

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Gary McCabe, Trustee  
McCabe Family Trust  
P.O. Box 1743  
Redmond, Oregon 97236

confirms the right to use the waters of the Deschutes River, a tributary of the Columbia River, for Irrigation of 100.7 acres and Domestic for one family.

This right was perfected under Permit 15920. The date of priority is May 12, 1944. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 1.271 CUBIC FOOT PER SECOND (CFS), being 1.261 CFS for Irrigation and 0.01 CFS for Domestic, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 26, T14S, R12E, W.M.; 765 feet North and 215 feet West from the SE Corner, SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 26.

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, and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, subject to conditions and limitations set out in the stipulation of August 1, 1944, between the Arnold Irrigation District and the holder of this right as recorded on Page 1250 in Volume 2 of the Miscellaneous Records of the State Engineer and further subject to the conditions designated in the Waiver of August 22, 1944, by James W. C. Pogue recorded on Page 1251, Volume 2 of the Miscellaneous Records of the State Engineer.

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:

NE 1/4 SW 1/4	2.0 ACRES
NW 1/4 SW 1/4	2.0 ACRES
SW 1/4 SW 1/4	39.1 ACRES
SE 1/4 SW 1/4	40.1 ACRES
SW 1/4 SE 1/4	17.5 ACRES

SECTION 26

TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

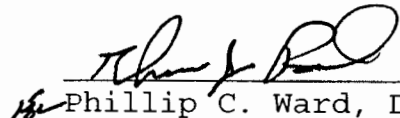
This certificate describes that portion of the water right confirmed by Certificate 80226, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 24 2005, approving Transfer Application 9697.

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 priori rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources

Director, affixed MARCH 24, 2005.

  
Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81316.