

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT W. AND MARY WIRTH
HCR 88 BOX 305
BAKER CITY, OR 97814

Confirms the right to use the waters of BIG CREEK, a tributary of POWDER RIVER, for IRRIGATION OF 65.0 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 dates of priority are 1871 for tract 1 and 1883 tract 2.

The use is limited to 3.25 CUBIC FEET PER SECOND, being 1.4 cfs for tract 1 and 1.85 cfs for tract 2 or its equivalent in case of rotation.

The points of diversion are as follows:

For TRACT 1, HARSON DITCH - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 11, Township 7 South, Range 41 East, W.M.

For TRACT 2, BARNES-BRANNAN DITCH - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, Township 7 South, Range 41 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-TWENTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season.

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

TRACT 1 - 1871 PRIORITY

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.0 ACRES
SECTION 11

TOWNSHIP 7 SOUTH, RANGE 41 EAST, W.M.

TRACT 2 - 1883 PRIORITY

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23.0 ACRES
SECTION 2

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.0 ACRES
SECTION 11
TOWNSHIP 7 SOUTH, RANGE 41 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 4521, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on DEC 30 1997, approving a petition by the Lower Powder River 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 DEC 30 1997.

/s/ MARTHA O. PAGEL
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 74051.