

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD SMITH AND C. TOM AND LYNNE D. HILL
ROUTE 1, BOX 184
BAKER CITY, OR 97814

confirms the right to use the waters of SPRING CREEK, a tributary of PINE CREEK, for IRRIGATING 57.5 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291. The date of priority is 1866.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.44 CUBIC FEET PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 26, T 8 S, R 39 E, W.M.; 860 FEET NORTH AND 10 FEET EAST FROM THE W 1/4 CORNER OF SECTION 26.

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.

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

SW 1/4 NW 1/4 17.5 ACRES
SE 1/4 NW 1/4 40.0 ACRES
SECTION 26
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

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

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 APRIL 12, 1991, and along with Certificates 65685, 72391, 72393, 72394, supersedes Certificate 4221, 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.

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T-6177.DEK

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 said decree.

WITNESS the signature of the Water Resources Director, affixed JUNE 17, 1996.

 Steven P. Applegate

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72392.