

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 a reservoir on Pine Creek constructed under Permit R-660, a tributary of Powder River, for the purpose of supplemental irrigation of 280.00 acres.

This right was perfected under Permit 10721. The date of priority is December 11, 1931. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T 8 S, R 38 E, WM.

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.

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:

$\frac{1}{4}$ $\frac{1}{4}$	ACRES	LOT	Section	TWP (S)	RNG (E)	USE
NESE	40.00	2301	12	8	38	IS
SESE	40.00	2301	12	8	38	IS
NESW	39.10	2400	7	8	39	IS
NWSW	35.00	2400	7	8	39	IS
SWSW	35.80	2400	7	8	39	IS
SESW	39.10	2400	7	8	39	IS
NENW	1.80	2400	18	8	39	IS
NENW	14.40	2400	18	8	39	IS
NWNW	34.80	201	18	8	39	IS
TOTAL AC	280.00					

This right shall be subject to the following condition that the City of Baker's Rights and priorities both as to natural flow and storage shall be preserved and shall not be affected by this subsequent filing; that rights in this reservoir, Mrs. Perkins, or her successors in interest, will promptly recognize the City's rights to the use of such reservoir for municipal purposes as specific in the agreement between the City and her on February 16, 1932, and that Mrs. Perkins or her successors in interest, will at all times indemnify and save the City harmless of any damage which may result through her enjoyment of said facilities as specified in said agreement.

The rights to the use of the water for any purpose is restricted to the lands or place of use herein described.

This certificate and transfer confirms 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 55731 and Transfer 6785.

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 72618.

55731.CJ