

STATE OF OREGON  
COUNTY OF BAKER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID AND CAROL PHILLIPS  
RURAL ROUTE 1  
HAINES, OREGON 97833

confirms the right to use the waters of PINE CREEK, a tributary of the POWDER RIVER, FOR IRRIGATION OF 158.18 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 dates of priority are 1904 FOR 79.09 ACRES AND 1909 FOR 79.09 ACRES.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.95 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 25, T 8 S, R 38 E, W.M.; CARTMILL DITCH (L.B. AND O.P. ISON DITCH) - 2650 FEET SOUTH AND 1960 FEET EAST FROM THE NW CORNER OF SECTION 25.

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.

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

1904 PRIORITY  
NE¼ NW¼ 39.09 ACRES  
NW¼ NW¼ 40.00 ACRES

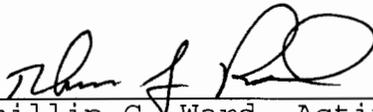
1909 PRIORITY  
SW¼ NW¼ 40.00 ACRES  
SE¼ NW¼ 39.09 ACRES  
SECTION 22  
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 72621 , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered OCT 06 2004, approving Transfer Application 9379 for an additional point of diversion.

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 OCTOBER 6, 2004.

  
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Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80504.