

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ORCHARDS WATER COMPANY
 P.O. BOX 5
 JAMIESON, OR 97909-0005

confirms the right to use the waters of WILLOW CREEK, RESERVOIR NO. 3 (A.K.A. MALHEUR RESERVOIR), BLACK AND POLE CREEKS AND RESERVOIR NO. 1 (A.K.A. POLE CREEK RESERVOIR), tributaries of THE MALHEUR RIVER for the purpose of IRRIGATION OF 561.90 ACRES AND SUPPLEMENTAL IRRIGATION OF 1042.00 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County. The decree is of record at Salem, in the Order Record of the Water Resources director, in Volume 9, at Page 211. The date of priority is APRIL 7, 1908, FOR WILLOW CREEK AND RESERVOIR NO. 3 AND MAY 29, 1907, FOR BLACK AND POLE CREEKS AND RESERVOIR NO. 1.

The points of diversion are located as follows:

- #1- Logan Ditch: 390 feet North and 100 feet East from SW corner, Section 2, being within SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.2, Township 15 South, Range 42 East, W.M.
- #2- Coles Ditch: 1300 feet South and 300 feet West from the NE corner of Section 10, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 15 South, Range 42 East, W.M.
- #3- Eastside Ditch: 840 feet South and 1260 feet West from the NE corner of Section 24, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 15 South, Range 42 East, W.M.
- #5- Low-Line Ditch: 2370 feet South and 300 feet West from the NE corner of Section 22, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 15 South, Range 42 East, W.M.
- #7- Hevner Ditch: 1350 feet South and 130 feet East from NW corner, Section 30, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 15 South, Range 43 East, W.M.
- #9- Pole Creek Reservoir: 2030 feet South and 1000 feet West from the NE corner of Section 22, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 15 South, Range 42 East, W.M.
- #10- Malheur Reservoir: 1550 feet South and 290 feet West from the NE corner of Section 15, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 14 South, Range 41 East, W.M.
- #11- Smith Ditch: 2250 feet West from the NE corner of Section 31, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 15 South, Range 43 East, W.M.

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 not to exceed TWO ACRE FEET PER SHARE DURING ANY IRRIGATION SEASON.

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

OWNER	T(S)	R(E)	SEC	$\frac{1}{4}$	$\frac{1}{4}$	SOURCE	DATE	POD	ACRES	SHARES	USE	
Berk	15	42	25	NE	NW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	1.00	1.00	IR	
									Total	1.00	1.00	

Biddy	15	43	30	NW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	9.20	9.20	IR
Biddy	15	43	30	SW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	4.40	4.40	IR
Biddy	15	43	30	NE	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	23.50	23.50	IR
Biddy	15	43	30	SE	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	0.60	0.60	IR
Biddy	15	43	30	SW	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	39.20	39.20	IS

10332

OWNER	T(S)	R(E)	SEC	¼	¼	SOURCE	DATE	POD	ACRES	SHARES	USE	
Biddy	15	43	30	NW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	18.90	18.90	IS	
Biddy	15	43	30	SW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	21.20	21.20	IS	
									Total	117.00	117.00	

Elfering	15	42	25	NE	NW	Res 1 & Pole Cr	5/29/1907	2,5,9,10	15.50	14.00	IR	
									Total	15.50	14.00	

Glaede	15	43	30	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	1.60	2.40	IS	
Glaede	15	43	30	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	17.60	17.60	IS	
									Total	19.20	20.00	

Heid	16	43	4	NW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	8.90	8.90	IR	
Heid	16	43	4	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	0.20	0.20	IR	
Heid	16	43	4	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	9.70	9.70	IR	
Heid	16	43	4	SE	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	6.10	6.10	IR	
Heid	16	43	4	NW	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	9.50	9.50	IS	
Heid	16	43	4	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	8.20	8.20	IS	
Heid	16	43	4	NW	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	34.80	34.80	IS	
Heid	16	43	4	SE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	15.20	15.20	IS	
Heid	16	43	4	NE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	20.70	20.70	IS	
Heid	16	43	4	NW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	37.10	37.10	IS	
Heid	16	43	4	SE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	16.30	16.30	IS	
Heid	16	43	4	SW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	16.30	16.30	IS	
Heid	16	43	4	NE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	38.40	38.40	IS	
Heid	16	43	4	NW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	29.10	29.10	IS	
Heid	16	43	4	SE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	10.50	10.50	IS	
Heid	16	43	4	SW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	2.00	2.00	IS	
									Total	263.00	263.00	

