

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

W.B. WILLOUGHBY
NEW BRIDGE, OREGON

confirms the right to use the waters of EAGLE CREEK, a tributary of POWDER RIVER for IRRIGATION OF 34.0 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 1887 FOR TRACT 1 AND 1885 FOR TRACT 2.

The use is limited to 0.85 CUBIC FOOT PER SECOND or it's equivalent in case of rotation.

The point of diversion is located as follows:

TRACT 1 - MOODY DITCH - 2130 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 3, T 9 S, RANGE 45 EAST, W.M.

TRACT 2 - NEWT YOUNG DITCH - 1950 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNTER OF SECTION 33, T 8 S, R 45 E, W.M.

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 No. 1

N $\frac{1}{2}$ of SE $\frac{1}{4}$ SE $\frac{1}{4}$ 24.0 ACRES

SECTION 3

TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

Tract No. 2

N $\frac{1}{2}$ of SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 ACRES

N $\frac{1}{2}$ of SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4.0 ACRES

SECTION 3

N $\frac{1}{2}$ of NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 ACRES

SECTION 10

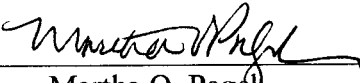
TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

This certificate describes that portion of the water right confirmed by certificate 4767, State Record of Water Right Certificated, NOT modified by the provisions of an order of the Water Resources director entered on FEB 06 1997 approving a petition by the Tobin Ditch Company under ORS 541.329.

The issuance of this superseding certificate does not confirm the status of the water right is 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 06 1997



Martha O. Page

Recorded in State Records of Water Right Certificates numbered 73617.

4767.jp.