

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED W. SMYTH
DIAMOND, OREGON 97722

confirms the right to use the waters of KIGER CREEK, a tributary of the DONNER UND BLITZEN RIVER, for IRRIGATION of 298.9 ACRES, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for HARNEY County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at Page 508. The date of priority is 1890.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH of a cubic foot per second per acre prior to June 15 and ONE-EIGHTIETH of a cubic foot per second per acre after June 15, with a total limitation of 3.0 acre feet per acre from March 15 to October 1, if available at the authorized point of diversion or its equivalent in case of rotation, measured at the point of diversion from the source.

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

LOT 4 20.0 ACRES

LOT 1 20.0 ACRES

LOT 6 20.0 ACRES

LOT 7 20.0 ACRES

SECTION 14

LOT 2 20.0 ACRES

LOT 3 20.0 ACRES

LOT 6 20.0 ACRES

LOT 7 20.0 ACRES

SECTION 23

LOT 2 20.0 ACRES

LOT 3 20.0 ACRES

LOT 6 20.0 ACRES

LOT 7 20.0 ACRES

SECTION 26

LOT 2 32.9 ACRES

LOT 3 8.4 ACRES

LOT 6 17.6 ACRES

SECTION 35

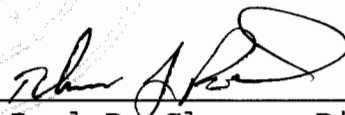
TOWNSHIP 32 SOUTH, RANGE 33 EAST W.M.

This certificate describes that portion of the water right confirmed by Certificate 15229, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered 03-09-2004, approving Transfer Application 8930.

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 MAR 09 2004.


For Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80641.