

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MUDDY CREEKS IRRIGATION PROJECT
32255 BOWERS DRIVE
HARRISBURG, OREGON 97446

confirms the right to use the waters of MCKENZIE RIVER, a tributary of WILLAMETTE RIVER, for IRRIGATION OF 870.1 ACRES.

This right was perfected under Permit 51504. The date of priority is JUNE 12, 1990. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 10.0 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:

NE 1/4 NE 1/4, SECTION 9, AS PROJECTED WITHIN SPORES DLC 38, TOWNSHIP 17 SOUTH, RANGE 3 WEST, W.M.; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF DLC 79.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year. The period of allowed use is limited to March 1 through October 31 of each year.

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:

TOM COUGILL - MAP 92-14I

DRY MUDDY CREEK RE-DIVERSION: SW 1/4 NW 1/4, SECTION 8, TOWNSHIP 16 SOUTH, RANGE 3 WEST, W.M.; 2620 FEET SOUTH AND 860 FEET EAST FROM THE NW CORNER OF SECTION 8.

| | |
|---------------------------------------|------------|
| NW 1/4 NW 1/4 | 31.4 ACRES |
| SW 1/4 NW 1/4 | 25.6 ACRES |
| SECTION 8 | |
| TOWNSHIP 16 SOUTH, RANGE 3 WEST, W.M. | |

BRUCE MALPASS - MAP 92-41J

MUDDY CREEK RE-DIVERSION: NE 1/4 NW 1/4, SECTION 6, TOWNSHIP 16 SOUTH, RANGE 3 WEST, W.M.; 849 FEET SOUTH AND 1996 FEET EAST FROM THE NW CORNER OF SECTION 6.

| | |
|---------------------------------------|------------|
| NE 1/4 NW 1/4 | 11.0 ACRES |
| NW 1/4 NW 1/4 | 42.7 ACRES |
| SW 1/4 NW 1/4 | 15.4 ACRES |
| SE 1/4 NW 1/4 | 8.5 ACRES |
| SECTION 6 | |
| TOWNSHIP 16 SOUTH, RANGE 3 WEST, W.M. | |

NE 1/4 NE 1/4 3.9 ACRES
 AS PROJECTED WITHIN C. COCHRAN DLC 52
 SECTION 1
 TOWNSHIP 16 SOUTH, RANGE 4 WEST, W.M.

DONALD ESTERGARD - MAP 92-41K

MUDDY CREEK RE-DIVERSION: SW 1/4 SE 1/4, SECTION 5, TOWNSHIP 16 SOUTH,
 RANGE 3 WEST, W.M.; 65 FEET NORTH AND 880 FEET EAST FROM THE S 1/4 CORNER
 OF SECTION 5.

SE 1/4 SE 1/4 15.1 ACRES
 SECTION 6

NW 1/4 NE 1/4 11.5 ACRES
 SECTION 8
 TOWNSHIP 16 SOUTH, RANGE 3 WEST, W.M.

DONALD ESTERGARD - MAP 92-41L

LITTLE MUDDY CREEK RE-DIVERSION: NE 1/4 SE 1/4, SECTION 16, TOWNSHIP 15
 SOUTH, RANGE 3 WEST, W.M.; 2625 FEET NORTH AND 1550 FEET WEST FROM THE NE
 CORNER OF DLC 60.

LOT 10 (NW 1/4 SW 1/4) 14.7 ACRES
 SW 1/4 SW 1/4 38.3 ACRES
 SE 1/4 SW 1/4 8.1 ACRES
 SECTION 15

NE 1/4 SW 1/4 22.0 ACRES
 SE 1/4 SW 1/4 22.2 ACRES
 NE 1/4 SE 1/4 38.1 ACRES
 NW 1/4 SE 1/4 40.1 ACRES
 SW 1/4 SE 1/4 39.9 ACRES
 SE 1/4 SE 1/4 39.4 ACRES
 SECTION 16
 TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.

O. D. KROPF FARMS, INC. - MAP 92-41M

MUDDY CREEK RE-DIVERSION: NE 1/4 SW 1/4, SECTION 14, TOWNSHIP 14 SOUTH,
 RANGE 4 WEST, W.M.; 2920 FEET SOUTH AND 1625 FEET EAST FROM THE NW CORNER
 OF SECTION 14.

