

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ELMER AND JANIS HILL  
P.O. BOX 226  
NORTH POWDER, OREGON 97867

confirms the right to use the waters of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION OF 14.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UNION County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Page 252. The date of priority is 1870. The amount of water to which this right is entitled is limited to an amount beneficially used for said purposes, and shall not exceed a rate of flow 0.35 cubic foot per second from March 1 to July 1 and 0.175 cubic foot per second from July 1 to October 1 of each year; the total quantity diverted during each irrigation season is not to exceed 35.0 acre-feet (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS THE LUN DITCH LOCATED WITHIN THE NE 1/4 SE 1/4, SECTION 28, TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.; 2600 FEET NORTH AND 440 FEET WEST FROM THE SE CORNER OF SECTION 28).

The point of diversion is located as follows:

SW 1/4 SE 1/4, SECTION 22, TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.;  
450 FEET NORTH AND 2320 FEET WEST FROM THE SE CORNER SECTION 22.

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

SW 1/4 SE 1/4 14.0 ACRES  
SECTION 22  
TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

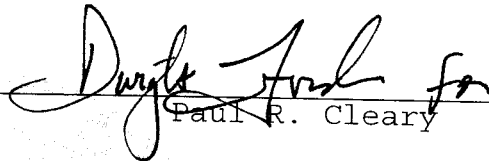
When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device.

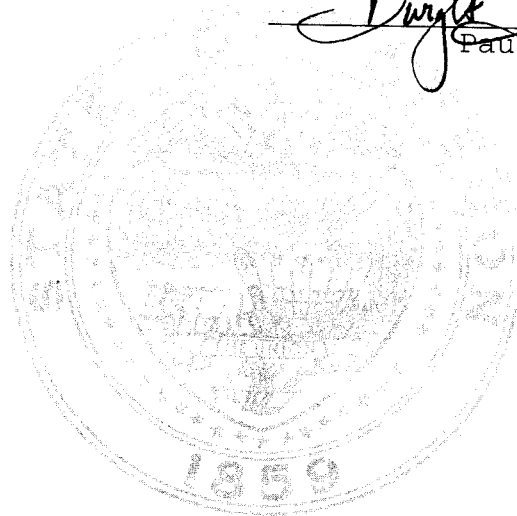
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered SEPTEMBER 30, 1996, and together with Certificate 76967, supersedes Certificate 52516, State Record of Water Right Certificates.

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 February 7, 2003.

  
Paul R. Cleary



Recorded in State Record of Water Right Certificates numbered 79878.

T-7559.SB