Hevner	15	43	30	SW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,7,9,10	9.40	9.40	IR	
Hevner	15	43	19	SW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	1.60	1.60	IS	
Hevner	15	43	19	SW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	18.00	18.00	IS	
Hevner	15	43	30	SW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10	15.20	15.20	IS	
									Total	44.20	44.20	

Ito	15	43	32	SE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	1.40	1.40	IR	
Ito	15	43	32	NW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	1.00	1.50	IR	
Ito	15	43	32	NW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	3.20	4.80	IR	
Ito	15	43	32	SW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	1.00	1.00	IR	
Ito	15	43	32	SW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	28.50	42.70	IR	
Ito	15	43	32	SE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	3.20	3.20	IS	
Ito	15	43	32	SE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	29.90	29.90	IS	
Ito	15	43	32	SW	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	39.30	39.30	IS	
Ito	15	43	32	NW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	32.40	32.40	IS	
Ito	15	43	32	SE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	34.70	34.70	IS	
Ito	15	43	32	SW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	40.00	40.00	IS	
Ito	15	43	32	NE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	39.10	39.10	IS	
Ito	15	43	32	NW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	31.90	31.90	IS	
Ito	15	43	32	SE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	9.10	9.10	IS	
Ito	15	43	32	SE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	26.80	40.20	IS	
									Total	321.50	351.20	

McBride	16	43	3	SW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	0.10	0.10	IR
McBride	16	43	3	SE	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	2.70	2.60	IR
McBride	16	43	10	NW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	16.60	15.93	IR
McBride	16	43	10	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	2.80	2.70	IR
McBride	16	43	10	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	12.80	12.28	IR
McBride	16	43	10	NE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	30.20	29.00	IR
McBride	16	43	10	SE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	1.60	1.54	IR
McBride	16	43	10	SE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	3.90	3.75	IR

OWNER	T(S)	R(E)	SEC	¼	¼	SOURCE	DATE	POD	ACRES	SHARES	USE
								Total	70.70	67.90	
McGourty	15	42	24	SE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	37.70	37.70	IR
McGourty	15	42	24	NE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	38.10	38.10	IS
McGourty	15	43	19	NE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	16.30	16.30	IS
McGourty	15	43	19	NW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	5.40	5.40	IS
McGourty	15	43	19	NW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	31.20	46.80	IS
McGourty	15	43	19	SE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	39.00	39.00	IS
								Total	167.70	183.30	
Moody	15	42	15	SE	NE	Res 3 & Willow Cr	4/7/1908	10,2	0.50	0.50	IR
Moody	15	42	15	NE	SE	Res 3 & Willow Cr	4/7/1908	10,2	1.50	1.50	IR
Moody	15	42	14	NW	NW	Res 3	4/7/1908	10	13.70	13.70	IS
Moody	15	42	14	SE	NW	Res 3	4/7/1908	10	6.50	6.50	IS
Moody	15	42	14	SW	NW	Res 3	4/7/1908	10	33.50	33.50	IS
Moody	15	42	14	NW	SW	Res 3	4/7/1908	10	9.30	9.30	IS
								Total	65.00	65.00	
Park	15	43	19	SW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	5.20	5.20	IS
Park	15	43	19	SW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	23.20	34.80	IS
								Total	28.40	40.00	
Perry	15	42	24	SW	SW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	0.20	0.20	IR
Perry	15	42	24	SW	SW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	0.60	0.60	IR
Perry	15	42	24	SW	SW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	1.20	1.20	IR
								Total	2.00	2.00	
Pugh	15	42	14	NW	SE	Res 3 & Willow Cr	4/7/1908	1,10	3.40	3.40	IR
Pugh	15	42	14	NW	SE	Res 3 & Willow Cr	4/7/1908	1,10	3.50	3.50	IR
Pugh	15	42	24	NW	NW	Res 3 & Willow Cr	4/7/1908	10,2	8.00	8.00	IR
Pugh	15	42	14	NE	SE	Res 3	4/7/1908	10	22.20	22.20	IS
Pugh	15	42	14	NW	SE	Res 3	4/7/1908	10	3.00	3.00	IS
Pugh	15	42	14	SE	SE	Res 3 & Willow Cr	4/7/1908	1,10	1.90	1.90	IS
Pugh	15	42	24	NW	SE	Res 3	4/7/1908	10	21.00	21.00	IS
								Total	63.00	63.00	
Saldana	15	42	23	SE	NW	Res 1 & Pole Cr	5/29/1907	9,5	0.60	0.48	IR
Saldana	15	42	23	SW	NW	Res 1 & Pole Cr	5/29/1907	9,5	4.20	3.38	IR
Saldana	15	42	23	NE	SW	Res 1 & Pole Cr	5/29/1907	9,5	0.20	0.17	IR
Saldana	15	42	23	NW	SW	Res 1 & Pole Cr	5/29/1907	9,5	1.20	0.97	IR
								Total	6.20	5.00	
Siddoway	15	42	22	SE	NE	Res 1 & Pole Cr	5/29/1907	9,5	5.60	8.40	IR
Siddoway	15	42	22	NE	SE	Res 1 & Pole Cr	5/29/1907	9,5	0.20	0.30	IR
Siddoway	15	42	23	NE	NW	Res 1 & Pole Cr	5/29/1907	9,5	16.10	16.10	IR
Siddoway	15	42	23	NW	NW	Res 1 & Pole Cr	5/29/1907	9,8	5.80	5.80	IR
Siddoway	15	42	23	NW	NW	Res 1 & Pole Cr	5/29/1907	9,5	8.60	8.60	IR
Siddoway	15	42	23	SE	NW	Res 1 & Pole Cr	5/29/1907	9,5	6.20	6.20	IR
Siddoway	15	42	23	SW	NW	Res 1 & Pole Cr	5/29/1907	9,5	12.70	19.05	IR
Siddoway	15	42	23	SW	NW	Res 1 & Pole Cr	5/29/1907	9,5	18.30	18.30	IR
Siddoway	15	42	23	NW	SW	Res 1 & Pole Cr	5/29/1907	9,5	1.50	2.25	IR
								Total	75.00	85.00	
Singleton	15	43	29	SW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	2.10	3.15	IR
Singleton	15	43	29	NW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	14.30	21.45	IR
Singleton	15	43	29	SW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	6.50	9.75	IR
Singleton	15	43	32	NW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	8.70	13.05	IR
Singleton	15	43	32	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	4.30	6.45	IS
Singleton	15	43	32	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	6.80	6.80	IS
Singleton	15	43	32	NW	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	20.90	31.35	IS

