

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN K. PROEBSTEL  
HAINES, OREGON 97833

confirms the right to use the waters of BIG MUDDY CREEK, a tributary of the POWDER RIVER, for SUPPLEMENTAL IRRIGATION OF 164.1 ACRES.

This right was perfected under Permit 18316. The date of priority is DECEMBER 10, 1930. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.75 CUBIC FOOT PER SECOND (CFS), or its equivalent in case of rotation, measured at the points of diversion from the sources.

The points of diversion are located as follows:

#1 & #2 : SW¼ NE¼, SECTION 19, TOWNSHIP 7 SOUTH, RANGE 39 EAST, W.M.:

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 and shall be further limited to a diversion of not to exceed 4.0 acre feet per acre for each acre irrigated during the irrigation season.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NE $\frac{1}{4}$  NE $\frac{1}{4}$  17.3 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  40.0 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  16.8 ACRES

SECTION 19

NW $\frac{1}{4}$  NW $\frac{1}{4}$  14.0 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  36.0 ACRES

SECTION 20

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

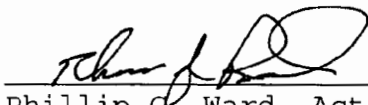
This certificate describes that portion of the water right confirmed by Certificate 19493, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 11 2004, approving Transfer Application 7486.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources

Director, affixed AUGUST 11, 2004.

  
For Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80894.