

STATE OF OREGON  
COUNTY OF BAKER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRELL LAND AND LIVESTOCK LTD  
ROUTE 1 BOX 51  
BAKER CITY, OR 97814

confirms the right to use the waters of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION OF 75.0 ACRES.

This right was confirmed by 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 1880 FOR 45 ACRES; 1888 FOR 30 ACRES.

The use is limited to 1.88 CUBIC FEET PER SECOND, being 1.13 cfs for 1880 and 0.75 for 1888 or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SETTLERS SLOUGH DITCH - NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 21, 2160 FEET NORTH AND 30 FEET EAST FROM SW CORNER SECTION 21, T 9S R 40E, 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 a diversion of ONE-FORTIETH of one cubic foot per second (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:

NE $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  35.0 ACRES  
SECTION 18  
TOWNSHIP 9 SOUTH, RANGE 40 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 36477, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on FEB 25 1997 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 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

FEB 25 1997

  
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 73534.

36477.VC