

STATE OF OREGON  
COUNTY OF MALHEUR  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE OWYHEE, THE ONTARIO-NYSSA, THE ADVANCEMENT, THE PAYETTE-OREGON SLOPE, THE BENCH AND THE SLIDE IRRIGATION DISTRICTS, TOGETHER COMPRISE THE NORTH BOARD OF CONTROL OF THE OWYHEE PROJECT:

NORTH BOARD OF CONTROL  
PO BOX 1565  
NYSSA, OR 97913

confirms the right to use the waters of OWYHEE RESERVOIR AND THE OWYHEE RIVER, a tributary of SNAKE RIVER, for DEVELOPMENT OF 2,825 THEORETICAL HORSEPOWER at the MITCHELL BUTTE LATERAL HYDROELECTRIC PROJECT.

This right was perfected under Permit 50143. The date of priority is OCTOBER 7, 1981 AND OCTOBER 15, 1983 - FOR 95.0 CUBIC FEET PER SECOND (CFS) FROM STORED WATER, AND SEPTEMBER 9, 1987 - FOR 15.0 CFS DIRECT FLOW FROM OWYHEE RIVER. The amount of water to which this right is entitled to is limited to an amount actually beneficially used and shall not exceed 110.0 CUBIC FEET 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 NE 1/4, NW 1/4 SE 1/4, SECTION 20, T 22 S, R 45 E, W.M.; 2000 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 20.

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

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

NE 1/4 SE 1/4  
SECTION 1  
TOWNSHIP 21 SOUTH, RANGE 45 EAST W.M.

NW 1/4 SW 1/4  
SECTION 6  
TOWNSHIP 21 SOUTH, RANGE 46 EAST, W.M.

The right granted herein is expressly made inferior in right and subsequent in time to any appropriation of water from this source which may hereafter be made for domestic, municipal, irrigation or any other beneficial consumptive use, or for storage for such purposes.

The Water User shall comply with the provisions of the Order of the Water Resources Commission dated November 18, 1987, Special Order Record, Volume 41, pages 595-602 and by reference herein made a part of this certificate.

SEE NEXT PAGE

POWER CLAIM NO. 880  
62946.SCB/JWG

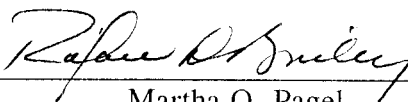
The Water User shall, during the operational lifetime of the project, perform or allow the Water Resources Department to perform any tests or studies required by the department to evaluate the effectiveness of measures for the protection of fish.

The water right may not be assigned to any non-municipal entity so as to result in a loss of ownership of the certificate by the municipal corporation or district.

The Water User must remain qualified as a municipal applicant under ORS 537.285 and 537.287. If the Water User proposes to generate hydroelectric power jointly with a non-municipal entity, any agreement between the Water User and the non-municipal entity or proposed changes to such agreement, must be reviewed by the Water Resources Director to determine whether or not the Water User remains qualified as a municipal applicant.

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

WITNESS the signature of the Water Resources Director, affixed SEPTEMBER 28, 1998.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75819.

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