

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BAKER VALLEY IRRIGATION DISTRICT  
P.O. BOX 127  
BAKER CITY, OREGON 97814

confirms the right to use the waters of the POWDER RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 1686.95 ACRES and STORAGE OF 350 ACRE-FEET OF WATER IN BAKER RESERVOIR.

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 14, at Page 390. The date of priority is MARCH 1905.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 42.2 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SMITH DITCH - NW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 19, T 10 S, R 40 E, W.M.; 945 FEET SOUTH AND 1865 FEET WEST FROM THE NE CORNER, SECTION 19

MCKITTRICK PUMP - NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 17, T 10 S, R 40 E, W.M.; 10 FEET SOUTH AND 1570 FEET EAST FROM THE NW CORNER OF SECTION 17.

The amount of water used for irrigation, 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. Acre-feet for each acre irrigated during the irrigation season of each year.

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

**SMITH DITCH**

NW $\frac{1}{4}$  NE $\frac{1}{4}$  40.0 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  20.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  34.7 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  18.0 ACRES

SECTION 1

NW $\frac{1}{4}$  NE $\frac{1}{4}$  40.0 ACRES

SECTION 2

SW $\frac{1}{4}$  NE $\frac{1}{4}$  32.0 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  40.0 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  38.2 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES

SECTION 10

SW $\frac{1}{4}$  NE $\frac{1}{4}$  40.0 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  40.0 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  35.0 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  34.2 ACRES

SECTION 11

NW $\frac{1}{4}$  NW $\frac{1}{4}$  22.0 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  24.0 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  35.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  38.0 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  9.5 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  8.0 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  30.0 ACRES

SECTION 12

NW¼ NE¼ 18.5 ACRES  
SW¼ NE¼ 15.0 ACRES  
NE¼ NW¼ 40.0 ACRES  
NW¼ NW¼ 40.0 ACRES  
SW¼ NW¼ 40.0 ACRES  
SE¼ NW¼ 35.5 ACRES  
NE¼ SW¼ 3.5 ACRES  
NW¼ SW¼ 23.0 ACRES  
SW¼ SW¼ 40.0 ACRES  
SE¼ SW¼ 6.5 ACRES

SECTION 14

NE¼ NE¼ 40.0 ACRES  
NW¼ NE¼ 6.8 ACRES  
SW¼ NE¼ 5.5 ACRES  
SE¼ NE¼ 9.2 ACRES  
SE¼ NW¼ 17.0 ACRES  
NE¼ SW¼ 38.3 ACRES  
SW¼ SW¼ 7.6 ACRES  
SE¼ SW¼ 40.0 ACRES  
NE¼ SE¼ 22.5 ACRES  
NW¼ SE¼ 31.0 ACRES  
SW¼ SE¼ 40.0 ACRES  
SE¼ SE¼ 40.0 ACRES

SECTION 15

NE¼ NE¼ 21.2 ACRES  
NW¼ NE¼ 23.2 ACRES  
NE¼ NW¼ 10.35 ACRES

SECTION 22

NW¼ NW¼ 20.5 ACRES

SECTION 23

TOWNSHIP 9 SOUTH, RANGE 40 EAST, W.M.

**MCKITTRICK PUMP**

SE¼ SW¼ 10.5 ACRES

SECTION 8

NE¼ NW¼ 22.7 ACRES

SECTION 17

TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 73598, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 25 2003, approving Transfer Application 7791.

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 NOV 25 2003.

  
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For Paul R. Cleary