

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Wilcox Ditch Company
c/o Brad Allen
Rural Route 1
Haines, OR 97833

confirms the right to use the waters of Rock Creek, Pine Creek, Willow Creek, and Kilmerque Creek, tributaries of Powder River, for the irrigation of 2163.1 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 date of priority is Dec. 4, 1899.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 34.18 CUBIC FEET PER SECOND or its equivalent in case of rotation.

The points of diversion are located as follows:

Wilcox Ditch from Rock Creek - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 7 South, Range 38 East, WM; 1580 feet North and 1430 feet West from SE corner, Section 33.

Wilcox Ditch from Willow Creek - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 8 South, Range 38 East, WM; 2370 feet South and 2410 feet East from NW corner, Section 3.

Dry Gulch Ditch from Pine Creek - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, T 8 S, R 38 E, WM

Kilmerque Creek

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	$\frac{1}{4}$ $\frac{1}{4}$	Section	Township	Range	Sources
38.20	NE NE	8	8 South	39 East	Rock & Kilmerque Creeks
39.10	NW NE	8	8 South	39 East	Rock & Kilmerque Creeks
40.00	SW NE	8	8 South	39 East	Rock & Kilmerque Creeks
39.10	SE NE	8	8 South	39 East	Rock & Kilmerque Creeks
20.00	S $\frac{1}{2}$ NE NW	8	8 South	39 East	Rock, Pine, Willow & Kilmerque Creeks
19.10	N $\frac{1}{2}$ NE NW	8	8 South	39 East	Rock & Kilmerque Creeks
38.20	NW NW	8	8 South	39 East	Rock & Kilmerque Creeks
39.10	SW NW	8	8 South	39 East	Rock, Pine, Willow & Kilmerque Creeks
40.00	SE NW	8	8 South	39 East	Rock, Pine, Willow & Kilmerque Creeks
39.10	NE SE	8	8 South	39 East	Rock & Kilmerque Creeks
40.00	NW SE	8	8 South	39 East	Rock & Kilmerque Creeks

40.00	SW SE	8	8 South	39 East	Rock & Kilmerque Creeks
39.10	SE SE	8	8 South	39 East	Rock & Kilmerque Creeks
40.00	SW NE	9	8 South	39 East	Rock & Kilmerque Creeks
40.00	SE NE	9	8 South	39 East	Rock & Kilmerque Creeks
39.10	SW NW	9	8 South	39 East	Rock & Kilmerque Creeks
40.00	SE NW	9	8 South	39 East	Rock & Kilmerque Creeks
40.00	NE SW	9	8 South	39 East	Rock & Kilmerque Creeks
39.10	NW SW	9	8 South	39 East	Rock & Kilmerque Creeks
39.10	SW SW	9	8 South	39 East	Rock & Kilmerque Creeks
40.00	SE SW	9	8 South	39 East	Rock & Kilmerque Creeks
40.00	NE SE	9	8 South	39 East	Rock & Kilmerque Creeks
40.00	NW SE	9	8 South	39 East	Rock & Kilmerque Creeks
40.00	SW SE	9	8 South	39 East	Rock & Kilmerque Creeks
40.00	SE SE	9	8 South	39 East	Rock & Kilmerque Creeks
39.10	SW NW	10	8 South	39 East	Rock, Pine, Willow & Kilmerque Creeks
39.10	NW SW	10	8 South	39 East	Rock & Kilmerque Creeks
39.10	SW SW	10	8 South	39 East	Rock & Kilmerque Creeks
40.00	NE NE	16	8 South	39 East	Rock & Kilmerque Creeks
40.00	NW NE	16	8 South	39 East	Rock & Kilmerque Creeks
39.10	SW NE	16	8 South	39 East	Rock & Kilmerque Creeks
39.10	SE NE	16	8 South	39 East	Rock & Kilmerque Creeks
40.00	NE NW	16	8 South	39 East	Rock & Kilmerque Creeks
39.10	NW NW	16	8 South	39 East	Rock & Kilmerque Creeks
38.20	SW NW	16	8 South	39 East	Rock & Kilmerque Creeks
39.10	SE NW	16	8 South	39 East	Rock & Kilmerque Creeks
39.10	NE SW	16	8 South	39 East	Rock & Kilmerque Creeks
38.20	NW SW	16	8 South	39 East	Rock & Kilmerque Creeks
39.10	SW SW	16	8 South	39 East	Rock & Kilmerque Creeks
40.00	SE SW	16	8 South	39 East	Rock & Kilmerque Creeks
39.10	NE SE	16	8 South	39 East	Rock & Kilmerque Creeks
39.10	NW SE	16	8 South	39 East	Rock & Kilmerque Creeks
40.00	SW SE	16	8 South	39 East	Rock & Kilmerque Creeks
40.00	SE SE	16	8 South	39 East	Rock & Kilmerque Creeks
39.10	NE NE	17	8 South	39 East	Rock & Kilmerque Creeks
40.00	NW NE	17	8 South	39 East	Rock & Kilmerque Creeks
39.10	SW NE	17	8 South	39 East	Rock & Kilmerque Creeks
38.20	SE NE	17	8 South	39 East	Rock & Kilmerque Creeks
40.00	NE NW	17	8 South	39 East	Rock & Kilmerque Creeks
39.10	NW NW	17	8 South	39 East	Rock & Kilmerque Creeks
38.20	SW NW	17	8 South	39 East	Rock & Kilmerque Creeks
39.10	SE NW	17	8 South	39 East	Rock & Kilmerque Creeks
39.10	NE NE	18	8 South	39 East	Rock & Kilmerque Creeks
40.00	NW NE	18	8 South	39 East	Rock & Kilmerque Creeks
38.20	SW NE	18	8 South	39 East	Rock & Kilmerque Creeks
38.20	SE NE	18	8 South	39 East	Rock & Kilmerque Creeks

2163.10

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 entered 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 4437

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 72623.

KERNS.vc