

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROSIE MILLER TRUST
HCR 87 BOX 588
BAKER CITY, OREGON 97814

ELOISE MCKITTRICK
4000 CEDAR ST #202
BAKER CITY, OR 97814

confirms the right to use the waters of POWDER RIVER AND BEAVER CREEK, a tributary of SNAKE RIVER, for IRRIGATION OF 89.6 ACRES FROM POWDER RIVER AND IRRIGATION OF 61.5 ACRES FROM BEAVER CREEK.

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 dates of priority are 1873 for 53.2 ACRES AND 1891 FOR 36.4 ACRES for Tract 1; 1873 FOR 61.5 ACRES for Tract 2.

The use is limited to 3.78 CUBIC FEET PER SECOND being 2.24 cfs for Tract 1 and 1.54 cfs for Tract 2 or its equivalent in case of rotation. the source.

The point of diversion is located as follows:

TRACT 1: SHAW-STEWART DITCH - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 19, 570 FEET SOUTH AND 1900 FEET WEST FROM NE CORNER SECTION SECTION 19, T 10S, R 40E, W.M.

SMITH DITCH - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 19, 945 FEET SOUTH AND 1865 FEET WEST FROM NE CORNER SECTION 19, T 10S, R 40E, W.M.

TRACT 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-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:

TRACT 1 - POWDER RIVER
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34.0 ACRES
SECTION 17
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.4 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 23.2 ACRES
SECTION 18
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES
SECTION 19
TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

TRACT 2 - BEAVER CREEK
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 22.7 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.8 ACRES
SECTION 17
TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

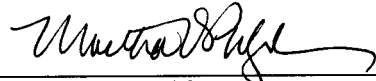
This certificate describes that portion of the water right confirmed by Certificate 4569 State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on page 148 **FEB 25 1997** and recorded in Special Order Volume 51, approving a petition 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 regard to the provisions of 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

Recorded in State Record of Water Right Certificates numbered 73585.

4569.VC