

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DOUGLAS NEWMAN
Route 1 Box 59A
Baker City, OR 97814

confirms the right to use the waters of ROCK CREEK for the IRRIGATION of 142.33 acres and MUDDY CREEK for the SUPPLEMENTAL IRRIGATION of 2.6 acres, tributaries of the POWDER RIVER.

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 1878 (8.9 acres), 1886 (101.6 acres), 1891 (31.83 acres) from ROCK CREEK, and 1874 (2.6 acres) from MUDDY CREEK.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 3.62 CUBIC FEET PER SECOND or its equivalent in case of rotation, being .22 cfs of 1878, 2.54 cfs of 1886, and 0.79 cfs of 1891 from ROCK CREEK, and 0.07 cfs of 1874 from MUDDY CREEK, measured at the point of diversion.

The points of diversion are located as follows:

OLSEN DITCH - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, being 880 feet South and 70 feet East from the center of Section 33, Township 7 South, Range 38 East, W.M.

NEWMAN DITCH - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, being 810 feet North and 620 feet West from the center of Section 27, Township 7 South, Range 38 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 a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated.

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:

ROCK CREEK - PRIMARY

(1878 PRIORITY)
SW¼ SW¼ 8.9 ACRES

(1886 PRIORITY)
SW¼ NE¼ 18.7 ACRES
SE¼ NE¼ 27.9 ACRES
NE¼ SE¼ 29.9 ACRES
NW¼ SE¼ 25.1 ACRES

(1891 PRIORITY)
SE¼ NW¼ 10.63 ACRES
NE¼ SW¼ 21.2 ACRES

MUDDY CREEK - SUPPLEMENTAL

(1874 PRIORITY)
SE¼ NW¼ 2.6 ACRES

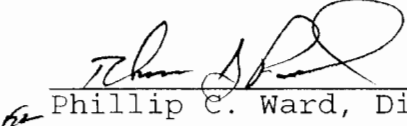
SECTION 27
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 74032, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered for a change in place of use FEB 24 2005, approving Transfer Application 9676.

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.

WITNESS the signature of the Water Resources Director,
affixed FEBRUARY 24, 2005.


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81069.