

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BYRL K. AND BARBARA R. CHADWELL
HCR 59 BOX 28
BAKER CITY, OR 97814

Confirms the right to use the waters of SECOND CREEK AND RUCKLES CREEK, tributaries of the POWDER RIVER, for IRRIGATION OF 27.0 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 1890 for 10.0 acres and August 14, 1889 for 17.0 acres.

The use is limited to .675 CUBIC FOOT PER SECOND, or its equivalent in case of rotation.

The points of diversion are:

PALMER DITCH - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 9 South, Range 42 East, W.M.

SECOND CREEK - NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 9 South, Range 42 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 (or its equivalent) 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:

1890 PRIORITY

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 ACRES
SECTION 7

AUGUST 14, 1889 PRIORITY

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.0 ACRES
SECTION 7

TOWNSHIP 9 SOUTH, RANGE 42 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 4393, 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 74052.