

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS MACK
BAKER, OREGON 97814

confirms the right to use the waters of POWDER RIVER, a tributary of SNAKE RIVER, and ELK CREEK AND BLUE CANYON, tributary of POWDER RIVER for IRRIGATION.

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 1871 FOR 160 ACRES FROM POWDER RIVER IN TRACT 1, 1870 FOR 33 ACRES IN TRACT 2, 1894 FOR 81 ACRES IN TRACT 3, 1905 FOR 26 ACRES IN TRACT 4 AND 1908 FOR 17 ACRES IN TRACT 5.

The use is limited to 7.925 CUBIC FEET PER SECOND, being 4.0 cfs for Tract 1, 0.825 cfs for Tract 2, 2.025 cfs for Tract 3, 0.65 cfs for Tract 4, and 0.425 cfs for Tract 5, or its equivalent in case of rotation.

The points of diversion are located as follows:

Tract 1:
Tract 2: Kane Ditch
Tract 3: Kane and Mack Ditch
Tract 4: Mack No. 2
Tract 5: Mack No. 1

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:

TRACT 1: POWDER RIVER - 1871
SW 1/4 SE 1/4 40.0 acres
Section 8

NE 1/4 NE 1/4 40.0 acres
SW 1/4 NE 1/4 40.0 acres
NW 1/4 SE 1/4 40.0 acres
Section 17

TOWNSHIP 8 SOUTH, RANGE 40 EAST, W.M.

TRACTS 2, 3, 4, AND 5: ELK CREEK & BLUE CANYON
SW 1/4 NE 1/4 32.0 acres
SE 1/4 NW 1/4 15.0 acres
NE 1/4 SE 1/4 25.0 acres
NW 1/4 SE 1/4 20.0 acres
SE 1/4 SE 1/4 40.0 acres
Section 23

SW 1/4 SW 1/4 25.0 acres
Section 24

TOWNSHIP 10 SOUTH, RANGE 39 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 4323 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

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Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 73563.

4323.vc