

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TIM & JANICE KERNS
RT. 1 BOX 30-A
HAINES, OREGON 97833

confirms the right to use the waters of, ROCK CREEK AND WILLOW CREEK, tributaries of POWDER RIVER, for IRRIGATION (IR) OF 259.8 ACRES OF LAND.

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: January 20, 1868 for TRACT 1 and 1868 for TRACT 2.

The use is limited to 6.50 CUBIC FEET PER SECOND, or it's equivalent in case of rotation.

The points of diversion are located as follows:

Brown-Delong Ditch from Rock Creek - NW¼ SW¼, Section 34, Township 7 South, Range 38 East, W.M.; 3567 feet South and 5087 feet West from Northeast Corner of said section 34.

Hunstock-Meyers Ditch from Rock Creek- NE¼ SW¼, Section 34, Township 7 South, Range 38 East, W.M.; 2663 feet South and 2687 feet West from Northeast corner of said section 34.

A pump from Willow Creek - SW¼ NE¼, Section 2, Township 8 South, Range 38 East, W.M.; 60 feet North and 1600 feet West from the East quarter corner of said section 2.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its quivalent 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 1 - JANUARY 20, 1868

| Township South | Range East | Section | Quarter Quarter | Acres | Use | Source | Ditch |
|---------------------|------------|---------|-----------------|--------------|-----|----------|-------------------------------|
| 8 | 38 | 1 | SWSE | 4.6 | IR | Rock Cr. | Hunstock-Meyers, Brown Delong |
| 8 | 38 | 1 | SWSE | 30.5 | IR | Rock Cr. | Hunstock-Meyers, Brown Delong |
| 8 | 38 | 1 | SWSW | 3.6 | IR | Rock Cr. | Hunstock-Meyers, Brown Delong |
| 8 | 38 | 12 | NWNW | 16.4 | IR | Rock Cr. | Hunstock-Meyers, Brown Delong |
| 8 | 38 | 12 | NWNE | 0.4 | IR | Rock Cr. | Hunstock-Meyers, Brown Delong |
| 8 | 38 | 12 | NWNE | 30.5 | IR | Rock Cr. | Hunstock-Meyers, Brown Delong |
| 8 | 38 | 1 | SWSW | 2.1 | IR | Rock Cr. | Brown Delong |
| 8 | 38 | 1 | SENE | 37.9 | IR | Rock Cr. | Brown Delong |
| Total Acres: | | | | 126.0 | | | |

Temp Sp.Ord. 53 P. 784

T-8423 T-8227-8250-8219 T 7993

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Temp Sp Order V53 P. 784

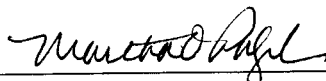
TRACT 2 - 1868

| Township South | Range East | Section | Quarter Quarter | Acres | Use | Source | Ditch |
|---------------------|------------|---------|-----------------|--------------|-----|------------|-------------------------------|
| 8 | 39 | 6 | SWSW | 34.3 | IR | Rock Cr. | Hunstock-Meyers, Brown Delong |
| 8 | 39 | 7 | NENW | 5.7 | IR | Rock Cr. | Hunstock-Meyers, Brown Delong |
| 8 | 38 | 1 | SWNW | 32.3 | IR | Rock Cr. | Brown Delong |
| 8 | 38 | 12 | NWNE | 9.1 | IR | Rock Cr. | Brown Delong |
| 8 | 38 | 1 | SWSW | 20.0 | IR | Willow Cr. | Brown (pump) |
| 8 | 38 | 1 | SESW | 38.6 | IR | Rock Cr. | Brown Delong |
| 8 | 38 | 1 | SWSW | 13.8 | IR | Rock Cr. | Brown Delong |
| Total Acres: | | | | 133.8 | | | |

This certificate confirms an order of the Director entered on JUN 19 1997, and recorded in Special Order Volume 51, Page 713, approving a petition by Tim and Janice Kerns under ORS 541.327. This certificate supersedes Certificate 52917 and portions of T-6185 and Certificate 67791.

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

TEMP V53 P572

Recorded in State Record of Water Right Certificates numbered 74062.

52917con.JS

T7993