

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OWYHEE OUTBACK RANCH LLC
PO BOX 567
UNION, OREGON 97883

confirms the right to use the waters of SUCCOR CREEK, a tributary of the SNAKE RIVER, for IRRIGATION OF 198.8 ACRES.

This right was perfected under Permit 49924. The date of priority is AUGUST 5 1985, FOR 0.024 CUBIC FOOT PER SECOND (CFS), AND OCTOBER 2, 1986, FOR 4.945 CFS. This right is limited to 4.97 CFS or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 28, T 23 S, R 46 E, W.M.; 2250 FEET SOUTH AND 1080 FEET WEST FROM NE CORNER, SECTION 28.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

SW 1/4 SW 1/4 0.8 ACRE
SECTION 15

S-68810.JWG

Certificate Number 82691

NE 1/4 SE 1/4 1.3 ACRES
SE 1/4 SE 1/4 8.1 ACRES

SECTION 21

NE 1/4 NW 1/4 2.7 ACRES
NW 1/4 NW 1/4 20.5 ACRES
SW 1/4 NW 1/4 28.0 ACRES
SE 1/4 NW 1/4 9.8 ACRES
NE 1/4 SW 1/4 15.7 ACRES
NW 1/4 SW 1/4 34.0 ACRES
SW 1/4 SW 1/4 34.4 ACRES
SE 1/4 SW 1/4 9.1 ACRES

SECTION 22

NW 1/4 NW 1/4 19.7 ACRES
SW 1/4 NW 1/4 3.1 ACRES

SECTION 27

NE 1/4 NE 1/4 7.8 ACRES
SE 1/4 NE 1/4 3.8 ACRES

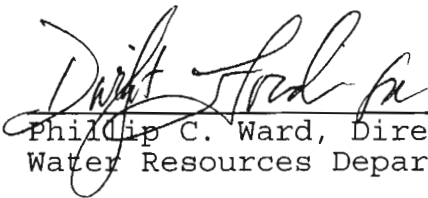
SECTION 28

TOWNSHIP 23 SOUTH, RANGE 46 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

NOV 17 2006


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82691.