

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Kerns Bros Inc.
Rural Route 1
Haines, OR 97833

confirms the right to use the waters of seepage and reservoir constructed under Permit No. R-6424, a tributary of Willow Creek for the purpose of supplemental irrigation of 176.00 acres and stock use.

This right was perfected under Permit 40307. The date of priority is April 16, 1975. The amount of water to which this right is entitled is 0.505 CUBIC FOOT PER SECOND, being 0.50 cfs for supplemental irrigation and 0.005 cfs for stock, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Seepage and reservoir constructed under Permit no. R-6424 - NW¼ SE¼, Section 7, T 8 S, R 39 E, WM; 40 feet South and 370 feet West from NE corner, Section 7.

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 from direct flow and shall be further limited to a diversion of not to exceed 3.5 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No. R-6424.

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:

¼ ¼	Acres	Tax Lot	Section	Township	Range	Use
NWSE	30.00	2400	7	8 South	39 East	IS
SESE	39.10	2400	7	8 South	39 East	IS
SENE	39.10	2400	7	8 South	39 East	IS
NESE	37.80	2400	7	8 South	39 East	IS/STK
SWSE	30.00	2400	7	8 South	39 East	IS
TOTAL AC	176.00					

This certificate confirm an order of the Director entered on OCT 28 1996, and recorded in Special Order Volume 50, Page 735, approving a petition by Kerns Brothers Inc. under ORS 541.329 for mapping of water rights within a district. This certificate supersedes certificate 48781, issued in the name of Thomas L. And Jean B. Griffith.

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 permit. 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 OCT 28 1996.


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 72617.
KERNS.vc