

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENNETH L. MARSH
2175 ESTES
BAKER CITY, OREGON 97814

confirms the right to use the waters of ELK CREEK, a tributary of POWDER RIVER, and POWDER RIVER and SPRINGS tributary of SNAKE RIVER for IRRIGATION from ELK CREEK of 67.3 and IRRIGATION from POWDER RIVER and SPRINGS of 34.0 acres of land.

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 1872 FOR 67.3 ACRES AND 1884 FOR 34.0 ACRES.

The use is limited to 1.68 CUBIC FEET PER SECOND from Elk Creek and 0.85 CUBIC FOOT PER SECOND from Powder River and Springs, or its equivalent in case of rotation.

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 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:

ELK CREEK
SE 1/4 NW 1/4 40.0 acres
NE 1/4 SW 1/4 27.3 acres
Section 5
Township 10 South, Range 40 East, W.M.
POWDER RIVER AND SPRINGS
SE 1/4 SW 1/4 34.0 acres
Section 32
Township 9 South, Range 40 East, W.M.

This certificate describes that portion of the water right confirmed by Certificate 4013, issued in the name of Ed C. Bowen, 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 the use of 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 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 73545.
4013.vc