director

Recorded in State Record of Water Right Certificates numbered 72176.  
43541.vc