

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES E KERNS  
45298 POCAHONTAS RD  
HAINES OR 97833

confirms the right to use the waters of ROCK CREEK, tributary to POWDER RIVER for IRRIGATION of 20.0 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 1868. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.50 CUBIC FOOT PER SECOND, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion (POD) are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	33	NW SE	ADDITIONAL POD: WILCOX DITCH: 1520 FEET NORTH & 1460 FEET WEST FROM SE CORNER, SECTION 33
7 S	38 E	WM	34	SE NW	ORIGINAL POD: HUNSTOCK-MEYERS DITCH: 10 FEET NORTH & 2 FEET EAST FROM C1/4 CORNER, SECTION 34

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 per acre.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	38 E	WM	2	NW NW	20.0

The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

The water user shall operate and maintain the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.

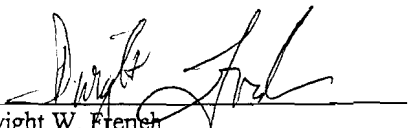
**NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW**

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.

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered March 7, 1997, at Special Order Volume 51, Page 250, approving Transfer Application 7155, and supersedes Certificate 60009, State record of Water Right Certificates.

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.

Issued JAN 28 2011



Dwight W. French  
Administrator Water Rights and Adjudications, for  
Phillip C. Ward, Director