

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

POCAHONTAS MINING & IRRIGATION CO.  
BAKER OR 97814

confirms the right to use the waters of MARBLE CREEK and MILL CREEK, tributaries of SALMON CREEK, and SALMON CREEK, tributary of POWDER RIVER, ROBERTS SPRINGS #2 & #3, MORIN SPRINGS, KELLY SPRINGS, SPRING CREEK, CAVIN SPRINGS, CRABILL SPRINGS, and McCORD GULCH and SPRING for IRRIGATION of 425.30 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, 1863, 1864, 1873, 1875, 1880, 1905, 1906, 1908, and 1910.

The points of diversion are located as follows:

Pocahontas Mining & Irrigation Co. Ditches  
Roberts Springs #2 & #3 – SESW & NESW Section 6, Township 9 S., Range 39 E., W.M.  
Morin Springs – NENE Section 5, Township 9 S., Range 39 E., W.M.  
Kelly Springs - SWNE Section 5, Township 9 S., Range 39 E., 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 during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

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

**Ella M. Osborn**

1873 – Marble Creek & Mill Creek

Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	32	SW SE	15.0
8 S	39 E	WM	32	SE SE	15.0

**W.B. & L.M. Landreth**

1863 – Marble Creek & Mill Creek

Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	33	SW SW	20.0
8 S	39 E	WM	33	SE SW	20.0

**Harlow J. Evans, Herman E. Jordan & Mary E. Jordan**

1864 – Marble Creek, Mill Creek, & Salmon Creek

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
9 S	39 E	WM	4	NE NE	15.7
9 S	39 E	WM	4	NW NE	39.7
9 S	39 E	WM	4	SW NE	19.5
9 S	39 E	WM	4	SE NE	15.0

1875 – Marble Creek, Mill Creek, & Salmon Creek

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
9 S	39 E	WM	4	NW SE	8.0

1905 – Marble Creek, Mill Creek & Salmon Creek

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
9 S	39 E	WM	4	NE NE	6.6

**Freta Morin**

1863 (79.0 acres), 1906 (36.0 acres) – Marble Creek, Mill Creek, & Morin Springs

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
9 S	39 E	WM	5	NE NE	35.0
9 S	39 E	WM	5	NW NE	40.0
9 S	39 E	WM	5	NE NW	40.0

**James A. Kelley**

1863 (77.5 acres), 1910 (26.0 acres) – Marble Creek, Mill Creek, Spring Creek,  
Kelley Springs, Cavin Springs, & Crabill Springs

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
9 S	39 E	WM	5	SW NE	30.0
9 S	39 E	WM	5	SE NE	39.5
9 S	39 E	WM	5	SE NW	34.0

**Chas. W. Kelley**

1863 – Marble Creek, Mill Creek, Spring Creek, Salmon Creek, & McCord Gulch

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
9 S	39 E	WM	5	NE SE	6.8

**M. E. Roberts**

1880 (18 acres), 1908 (7.5 acres) – Marble Creek, Mill Creek, Roberts Springs #2 & #3

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
9 S	39 E	WM	6	NE SW	23.0
9 S	39 E	WM	6	SE SW	2.5

This certificate describes that portion of the water right confirmed by Certificate 52009, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered January 27, 2006, approving Transfer Application 9446, and together with Certificate 81681 supersedes Certificate 52009.

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.

WITNESS the signature of the Water Resources Director, affixed January 27, 2006.

  
\_\_\_\_\_  
Phillip C. Ward, Director