

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON & WESTERN COLONIZATION COMPANY, INC
ST PAUL, MINNESOTA 55102

confirms the right to use the waters of COW CREEK FOR TRACT 1 FOR THE IRRIGATION OF 499.7 ACRES AND SURPLUS AND WASTE WATER FROM LANDS TO EAST FOR TRACT 2 FOR THE IRRIGATION OF 50.9 ACRES.

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 14, at Page 424. The dates of priority are 1886 for TRACT 1 and 1888 for TRACT 2.

The amount of water used for irrigation is limited to a diversion of ONE-FORTIETH of a cubic foot per second per acre up to April 20th of each year and shall not exceed ONE-SIXTIETH of a cubic foot per second per acre for the balance of the year; provided, that the total quantity diverted shall not exceed 3.0 acre-feet per acre in any one year.

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

IRRIGATION						
TRACT 1 - 1886						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32½ E	WM	1		1	37.8
23 S	32½ E	WM	1		2	39.8
23 S	32½ E	WM	1		3	39.7
23 S	32½ E	WM	1		4	39.6
23 S	32½ E	WM	1	SW NE		29.2
23 S	32½ E	WM	1	SE NE		33.0
23 S	32½ E	WM	1	SW NW		40.0
23 S	32½ E	WM	1	SE NW		40.0
23 S	32½ E	WM	1	NE SW		30.5
23 S	32½ E	WM	1	NW SW		27.3
23 S	32½ E	WM	1	SW SW		5.0
23 S	32½ E	WM	1	SE SW		30.2
23 S	32½ E	WM	1	NE SE		24.3
23 S	32½ E	WM	1	NW SE		25.2
23 S	32½ E	WM	1	SW SE		31.0
23 S	32½ E	WM	1	SE SE		27.1

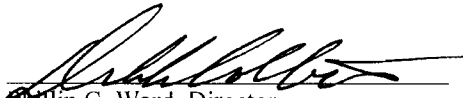
IRRIGATION						
TRACT 2 - 1888						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32½ E	WM	3	SW NE		20.3
23 S	32½ E	WM	3	SE NE		30.5
23 S	32½ E	WM	3	SE SE		0.1

This certificate describes that portion of the water right confirmed by Certificate 15532, State Record of Water Right Certificates, NOT diminished by the provisions of an order of the Water Resources Director entered DEC 07 2009, approving Transfer Application T-10361. This certificate, together with Certificate 85401, supercedes Certificate 15532.

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 DEC 07 2009.


Philip C. Ward, Director