

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

W.L. TONEY
HAINES, OREGON 97833

confirms the right to use the waters of ROCK CREEK, a tributary of the POWDER RIVER, for IRRIGATION OF 46.5 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 date of priority is 1874 FOR 39.9 ACRES AND 1883 FOR 6.6 ACRES.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH of one cubic foot per second per acre or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

MCCULLOUGH AND TONEY-LOCKEN DITCHES.

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 19.9 ACRES

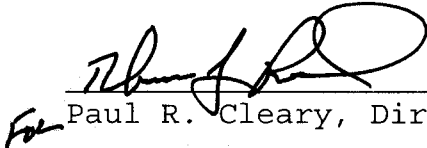
SECTION 31
TOWNSHIP 7 SOUTH, RANGE 39 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 4311, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 16 2002, approving Transfer Application 9162. This certificate together with Certificate 79757, supersedes Certificate 4311, 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 is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,
affixed DEC 16 2002.


For Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 79758.