

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TOBIN DITCH COMPANY  
ROUTE 1, BOX 51E  
RICHLAND, OREGON 97870

confirms the right to use the waters of EAGLE CREEK, a tributary of POWDER RIVER for IRRIGATION OF 128.8 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 1877, 1887, 1888, 1896, 1898, 1903, AND 1906.

The use is limited to 3.22 CUBIC FEET PER SECOND or it's equivalent in case of rotation.

The point of diversion is located as follows:

TOBIN DITCH - SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 29, TOWNSHIP 8 SOUTH, RANGE 45 EAST, W.M.; 1020 FEET NORTH AND 1440 FEET WEST FROM EAST  $\frac{1}{4}$  CORNER OF SECTION 29.

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 for each acre irrigated during the irrigation season of each year.

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

1877  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.8 Acres Carnahan  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  6.2 Acres Carnahan  
SECTION 11  
TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

1883  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  2.5 Acres Wright  
SECTION 10  
TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

1887  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  1.7 Acres Deardorff  
SECTION 33  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  4.1 Acres Eaton  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  4.2 Acres Eaton  
SECTION 29  
TOWNSHIP 8 SOUTH, RANGE 45 EAST, W.M.

1888  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  0.5 Acres Beale  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  0.8 Acres Beale  
SECTION 10  
TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

1896

NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0 Acres	Deardorff
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0 Acres	Deardorff
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 Acres	Randall
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 Acres	Deardorff
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.3 Acres	Deardorff
NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.1 Acres	Deardorff

SECTION 33

TOWNSHIP 8 SOUTH, RANGE 45 EAST, W.M.

SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.1 Acres	Bryan
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.3 Acres	Bryan
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.4 Acres	Holland
NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.0 Acres	Holland

SECTION 3

NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 Acre	Page
NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.5 Acre	Page
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.3 Acres	Beale
NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.1 Acres	Page

SECTION 10

NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.4 Acre	Carnahan
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.3 Acres	Carnahan
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.6 Acres	Carnahan
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.2 Acre	Carnahan
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 Acre	Carnahan
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7 Acre	Carnahan

SECTION 11

TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

1898

NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.3 Acre	Carnahan
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.1 Acres	Carnahan
SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.5 Acres	Wright
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 Acre	Carnahan
SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.5 Acres	Carnahan
NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.8 Acres	Marlow

SECTION 11

NE $\frac{1}{4}$ NE $\frac{1}{4}$	11.3 Acres	Marlow
SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.8 Acres	Wright

SECTION 10

TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

1903

SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.5 Acres	Carnahan
NE $\frac{1}{4}$ SW $\frac{1}{4}$	13.5 Acres	Carnahan
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.1 Acre	Carnahan

SECTION 11

TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.1 Acres	Miller
NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.9 Acres	Miller
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.5 Acres	Randall

SECTION 33

TOWNSHIP 8 SOUTH, RANGE 45 EAST, W.M.

1906

SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.7 Acres	Clemons
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.9 Acres	Clemons

SECTION 33

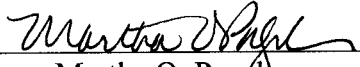
TOWNSHIP 8 SOUTH, RANGE 45 EAST, W.M.

These certificates describes all of, or portions of the water rights confirmed by certificates 4615, 4626, 4654, 4682, 4710, 4718, 4740, 4767, 49436, 49624, 49625, 52945, 52946, 52948, 56454, State Record of Water Right Certificated, modified by the provisions of an order of the Water

Resources director entered on FEB 06 1997 approving a petition by the Tobin Ditch Company under ORS 541.329.

The right to the use of the water for the above purposes 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.

WITNESS the signature of the Water Resources Director, affixed FEB 06 1997.

  
Martha O. Page

Recorded in State Records of Water Right Certificates numbered 73621.

TOBIN.VC