

STATE OF OREGON  
COUNTY OF MALHEUR  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OWYHEE PROJECT IRRIGATION DISTRICTS  
PO BOX 1565  
NYSSA, OR 97913

confirms the right to use the waters of OWYHEE RESERVOIR, CONSTRUCTED UNDER PERMIT R-599, AND OWYHEE RIVER, a tributary of SNAKE RIVER for DEVELOPMENT OF 13,419 THEORETICAL HORSEPOWER AT THE OWYHEE TUNNEL NO. 1.

This right was perfected under Permit 50639. The date of priority is JULY 21, 1986 - FOR STORED WATER AND SEPTEMBER 9, 1987 - 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 1,640.0 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:

NW 1/4 SW 1/4  
SECTION 21  
TOWNSHIP 22 SOUTH, RANGE 45 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 586-594 and by reference herein made a part of this certificate.

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

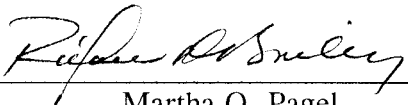
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proposed changes to such agreement must be reviewed by the Water Resources Director to determine whether or not the Water User remains qualified as a municipal applicant.

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.

  
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Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75821.

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