

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACOBS, HARRY H. & SONS, INC.
HCR 88 BOX 136
BAKER CITY, OR 97814

confirms the right to use the waters of BALM CREEK, a tributary of POWDER RIVER for IRRIGATION of 90.0 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 August 1904.

The use is limited to 2.25 CUBIC FEET PER SECOND or it's equivalent in case of rotation.

The point of diversion is located as follows:

Fuchs Ditch: NE¼ SW¼, Section 6, Townhsip 8 South, Range 43 East W.M.

The amount of water used for irrigation is limited to a diversion of 1/40 of one cubic foot per second or its equivalent for each acre irrigated.

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

SE¼ SE¼ 5.0 acres
Section 13
TOWNSHIP 8 SOUTH, RANGE 42 EAST, W.M.

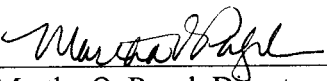
NW¼ NE¼ 30.0 acres
SW¼ NE¼ 40.0 acres
NE¼ NW¼ 15.0 acres
Section 18
TOWNSHIP 8 SOUTH, RANGE 43 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 3393, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Director entered on JUN 19 1997, and recorded in Special Order Volume 51, Page 840, approving a petition by Phillips-Ingle Ditch Improvement District 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 6/19/97.


Martha O. Pagel, Director

Recorded in State Records of Water Right Certificates numbered 74007.
3393.vks