

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILCOX DITCH COMPANY
C/O BRAD ALLEN
RURAL ROUTE 1
HAINES, OREGON 97833

confirms the right to use the waters of ROCK CREEK, PINE CREEK, WILLOW CREEK AND KILMERQUE CREEK, tributaries of the POWDER RIVER, for IRRIGATION OF 2124.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 39.1 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 date of priority is DECEMBER 4, 1899.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 34.18 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:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	38 E	WM	33	NW SE	Wilcox Ditch from Rock Creek - 1580 feet North and 1430 feet West from the SE Corner of Section 33.
8 S	38 E	WM	3	SE NW	Wilcox Ditch from Willow Creek - 2370 feet South and 2410 feet East from the NW Corner of Section 3.
8 S	38 E	WM	26	SE NE	Dry Gulch Ditch
8 S	38 E	WM			Kilmerque Creek

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:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Source	Acres
8 S	39 E	WM	8	NE NE	Rock and Kilmerque Creeks	38.20
8 S	39 E	WM	8	NW NE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	8	SW NE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	8	SE NE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	8	N½ NE NW	Rock and Kilmerque Creeks	19.10
8 S	39 E	WM	8	S½ NE NW	Rock, Pine, Willow, and Kilmerque Creeks	20.00
8 S	39 E	WM	8	NW NW	Rock and Kilmerque Creeks	38.20

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Source	Acres
8 S	39 E	WM	8	SW NW	Rock, Pine, Willow, and Kilmerque Creeks	39.10
8 S	39 E	WM	8	SE NW	Rock, Pine, Willow, and Kilmerque Creeks	40.00
8 S	39 E	WM	8	NE SE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	8	NW SE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	8	SW SE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	8	SE SE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	9	SW NE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	9	SE NE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	9	SW NW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	9	SE NW	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	9	NE SW	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	9	NW SW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	9	SW SW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	9	SE SW	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	9	NE SE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	9	NW SE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	9	SW SE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	9	SE SE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	10	SW NW	Rock, Pine, Willow, and Kilmerque Creeks	39.10
8 S	39 E	WM	10	NW SW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	10	SW SW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	16	NE NE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	16	NW NE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	16	SW NE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	16	SE NE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	16	NE NW	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	16	NW NW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	16	SW NW	Rock and Kilmerque Creeks	38.20
8 S	39 E	WM	16	SE NW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	16	NE SW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	16	NW SW	Rock and Kilmerque Creeks	38.20
8 S	39 E	WM	16	SE SW	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	16	NE SE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	16	NW SE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	16	SW SE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	16	SE SE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	17	NE NE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	17	NW NE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	17	SW NE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	17	SE NE	Rock and Kilmerque Creeks	38.20
8 S	39 E	WM	17	NE NW	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	17	NW NW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	17	SW NW	Rock and Kilmerque Creeks	38.20
8 S	39 E	WM	17	SE NW	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	18	NE NE	Rock and Kilmerque Creeks	39.10
8 S	39 E	WM	18	NW NE	Rock and Kilmerque Creeks	40.00
8 S	39 E	WM	18	SW NE	Rock and Kilmerque Creeks	38.20
8 S	39 E	WM	18	SE NE	Rock and Kilmerque Creeks	38.20

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Source	Acres
8 S	39 E	WM	16	SW SW	Rock and Kilmerque Creeks	39.10

This certificate is issued to confirm the right modified by a partial diminution to supplemental irrigation included in the provisions of an order entered FEB 24 2005, approving Transfer Application 9613. This certificate supersedes Certificate 72623.

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 FEBRUARY 24, 2005


 For Phillip C. Ward, Director