

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Tim & Jan Kerns
Rt. 1 Box 30 A
Haines, OR 97833

confirms the right to use the waters of ROCK CREEK, MARBLE OR GRAVEL CREEK, AND WILLOW CREEK tributaries of POWDER RIVER, for IRRIGATION (IR) OF 327.81 ACRES, and SUPPLEMENTAL IRRIGATION (IS) OF 100.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The Powder River 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 for primary acres are: 1864 for 25 acres, 1901 for 18.0 acres, TRACT 1; 1868 for 80.0 acres, 1894 for 80.0 acres, TRACT 2; October 12, 1864 for 60.0 acres, 1868 for 21.81 acres, 1883 for 23.0 acres, TRACT 3. The date of priority for supplemental acres is: 1868 for 100.0 acres, TRACT 4.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 8.195 CUBIC FEET PER SECOND or its equivalent in case of rotation.

The points of diversion are located as follows:

Brown-Delong Ditch from Rock Creek - NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 7 South, Range 38 East, W.M.; 3567 feet South and 5087 feet West from the Northeast corner of said Section 34.

Brown Ditch - SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 8 South, Range 38 East, W.M.; 60 feet North and 1600 feet West from the East corner, Section 2.

The amount of water used under this right, 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 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:

TRACT 1

| Township South | Range East | Section | Quarter Quarter | Use | Acres | Priority Date | Source | Ditch |
|----------------------|------------|---------|-----------------|-----|-------------|---------------|----------------------|-------|
| 8 | 38 | 2 | NESE | IR | 2.0 | 1864 | Marble or Gravel Cr. | Brown |
| 8 | 38 | 2 | SWSE | IR | 20.0 | 1864 | Marble or Gravel Cr. | Brown |
| 8 | 38 | 2 | SESE | IR | 3.0 | 1864 | Marble or Gravel Cr. | Brown |
| 8 | 38 | 2 | NWSE | IR | 9.0 | 1901 | Marble or Gravel Cr. | Brown |
| 8 | 38 | 2 | SESE | IR | 9.0 | 1901 | Marble or Gravel Cr. | Brown |
| Total Acres : | | | | | 43.0 | | | |

TRACT 2

| Township South | Range East | Section | Quarter Quarter | Use | Acres | Priority Date | Source | Ditch |
|----------------------|------------|---------|-----------------|-----|--------------|---------------|----------|--------------|
| 8 | 38 | 1 | NESW | IR | 40.0 | 1868 | Rock Cr. | Brown Delong |
| 8 | 38 | 1 | NWSW | IR | 40.0 | 1868 | Rock Cr. | Brown Delong |
| 8 | 38 | 1 | NENW | IR | 40.0 | 1894 | Rock Cr. | Brown Delong |
| 8 | 38 | 1 | NWNW | IR | 40.0 | 1894 | Rock Cr. | Brown Delong |
| Total Acres : | | | | | 160.0 | | | |

TRACT 3

| Township South | Range East | Section | Quarter Quarter | Use | Acres | Priority Date | Source | Ditch |
|----------------------|------------|---------|-----------------|-----|---------------|---------------|------------|-------|
| 8 | 38 | 1 | SWSW | IR | 20.0 | 1883 | Willow Cr. | Brown |
| 8 | 38 | 2 | SENE | IR | 40.0 | 10/12/1864 | Willow Cr. | Brown |
| 8 | 38 | 2 | NESE | IR | 20.0 | 10/12/1864 | Willow Cr. | Brown |
| 8 | 38 | 2 | NWSE | IR | 3.0 | 1883 | Willow Cr. | Brown |
| 8 | 38 | 2 | SWNE | IR | 25.37 | 1868 | Willow Cr. | Brown |
| 8 | 38 | 2 | NESE | IR | 4.0 | 1868 | Willow Cr. | Brown |
| 8 | 38 | 2 | NWSE | IR | 12.44 | 1868 | Willow Cr. | Brown |
| Total Acres : | | | | | 124.81 | | | |

TRACT 4

| Township South | Range East | Section | Quarter Quarter | Use | Acres | Priority Date | Source | Ditch |
|----------------------|------------|---------|-----------------|-----|--------------|---------------|----------|--------------|
| 8 | 38 | 2 | SWNE | IS | 25.0 | 1868 | Rock Cr. | Brown Delong |
| 8 | 38 | 2 | SENE | IS | 39.0 | 1868 | Rock Cr. | Brown Delong |
| 8 | 38 | 2 | NESE | IS | 24.0 | 1868 | Rock Cr. | Brown Delong |
| 8 | 38 | 2 | NWSE | IS | 12.0 | 1868 | Rock Cr. | Brown Delong |
| Total Acres : | | | | | 100.0 | | | |

This certificate describes that portion of the water right confirmed by Certificate 67791, 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 713, approving a petition by Tim and Janice Kerns under ORS 541.327.

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 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 6/19/97.



 Martha O. Pagel, Director



Recorded in State Record of Water Right Certificates numbered 74069.