

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENNETH B. AND JOANN B. BOYER
C/O DUANE W. AND JOANN B. BOYER
13525 S. ROCK CREEK LANE
HAINES, OREGON 97833

confirms the right to use the waters of NORTH POWDER RIVER, a tributary of POWDER RIVER, for the purpose of IRRIGATION OF 66.5 ACRES.

The right has been 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 1878.

The right is limited to not more than a rate of flow of 1.66 cubic feet per second from MARCH 1st to July 1st and 0.83 cubic foot per second from July 1st to October 1st of each year, the total quantity diverted during each irrigation season not to exceed 166 acre-feet (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION AT THE NICHOLSON-HARTUNG DITCH).

The points of diversion are located as follows:

BUGLER DITCH - SW 1/4 SE 1/4, SECTION 18, T 7 S, R 38 E, W.M.; 700 FEET NORTH AND 1620 FEET WEST FROM THE NE CORNER OF SECTION 19; AND

NICHOLSON-HARTUNG DITCH - SW 1/4 NE 1/4, SECTION 19, T 7 S, R 38 E, W.M.: 2350 FEET SOUTH AND 2400 FEET WEST FROM THE NE CORNER OF SECTION 19.

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.

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

SW 1/4 SW 1/4 26.5 ACRES
SECTION 15

NW 1/4 NW 1/4 40.0 ACRES
SECTION 22
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water. The type and plans of the measuring device shall be approved by the Watermaster and be installed and maintained under the general supervision the Watermaster.

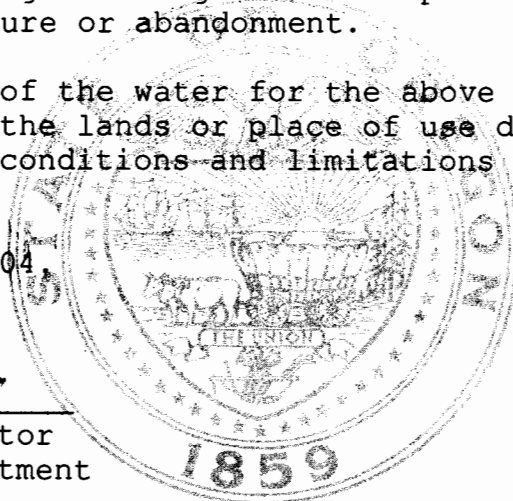
This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered July 27, 1987, and supersedes Certificate 1478, State Record of Water Right Certificates.

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.

Issued January 15, 2004.


Paul R. Cleary, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80543.

T-5937.SB