

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

F. WILBUR SMITH
1915 CHESTNUT
BAKER CITY, OR 97814

confirms the right to use the waters of SISLEY CREEK AND CHICKEN CREEK FOR TRACT #1 AND SISLEY CREEK FOR TRACT #2, tributaries of BURNT RIVER, for IRRIGATION OF 29.0 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 8, at Page 180. The date of priority is 1877 FOR 5.0 ACRES AND 1884 FOR 10 ACRES OF TRACT NO. 1; 1890 FOR TRACT NO. 2.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3 MINER'S INCHES FOR THE 1877 RIGHT; 8 MINER'S INCHES FOR THE 1884 RIGHT; AND 9 MINER'S INCHES FOR THE 1890 RIGHT .

The point of diversion is located as follows:

SW 1/4 SW 1/4, SECTION 9, T 12 S, R 44 E, W.M.; 790 FEET NORTH AND 925 FEET EAST FROM THE SW CORNER OF SECTION 9.

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

	<u>TRACT NO. 1</u>	<u>TRACT NO. 2</u>
NE 1/4 NE 1/4	1.0 ACRE	1.0 ACRE
NW 1/4 NE 1/4	3.0 ACRES	2.0 ACRES
SW 1/4 NE 1/4	8.0 ACRES	8.0 ACRES
NW 1/4 SE 1/4	3.0 ACRES	3.0 ACRES
SECTION 17		
TOWNSHIP 12 SOUTH, RANGE 44 EAST, W.M.		

The quantity of water diverted at the new point of diversion shall not exceed 20 miner's inches, and that the quantity of water diverted at the new point of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right.

The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the water is entitled.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JANUARY 27, 1989, and supersedes Certificate 5888, State Record of Water Right Certificates.

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.

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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 FEBRUARY 18, 1997.

/S/ Richard D. Bailey

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 74130.

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