NE 1/4 NW 1/4 10.4 ACRES
 SW 1/4 NW 1/4 2.4 ACRES
 SE 1/4 NW 1/4 9.0 ACRES
 NE 1/4 SW 1/4 0.2 ACRE
 NW 1/4 SW 1/4 2.6 ACRES
 SECTION 14
 TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.

O. D. KROPF FARMS, INC. - MAP 92-41N

LITTLE MUDDY CREEK RE-DIVERSION: NE 1/4 SW 1/4, SECTION 14, TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.; 2905 FEET SOUTH AND 1943 FEET EAST FROM THE NW CORNER OF SECTION 14.

| | |
|---------------|------------|
| NE 1/4 SW 1/4 | 16.0 ACRES |
| SE 1/4 SW 1/4 | 6.6 ACRES |
| NW 1/4 SE 1/4 | 35.5 ACRES |
| SW 1/4 SE 1/4 | 10.4 ACRES |

SECTION 14

TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.

KURT KAYNER - MAP 92-41O

LAKE CREEK RE-DIVERSION: NW 1/4 SW 1/4, SECTION 16, TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.; 1990 FEET NORTH AND 1880 FEET EAST FROM THE SW CORNER OF DLC 42.

| | |
|---------------|------------|
| NW 1/4 SW 1/4 | 5.2 ACRES |
| SW 1/4 SW 1/4 | 12.5 ACRES |

BOTH AS PROJECTED WITHIN BOND DLC 42
SECTION 16

| | |
|---------------|------------|
| NE 1/4 SE 1/4 | 10.1 ACRES |
| SE 1/4 SE 1/4 | 23.6 ACRES |

BOTH AS PROJECTED WITHIN BOND DLC 42
SECTION 17
TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.

LENA JENSEN - MAP 92-41P

CAMOUS CREEK RE-DIVERSION: SW 1/4 SW 1/4, SECTION 27, TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.; 50 FEET NORTH AND 945 FEET EAST FROM THE SW CORNER OF SECTION 27.

| | |
|---------------|------------|
| NE 1/4 SW 1/4 | 12.9 ACRES |
| SE 1/4 SW 1/4 | 37.7 ACRES |
| NW 1/4 SE 1/4 | 5.3 ACRES |
| SW 1/4 SE 1/4 | 15.5 ACRES |

SECTION 27

TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.

DEAN BOWERS - MAP 92-41Q

MUDDY CREEK CANAL LATERAL D-1 RE-DIVERSION: NE 1/4 SW 1/4, SECTION 23, TOWNSHIP 15 SOUTH, RANGE 4 WEST, W.M.; 1816 FEET NORTH AND 1671 FEET EAST FROM THE SW CORNER OF SECTION 23.

| | |
|---------------|------------|
| SE 1/4 NE 1/4 | 5.6 ACRES |
| NE 1/4 SE 1/4 | 14.0 ACRES |

BOTH AS PROJECTED WITHIN CLARK DLC 45
SECTION 22

| | |
|---------------|------------|
| SW 1/4 NW 1/4 | 20.2 ACRES |
| SE 1/4 NW 1/4 | 17.8 ACRES |
| NE 1/4 SW 1/4 | 38.6 ACRES |
| NW 1/4 SW 1/4 | 39.7 ACRES |
| SW 1/4 SW 1/4 | 20.1 ACRES |
| SE 1/4 SW 1/4 | 39.9 ACRES |

SECTION 23

| | |
|---------------|------------|
| NE 1/4 NW 1/4 | 29.2 ACRES |
| NW 1/4 NW 1/4 | 1.2 ACRES |

SECTION 26

TOWNSHIP 15 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

In the event of a request for a change in point of diversion, an additional point of diversion or alteration of the diversion facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The water user shall operate and maintain all fish screening and by-pass devices required by the Oregon Department of Fish and Wildlife to prevent fish entering the diversion.

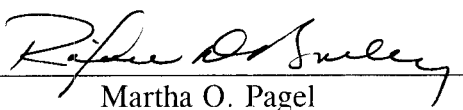
Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

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.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 JUNE 28, 1999.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76240.