

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 Rock Creek, Pine Creek and Willow Creek, tributaries of Powder River, for the irrigation of 39.10 acres.

This right was confirmed by Powder River 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 December 4, 1899.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.62 CUBIC FOOT PER SECOND or its equivalent in case of rotation.

The points of diversion are located as follows:

Wilcox Ditch from Willow Creek - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T. 7 S., R. 38 E., W.M.; 2370'S. and 2410'E. from NW Corner, Sec. 3, T. 7 S., R. 38 E., W.M.

Williams Ditch from Pine Creek - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T. 8 S., R. 38 E., W.M.; 220'S. and 1000'W. from NW Corner of Sec. 26, T. 8 S., R. 38 E., W.M.

Welch Ditch from Pine Creek - NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T. 8 S., R. 38 E., W.M.; 1010'S. and 2200'W. from NW Corner of Sec. 26, T. 8 S., R. 38 E., W.M.

Wilcox Ditch from Rock Creek - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T. 7 S., R. 38 E., W.M.; 1580'N. and 1430'W. from SE Corner, Sec. 33, T. 7 S., R. 38 E., W.M.

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:

39.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Tax Lot 2400, Section 7
Township 8 South, Range 39 East, WM

This certificate 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 4437, issued in the name of Rock Creek and North Powder Irrigation Company.

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 OCT 28 1996.


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 72619.

4437.CJ