

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

S. E. COMFORT
P.O. BOX 645
WINCHESTER, OREGON 97495

confirms the right to use the waters of SOUTH FORK BURNT RIVER, a tributary of BURNT RIVER, for IRRIGATING 363.8 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County, AS EVIDENCED BY CERTIFICATES 5847, 5954, AND 6018. The decree is of record at Salem, in the Order Record of the WATER RESOURCE DIRECTOR, in Volume 8, at Page 134. The dates of priority are 1900, JUNE 1887, AND AUGUST 20, 1900.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 9.1 CUBIC FEET PER SECOND, if available at the original points of diversion: LAPORTE DITCH AND CARLILE-SHANKLIN DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the original points of diversion.

The new point of diversion is located as follows:

ELMS DITCH: NW 1/4 NE 1/4, SECTION 23, T 13 S, R 36 E, W.M.; 107 FEET SOUTH AND 2055 FEET WEST FROM THE NE CORNER OF SECTION 23.

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 and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

	<u>CERT. 5847</u> <u>1900</u>	<u>CERT. 5954</u> <u>JUNE 1887</u>	<u>CERT. 6018</u> <u>AUGUST 20, 1900</u>
SW 1/4 SE 1/4		5.0 ACRES	
SE 1/4 SE 1/4		38.0 ACRES	
SECTION 12			
NE 1/4 NE 1/4		14.0 ACRES	
SW 1/4 NE 1/4	3.0 ACRES		
SE 1/4 NW 1/4	17.5 ACRES		
NE 1/4 SW 1/4	36.0 ACRES		
NW 1/4 SW 1/4			5.0 ACRES
SW 1/4 SW 1/4			17.5 ACRES
SE 1/4 SW 1/4	15.0 ACRES		
SECTION 13			
NE 1/4 SE 1/4			13.5 ACRES
SE 1/4 SE 1/4			15.0 ACRES
SECTION 14			
TOWNSHIP 13 SOUTH, RANGE 36 EAST, W.M.			

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SW 1/4 NW 1/4	39.9 ACRES
SE 1/4 NW 1/4	38.0 ACRES
NW 1/4 SW 1/4	40.1 ACRES
SW 1/4 SW 1/4	40.3 ACRES
SECTION 7	

NW 1/4 NW 1/4	26.0 ACRES
SECTION 18	

TOWNSHIP 13 SOUTH, RANGE 37 EAST, W.M.

NOTE: Land under certificate 5954 also enjoy a right to use of water from Warm Spring.

When required by the department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered MARCH 29, 1991, and together with Certificate 65563, supersedes Certificates 5847, 5954, and 6018, State Record of Water Right Certificates.

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 and is subject to all other conditions and limitations contained in the decree.

WITNESS the signature of the Water Resources Director, affixed JUNE 7, 1996.

15/ Steven P. Applegate

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72370.