

STATE OF OREGON  
COUNTY OF WASCO  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO  
LOST AND BOULDER DITCH COMPANY  
TYGH VALLEY, OREGON

confirms the right to use the waters of LOST AND BOULDER CREEKS, tributaries of the WHITE RIVER, for IRRIGATION OF 533.95 ACRES, DOMESTIC, AND STOCK USE FOR TRACT 1, IRRIGATION OF 540.35 ACRES FOR TRACT 2, AND DOMESTIC FOR TRACT 3.

This right was confirmed by decree of the Circuit Court of the State of Oregon for WASCO County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volumes 7 AND 11, at Pages 196 AND 416, respectively. The dates of priority are 1901 FOR TRACTS 1 AND 3, AND 1911 FOR TRACT 2.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall be limited to 6.98 CUBIC FEET PER SECOND (CFS) FOR TRACTS 1 AND 3, MEASURED AT OR NEAR THE DIVERSION BOX AT THE HEAD OF THE MAIN LATERALS OF SAID COMPANY SITUATED IN THE NE¼ SW¼, SECTION 10, T 5 S, R 11 E, W.M., AND THE AMOUNT OF WATER FOR TRACT 3 SHALL BE LIMITED TO A DIVERSION OF NOT TO EXCEED 1.0 ACRE-FOOT DURING ANY 30 DAY PERIOD UP TO JULY 1 OF EACH YEAR AND NOT TO EXCEED 3.0 ACRE-FEET PER ACRE DURING ANY IRRIGATION SEASON, PROVIDED THAT THE RATE OF FLOW SHALL NOT EXCEED ONE-FORTIETH OF A SECOND FOOT PER ACRE UP TO JULY 1 OF EACH YEAR AND THEREAFTER NOT TO EXCEED ONE-EIGHTIETH OF A SECOND FOOT PER ACRE, EXCEPT IN CASE OF ROTATION.

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

TRACT 1

SW $\frac{1}{4}$  SE $\frac{1}{4}$  5.00 ACRES  
SECTION 36

TOWNSHIP 4 SOUTH, RANGE 11 EAST, W.M.

SE $\frac{1}{4}$  SW $\frac{1}{4}$  1.00 ACRE  
SECTION 31

NE $\frac{1}{4}$  SW $\frac{1}{4}$  6.10 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  30.90 ACRES  
SECTION 34

SW $\frac{1}{4}$  SW $\frac{1}{4}$  6.20 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  1.00 ACRE  
SECTION 32

TOWNSHIP 4 SOUTH, RANGE 12 EAST, W.M.

SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.57 ACRE  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  14.00 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  9.43 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  4.80 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  1.20 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  1.70 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  7.30 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  14.40 ACRES  
SECTION 1

NE $\frac{1}{4}$  NE $\frac{1}{4}$  27.50 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  3.70 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  10.00 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  10.00 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  10.00 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  10.00 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  1.50 ACRES  
SECTION 11

SW $\frac{1}{4}$  NE $\frac{1}{4}$  7.40 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  8.90 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  2.25 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  5.40 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  7.20 ACRES  
SECTION 2

NE $\frac{1}{4}$  NE $\frac{1}{4}$  4.70 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  3.00 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  2.00 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  0.60 ACRE  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  20.70 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  9.80 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  10.00 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  6.60 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  10.20 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  4.20 ACRES  
SECTION 12

TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.

NE¼ NE¼ 4.00 ACRES  
 NW¼ NE¼ 3.60 ACRES  
 NE¼ NW¼ 10.00 ACRES  
 SE¼ NW¼ 2.40 ACRES  
 SE¼ SW¼ 11.50 ACRES  
 SW¼ SE¼ 11.00 ACRES  
 SE¼ SE¼ 11.00 ACRES  
 SECTION 5

NW¼ NE¼ 5.00 ACRES  
 SW¼ NE¼ 6.00 ACRES  
 SE¼ NW¼ 1.10 ACRES  
 NW¼ SE¼ 2.00 ACRES  
 SECTION 6

NE¼ NE¼ 2.00 ACRES  
 NW¼ NE¼ 16.90 ACRES  
 SW¼ NE¼ 38.00 ACRES  
 SE¼ NE¼ 23.60 ACRES  
 NE¼ NW¼ 5.00 ACRES  
 NW¼ NW¼ 18.80 ACRES  
 SW¼ NW¼ 7.00 ACRES  
 SE¼ NW¼ 7.10 ACRES  
 NE¼ SW¼ 26.60 ACRES  
 NW¼ SW¼ 11.80 ACRES  
 SW¼ SW¼ 2.40 ACRES  
 NW¼ SE¼ 10.60 ACRES  
 SECTION 7

NW¼ NW¼ 5.30 ACRES  
 SW¼ NW¼ 12.00 ACRES  
 SECTION 8

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

TRACT 2

NE¼ SE¼ 0.03 ACRE  
 SW¼ SE¼ 10.50 ACRES  
 SE¼ SE¼ 8.80 ACRES  
 SECTION 36

TOWNSHIP 4 SOUTH, RANGE 11 EAST, W.M.

