

STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BIRCH CREEK DITCH COMPANY, INC.  
PENDLETON, OREGON 97801

confirms the right to use the waters of BIRCH CREEK, a tributary of the UMATILLA RIVER, for the purpose of IRRIGATING 55.4 ACRES.

The right has been perfected under Permit 396. The date of priority is JULY 28, 1910. The right is limited to not more than 0.695 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 10, T 1 N, R 32 E, W.M.; NORTH 6 DEGREES 50 MINUTES EAST 276 FEET FROM THE WEST 1/4 CORNER OF SECTION 10.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

NE 1/4 SW 1/4 2.5 ACRES  
SECTION 33  
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.

SW 1/4 SW 1/4 18.7 ACRES  
SECTION 3

NW 1/4 NE 1/4 10.0 ACRES  
SE 1/4 SE 1/4 12.8 ACRES  
SECTION 4

NE 1/4 NE 1/4 2.0 ACRES  
SECTION 9

NW 1/4 NW 1/4 9.4 ACRES  
SECTION 10  
TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.

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This certificate describes that portion of the water right confirmed by certificate 1032, State Record of Water Right Certificates, NOT modified by the provisions of orders of the State Engineer entered FEBRUARY 12, 1953, and JULY 15, 1958, approving transfers M-118 and P-41.

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. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date MARCH 29, 1990.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 64211

P-41A.JW