

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J.W. CARNAHAN
RICHLAND, OREGON 97870

confirms the right to use the waters of EAGLE CREEK, a tributary of POWDER RIVER for IRRIGATION OF 58.0 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 1877.

The use is limited to 1.45 CUBIC FEET PER SECOND or it's equivalent in case of rotation.

The point of diversion is located as follows:

NEWT YOUNG DITCH - 1950 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 45 EAST, 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:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 ACRES

SECTION 11

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

This certificate describes that portion of the water right confirmed by certificate 4615, 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 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 06 1997

Ms. MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Records of Water Right Certificates numbered 73620.

4615.jp