SW¼ SW¼ 15.80 ACRES  
 SECTION 32  
 SE¼ NE¼ 7.30 ACRES  
 SECTION 33

NE¼ SW¼ 28.80 ACRES  
 SW¼ SW¼ 6.00 ACRES  
 SE¼ SW¼ 8.00 ACRES  
 NE¼ SE¼ 8.80 ACRES  
 NW¼ SE¼ 17.30 ACRES  
 SW¼ SE¼ 7.30 ACRES  
 SE¼ SE¼ 18.30 ACRES  
 SECTION 34

TOWNSHIP 4 SOUTH, RANGE 12 EAST, W.M.

SW $\frac{1}{4}$  NW $\frac{1}{4}$  30.00 ACRES  
 NW $\frac{1}{4}$  SW $\frac{1}{4}$  0.77 ACRE  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  29.00 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  20.00 ACRES  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  1.00 ACRE  
 SECTION 1

NE $\frac{1}{4}$  NE $\frac{1}{4}$  1.40 ACRES  
 SW $\frac{1}{4}$  NE $\frac{1}{4}$  4.60 ACRES  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  4.55 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  3.00 ACRES  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  22.40 ACRES  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  6.40 ACRES  
 SECTION 2

NE $\frac{1}{4}$  SE $\frac{1}{4}$  25.00 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  15.00 ACRES  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  8.01 ACRES  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  10.00 ACRES  
 SECTION 10

TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.

NE $\frac{1}{4}$  NE $\frac{1}{4}$  14.30 ACRES  
 NE $\frac{1}{4}$  NW $\frac{1}{4}$  1.00 ACRE  
 SE $\frac{1}{4}$  NW $\frac{1}{4}$  1.00 ACRE  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  5.50 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  4.20 ACRES  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  7.09 ACRES  
 SECTION 5

NE $\frac{1}{4}$  NE $\frac{1}{4}$  5.50 ACRES  
 NW $\frac{1}{4}$  NE $\frac{1}{4}$  4.70 ACRES  
 SW $\frac{1}{4}$  NE $\frac{1}{4}$  4.30 ACRES  
 SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.20 ACRE  
 SE $\frac{1}{4}$  NW $\frac{1}{4}$  7.00 ACRES  
 NE $\frac{1}{4}$  SW $\frac{1}{4}$  6.50 ACRES  
 SECTION 6

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

TRACT 3

SW $\frac{1}{4}$  NW $\frac{1}{4}$  DOMESTIC  
 SECTION 3

TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.

NE $\frac{1}{4}$  NE $\frac{1}{4}$  14.70 ACRES  
 NW $\frac{1}{4}$  NE $\frac{1}{4}$  5.30 ACRES  
 SW $\frac{1}{4}$  NE $\frac{1}{4}$  11.40 ACRES  
 SE $\frac{1}{4}$  NE $\frac{1}{4}$  19.60 ACRES  
 NE $\frac{1}{4}$  SE $\frac{1}{4}$  4.00 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  10.00 ACRES  
 SW $\frac{1}{4}$  SE $\frac{1}{4}$  3.00 ACRES  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  8.30 ACRES  
 SECTION 12

NE $\frac{1}{4}$  NE $\frac{1}{4}$  9.40 ACRES  
 NW $\frac{1}{4}$  NE $\frac{1}{4}$  0.80 ACRE  
 SECTION 15

NE $\frac{1}{4}$  NE $\frac{1}{4}$  16.60 ACRES  
 NE $\frac{1}{4}$  NW $\frac{1}{4}$  14.00 ACRES  
 SE $\frac{1}{4}$  NW $\frac{1}{4}$  21.00 ACRES  
 SECTION 7

NW $\frac{1}{4}$  NE $\frac{1}{4}$  4.30 ACRES  
 NE $\frac{1}{4}$  NW $\frac{1}{4}$  1.00 ACRE  
 NW $\frac{1}{4}$  NW $\frac{1}{4}$  11.30 ACRES  
 SW $\frac{1}{4}$  NW $\frac{1}{4}$  4.00 ACRES  
 SE $\frac{1}{4}$  NW $\frac{1}{4}$  2.30 ACRES  
 SECTION 8

This certificate correctly omits the following wording: "and 0.5 cubic foot for supplying the two small laterals between said diversion box and the point of diversion, to be measured at the head of said laterals:". Transfer 1252 (L-87), approved December 6, 1967, recorded at Special Order Volume 16, Page 376, changed the place of use of the lands served by the laterals described in the above wording. The lands are not served by the laterals. Certificate 34533, State Record of Water Right Certificates, incorrectly retained the wording.

This certificate describes those portions of the water right confirmed by Certificate 34533, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director entered March 25, 1980, approving Transfer Applications 4388, 4389, 4395, and 4402, and January 18, 1982, approving Transfer Application 4913.

This certificate also describes that portion of the water right confirmed by Certificate 34533, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 15 2004, approving Transfer Application 7765.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed JAN 15 2004.

  
Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80559.