

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

SUPERSEDED BY  
CERT. NO. 92163+80504  
T. 9379

THIS CERTIFICATE ISSUED TO

David and Carol Phillips  
Rural Route 1  
Haines, OR 97833

Company Ranch  
c/o Eldon Buckner  
Baker City, OR 97814

confirms the right to use the waters of Pine creek, a tributary of Powder River, for irrigation of 314.54 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The Powder River decree is of record in Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291. The dates of priority are 1904 for 79.09 acres; 1909 for 79.09 acres; and April 1863 for 156.36 acres.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7.86 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Cartmill Ditch (L.B. and O.P. Ison Ditch) - SE¼ NW¼, Section 25, T. 8 S., R. 38 E., W.M.; 2650'S. and 1960'W. from NW Corner of Sec. 25, T. 8 S., R. 38 E., W.M. For 1904 and 1909 priorities.

Boles Ditch - NW¼ SE¼, Section 29, T. 8 S., R. 39 E., W.M.; 2170'N. and 2600'W. from SE Corner, Sec. 29, T. 8 S., R. 39 E., W.M. For April 1863 priority.

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:

¼ ¼	Acres	Section	Township	Range	Use	Priority	Owner
NE NW	39.09	22	8 South	39 East	IR	1904	Phillips
NW NW	40.00	22	8 South	39 East	IR	1904	Phillips
SW NW	40.00	22	8 South	39 East	IR	1909	Phillips
SE NW	39.09	22	8 South	39 East	IR	1909	Phillips
NENW	40.00	28	8 South	39 East	IR	April, 1863	Company
NW NW	39.09	28	8 South	39 East	IR	April, 1863	Company
SW NW	38.18	28	8 South	39 East	IR	April, 1863	Company
SE NW	39.09	28	8 South	39 East	IR	April, 1863	Company
<b>TOTAL AC</b>	<b>314.54</b>						

Cancelled, due to  
T. 9379, Sp. Or.  
Vol. 12, P. 79

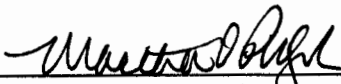
This certificate describes that portion of the water right confirmed by Certificate 68343, issued in the name of Josephine Ison, Edna MacDougall and Virgil S. Ison, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Director entered on **OCT 28 1996**, 1996, and recorded in Special Order Volume 50, Page 735, approving a petition by Kerns Brothers, Inc. under ORS 541.329. This certificate supersedes certificate 68343.

The issuance of this superseding certificate does not confirm the status of the water right in

reference to 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 said decree.

WITNESS the signature of the Water Resources Director, affixed OCT 28 1996.

  
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Martha O. Pagel, Director

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Recorded in State Record of Water Right Certificates numbered 72621.  
KERNS.CJ