

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LEWIS SMITH III
3414 KIAMESHA
MISSOURI CITY, TX 77459

confirms the right to use the waters of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION OF 40.0 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 MAY 6, 1891.

The use is limited to 1.00 CUBIC FOOT PER SECOND or its equivalent in case of rotation.

The point of diversion is located as follows:

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

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

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:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SECTION 17
TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 48328 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 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 73597.
48328.VC