

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. MALHEUR NATIONAL FOREST
P.O. BOX 909
JOHN DAY, OREGON 97845

confirms the right to use the waters of HERBERGER SPRING a tributary to VAN ASPEN CREEK for LIVESTOCK.

This right was perfected under Permit 49304. The date of priority is AUGUST 26, 1983. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.005 CUBIC FOOT PER SECOND (CFS).

The point of diversion is located as follows:

HERBERGER SPRING: SE 1/4 SW 1/4, SECTION 26, TOWNSHIP 15 SOUTH,
RANGE 31 EAST, W.M.; 900 FEET NORTH AND 1900 FEET
EAST FROM THE SW CORNER OF SECTION 26.

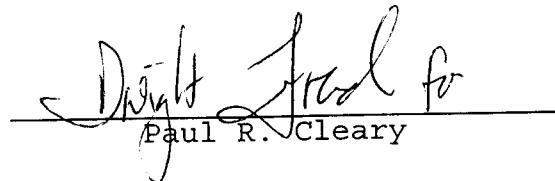
The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

SE 1/4 SW 1/4 HERBERGER SPRING
SECTION 26
TOWNSHIP 15 SOUTH, RANGE 31 EAST, W.M.

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 August 29, 2001.


Paul R. Cleary

Recorded in State Record of Water Right Certificate Number 77114.