

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT W. THOMAS  
ROUTE 1, BOX 159  
HALFWAY, OREGON 97834

confirms the right to use the waters of CLEAR CREEK, a tributary of PINE CREEK, for the purpose of IRRIGATION OF 160.0 ACRES AND LIVESTOCK.

The right has been 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 11, at page 235. The date of priority is 1882 for Tract 1, 1883 for Tract 2, 1906 for Tract 3, and 1910 for Tract 4.

The right is limited to not more than 4.0 CUBIC FEET PER SECOND IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION (Akers Ditch, SE 1/4 SE 1/4, Section 19, TOWNSHIP 7 South, Range 46 East, W.M.).

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 31, TOWNSHIP 7 SOUTH, RANGE 46 EAST, W.M.; 2000 FEET SOUTH AND 100 FEET WEST FROM THE NE CORNER OF SECTION 31.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed one acre-foot per acre during July, one acre-foot per acre during August and one-half acre-foot per acre during September, of each year.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

	<u>TRACT 1</u>	<u>TRACT 2</u>	<u>TRACT 3</u>	<u>TRACT 4</u>
NW 1/4 SE 1/4	6.0 ACRES		34.0 ACRES	
SW 1/4 SE 1/4			26.0 ACRES	14.0 ACRES
SECTION 32				
TOWNSHIP 7 SOUTH, RANGE 46 EAST, W.M.				
			5.0 ACRES	
LOT 1 (NE 1/4 NE 1/4)		35.0 ACRES		
SE 1/4 NE 1/4		40.0 ACRES		
SECTION 5				
TOWNSHIP 8 SOUTH, RANGE 46 EAST, W.M.				

When in the judgment of the Watermaster it becomes necessary to install head gates and measuring devices:

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

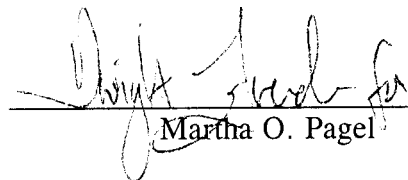
The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JANUARY 19, 1981, CONFIRMS THE PORTION OF THE RIGHT NOT CANCELED BY SPECIAL ORDER RECORD IN VOLUME 34, PAGE 249, SPECIAL ORDER RECORDS OF THE WATER RESOURCES DIRECTOR and supersedes Certificate 10398, 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.

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 shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.

  
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Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76445.