

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HELEN WIRTH  
RT2 BOX 200  
BAKER CITY, OR 97814

WARNER BROS  
RT 2 BOX 135  
BAKER CITY, OR 97814

confirms the right to use the waters of POWDER RIVER, a tributary of SNAKE RIVER for IRRIGATION of 141.7 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 Tract 1 - 1900 FOR 61.9 ACRES AND Tract 2 - 1904 FOR 79.8 ACRES.

The use is limited to 3.54 CUBIC FEET PER SECOND, being 1.548 cfs from tract 1 and 1.992 cfs from tract 2, or its equivalent in case of rotation.

The points of diversion are located as follows:

TRACT 1 - POWERS EAST 2 DITCH: NW 1/4 SW 1/4, SECTION 33, T 8 S, R 40 E, W.M.; 2640 FEET NORTH & 850 FEET EAST FROM SW CORNER, SECTION 33

TRACT 2 - TAGGETT EAST DITCH): SE 1/4 NW 1/4, SECTION 28, T 8 S, R 40 E, W.M.; 2650 FEET NORTH & 1690 FEET EAST FROM SW CORNER, SEC. 28

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		
NE 1/4 NE 1/4	21.9	acres
SE 1/4 NE 1/4	40.0	acres
Tract 2		
NE 1/4 NW 1/4	39.8	acres
SE 1/4 NW 1/4	40.0	acres
Section 21		
TOWNSHIP 8 SOUTH,	RANGE 40 EAST,	W.M.

This certificate describes that portion of the water right confirmed by Certificate 4348, issued in the name of Martha T. McKittrick, 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.

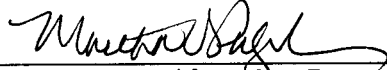
The issuance of this superseding certificate does not confirm the status

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

Recorded in State Record of Water Right Certificates numbered 73570.

4348.vc