

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 21.4 ACRES.

This right was perfected under Permit 44155. The date of priority is APRIL 24, 1974. This right is limited to 0.535 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SMITH DITCH: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 19, T 10 S, R 40 E, W.M.; 940 FEET SOUTH AND 1850 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) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.4 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.8 ACRES
SECTION 17

TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.


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

WITNESS the signature of the Water Resources Director, affixed

FEB 25 1997


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 73604.

60460R.VC