

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, tributary to SALMON CREEK AND SALMON CREEK, tributary to POWDER RIVER for IRRIGATION of 40.20 ACRES.

This right was confirmed in the names of Harlow J. Evans, Herman E. Jordan and Mary E. Jordan 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 1864 and 1905. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.005 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
9 S	39 E	WM	4	SW NE	Salmon Creek POD #2—1460 FEET SOUTH AND 900 FEET EAST FROM THE N¼ CORNER OF SECTION 4
9 S	39 E	WM	4	SW NE	Salmon Creek POD #1—2070 FEET SOUTH AND 150 FEET EAST FROM THE N¼ CORNER OF SECTION 4
9 S	39 E	WM	4	SW NE	Salmon Creek Jordan Ditch POD—2120 FEET SOUTH & 90 FEET EAST FROM THE N¼ CORNER OF SECTION 4
9 S	39 E	WM	5	NW NW	Marble Creek POD—UNSPECIFIED
9 S	39 E	WM	6	SE NW	Mill Creek POD—UNSPECIFIED

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. 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:

Twp	Rng	Mer	Sec	Q-Q	Priority	Acres
9 S	39 E	WM	4	NE NE	1905	1.40
9 S	39 E	WM	4	NW NE	1864	0.30
9 S	39 E	WM	4	SW NE	1864	20.50
9 S	39 E	WM	4	SE NE	1864	18.00

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Prior to diverting water, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that fish screens and/or fish by-pass devices are required, the water user shall install and maintain fish screens or fish by-pass devices, as appropriate, at the new points of diversion. The type and plans of the screens or by-pass devices must meet ODFW design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screens and/or by-pass devices meet ODFW criteria. Once installed the water user shall continue to maintain and operate the fish screens and/or fish by-pass devices, as appropriate, at the points of diversion consistent with ODFW operational and maintenance standards.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered January 27, 2006, approving Transfer Application 9446, and together with Certificate 81680 supercedes Certificate 52009, State Record of Water Right Certificates.

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


Phillip C. Ward, Director