OWNER	T(S)	R(E)	SEC	¼	¼	SOURCE	DATE	POD	ACRES	SHARES	USE
								Total	63.60	92.00	

Smith	15	43	30	NW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	32.70	32.70	IR
Smith	15	43	30	SE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	38.70	38.70	IR
Smith	15	43	31	NW	NE	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	2.00	1.00	IR
Smith	15	43	31	NW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	4.30	4.30	IR
Smith	15	43	31	NW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	13.90	13.90	IR
Smith	15	43	31	SE	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	1.80	1.80	IR
Smith	15	43	31	SE	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	35.40	53.10	IR
Smith	15	43	31	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	1.70	2.55	IR
Smith	15	43	31	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	10.00	10.00	IR
Smith	15	43	31	NE	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	2.00	3.00	IR
Smith	15	43	31	NE	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	13.00	13.00	IR
Smith	15	43	31	NW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	0.10	0.10	IR
Smith	15	43	31	SE	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	2.60	2.60	IR
Smith	15	43	31	NE	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	40.00	60.00	IS
Smith	15	43	31	NW	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	1.60	1.60	IS
Smith	15	43	31	NW	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	5.90	7.85	IS
Smith	15	43	31	NE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	12.80	12.80	IS
								Total	218.50	259.00	

Vilsmeyer	15	42	25	NW	NW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	6.60	6.60	IR
Vilsmeyer	15	42	25	NW	NW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	7.80	7.80	IR
Vilsmeyer	15	42	26	NE	NE	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	22.60	22.60	IR
Vilsmeyer	15	42	26	NW	NE	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	3.00	3.00	IR
								Total	40.00	40.00	

Worsham	15	43	30	NE	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	22.40	33.60	IS
								Total	22.40	33.60	
								Grand Total	1603.90	1746.20	

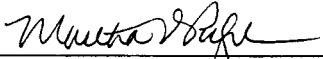
The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

This certificate confirms an order of the director entered on 4-7-98, and recorded in Special Order Volume 52, Page 322, approving a petition by Orchards Water Company under ORS 541.329 for mapping water rights within a district. This certificate supersedes certificates 53006, 62351, 62422, 62423, 62426, 62427, 62428, 62430, 62431, 62433, 62434 and 62435.

The "New Form" contracts have 1746.20 shares and 1603.90 acres that are subsequent and inferior to the rights under "Old Form" contracts for 533.40 acres of land described by said decree.

The quantity of water diverted under the rights tabulated herein together with the quantity diverted under any other water right shall not exceed 3.0 acre feet for each acre irrigated during any irrigation season.

WITNESS the signature of the Water Resources Director, affixed 4/1/98.


Martha O. Pagel, Director

Recorded in State Records of Water Right Certificates numbered 75333.