

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

UNITED STATES BUREAU OF LAND MANAGEMENT
BURNS DISTRICT OFFICE
HC 74, 12533 HIGHWAY 20 WEST
HINES, OR 97738

confirms the right to store the waters of BOX CANYON CREEK, a tributary of RINCON CREEK, in MCDADE FORTY RESERVOIR, for WILDLIFE AND LIVESTOCK.

The right to store these waters was perfected under Reservoir Permit R-11437. The date of priority is DECEMBER 31, 1991. The amount of water entitled to be stored each year under this right is not more than 13.1 ACRE-FEET. THE APPROPRIATION OF WATER IS LIMITED TO THE PERIOD OF MARCH 1 THROUGH MAY 31 OF EACH YEAR.

The reservoir is located as follows:

NE 1/4 NW 1/4
SECTION 20
TOWNSHIP 39 SOUTH, RANGE 33 EAST, W.M.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

When in the judgement of the Watermaster it becomes necessary to regulate waters of the stream system, storage of water in the reservoir shall be subject to the installation of suitable devices for measuring all incoming natural flows and outflows from the reservoir or passing all incoming natural flows. The types and plans for such devices shall be approved by the Watermaster and shall be installed under the general supervision of said Watermaster.

The dam shall be operated and maintained according to the approved plans and specifications dated JANUARY 16, 1992, on file with the Water Resources Department.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 29, 1996.

/s/ Steven P. Applegate

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72162.

R-69357.DEK