

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LINDSAY BROS.
ROUTE 2 BOX 182
BAKER CITY, OR 97814

DONALD AND DORTHY HUBBARD
HCR 61 BOX 53
ENTERPRISE, OR 97828

confirms the right to use the waters of POWDER RIVER, a tributary of SNAKE RIVER for IRRIGATION of 156.85 acres of land.

This right was perfected under Permit 296. The date of priority is APRIL 19, 1910. This right is limited to 1.96 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

POINT OF DIVERSION: SW 1/4 SE 1/4 SECTION 2, T 8 S, R 39 E, W.M.;
KESTER-SWINYER-MYERS DITCH: NORTH 83 DEGREES 16 MINUTES WEST, 23.8 CHAINS FROM SE CORNER OF SECTION 2.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second 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:

SW 1/4 NW 1/4 38.7 acres
SW 1/4 SW 1/4 39.0 acres
Section 30
TOWNSHIP 7 SOUTH, RANGE 40 EAST, W.M.

SE 1/4 NW 1/4 40.0 acres
NW 1/4 NW 1/4 39.15 acres
Section 31
TOWNSHIP 7 SOUTH, RANGE 40 EAST, W.M.

This certificate describes that portion of the water right confirmed by certificate 1633, issued in the name of H.C. Haney and John E. Astner, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on FEB 25 1997 and recorded in Special Order Volume 51, page 148 approving a petition by the Baker Valley Irrigation District under ORS 541.329.

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 use the water for the above purposes 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.

Witness the signature of the Water Resources Director, affixed
FEB 25 1997


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 73409.
1633.vc