

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Davis Wilcox
Haines, OR 97833

~~Original No. 43022~~
Cert. No. 43022

~~CANONICAL~~

confirms the right to use the waters of Rock Creek for the irrigation of 39.1 acres, Sand Creek for irrigation of 40.0 acres, Pine Creek for irrigation of 25.0 acres with 1897 priority and 131.4 acres with 1903 priority, Willow Creek for irrigation of 117.3 acres and supplemental irrigation 99.1 acres, tributaries of Powder River.

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 1874 for Sand Creek, 1865 for Rock Creek, 1897 and 1903 for Pine Creek, and 1906 for Willow Creek. 79.09.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11.3 CUBIC FEET PER SECOND or its equivalent in case of rotation.

The points of diversion are located as follows:

Weisner Ditch from Sand Creek - NW¼ NW¼, Section 31, T 7 S, R 38 E, WM;

Moore Ditch from Rock Creek - NW¼ SW¼, Section 32, T 7 S, R 38 E, WM;

Wilcox No. 2 Ditch from Willow Creek

Dry Gulch Ditch from Pine Creek - SE¼ NE¼, Section 26, 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.

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

Acres	¼ ¼	Section	Township	Range	Sources	Priority	Use
40.00	SE NE	32	7 South	39 East	Sand Creek	1874	IR
39.10	NE SW	32	7 South	39 East	Rock Creek	1865	IR
39.10	NE NW	8	8 South	39 East	Pine Creek		IR
38.20	NW NW	8	8 South	39 East	Pine Creek		IR
39.10	SW NW	8	8 South	39 East	Pine Creek		IR
40.00	SE NW	8	8 South	39 East	Pine Creek		IR
40.00	SE NW	8	8 South	39 East	Willow Creek	1906	IS
39.10	SW NW	8	8 South	39 East	Willow Creek	1906	IS
20.00	S½NE NW	8	8 South	39 East	Willow Creek	1906	IS
39.10	NE NE	9	8 South	39 East	Willow Creek	1906	IR
39.10	NW NE	9	8 South	39 East	Willow Creek	1906	IR
39.10	SW NW	10	8 South	39 East	Willow Creek	1906	IR
451.90	TOTAL AC.						

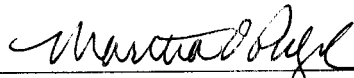
This certificate describes that portion of the water right confirmed by Certificate 4563, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Director

Record of Water Right Certificates, NOT modified by the provisions of 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. This certificate supersedes certificate 4563.

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.


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 72622.

Superseded by
Cert. No. 73622

KERNS.vc