

STATE OF OREGON

COUNTIES OF WALLOWA, BAKER AND MALHEUR

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION, PACIFIC NORTHWEST REGION  
1150 NORTH CURTIS ROAD, SUITE 100  
BOISE, IDAHO 83706-1234

confirms the right to use the waters of SNAKE RIVER, a tributary of COLUMBIA RIVER, for FLOW AUGMENTATION FISH ENHANCEMENT.

This right was perfected under Permit 33944. The date of priority is OCTOBER 25, 1968. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.64 CUBIC FEET PER SECOND AND A VOLUME OF 902.0 ACRE-FEET DURING THE PERIOD MARCH 1 TO OCTOBER 31 OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source, provided further the total quantity of water allowed herein, along with the amount perfected under permits 30621, 31231, 33944, 33945 and 33946 shall not exceed the capacity of the diversion systems at the time of perfection of the rights.

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

A description of the river reach to which this right is appurtenant is as follows:

SNAKE RIVER - LOT 1 (NE 1/4 NW 1/4), SECTION 21 TOWNSHIP 17 SOUTH, RANGE 47 EAST, W.M.; 350 FEET SOUTH AND 1980 FEET EAST OF THE NW CORNER OF SECTION 21, DOWNSTREAM TO THE OREGON-WASHINGTON STATE BORDER IN LOT 1 (SE 1/4 SE 1/4), SECTION 15, TOWNSHIP 6 NORTH, RANGE 46 EAST, W.M.

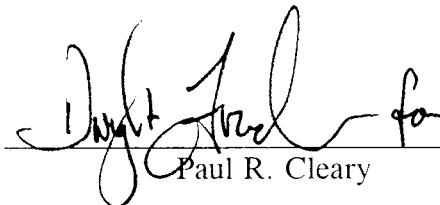
The water user shall work with the Department to develop and implement a strategy for monitoring the flows under this right.

This certificate is issued to confirm a change in use and place of use of water approved by an order of the Water Resources Director entered February 25, 1997, and together with Certificates 74023 and 76948, supersedes Certificate 40572, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 MAY 30, 2001.

  
Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76949.