

CANCELLED

STATE OF OREGON

COUNTY OF MALHEUR

EXHIBIT 28526

CERTIFICATE OF WATER RIGHT

This is to Certify, That JOHN KIERNAN

of Gill Gasco Bldg. , State of Oregon has a right to the use of

the waters of Schnabel Creek for Tract #1; Cove Creek for Tract #2; Upper Cow Creek Lake, Cow Creek and Two Springs in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 28 S., R. 44 E., W.M. for Tract #3 for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Malheur County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 9 , at page 1 ; that the priority of the right thereby confirmed dates from April, 1886 for Tract #1; 1872 for Tracts #2 & #3

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2 acre feet per acre prior to June 1st, and $\frac{1}{8}$ acre foot per acre during any calendar month after June 1st, of each irrigation season from April 1st to October 15th.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

TRACT #1: 3.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 17.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.3 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, 13.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 21.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, T. 28 S., R. 44 E., W.M., being a total of 66.9 acres.

TRACT #2: 25 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T. 28 S., R. 44 E., W.M., being a total of 100 acres. (Lands in SE $\frac{1}{4}$, SEC. 14, supplemented by water from Cow Creek Lakes diversion.)

TRACT #3: 4.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 19.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 2.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, 6.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 17.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 22.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 11.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 36 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 32.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, 9.7 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 32.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 2.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 33.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 14.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 19.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 35.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 20.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, 3.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 17.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.3 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, 13.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 21.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, T. 28 S., R. 44 E., W.M., being a total of 524.9 acres.

(Lands in Sections 15 and 22 also irrigated by water from Schnabel Creek, through the Schnabel ditch.)

Ch. Pt. of Div. & Place of Use for Part of Above Lands
sp. Ov. Vol. 7 p. 231

And said right shall be subject to all other conditions and limitations contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 20th day
of November, 1929.

WILEA LUPER,

State Engineer.