

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

E. J. BAYLEY
JOHN DAY OR 97845

confirms the right to use the waters of MIDDLE FORK MALHEUR RIVER, a tributary to SNAKE RIVER for IRRIGATION of 87.0 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 8, at Page 228. The dates of priority are 1887 for Tract 2 and 1888 for Tract 3.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.5 acre feet per acre in any 30-day period prior to June 1st, and 1.0 acre foot per acre in any 30-day period after June 1st of each year, or 3.0 acre feet per acre during any season, diverted at a rate of not to exceed ONE-TWENTIETH of a cubic foot per second per acre, and shall be subject to all other conditions and limitations contained in said decree.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use.

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

| IRRIGATION (1887) | | | | | | |
|-------------------|------|-----|-----|-------|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Tract | Acres |
| 19 S | 34 E | WM | 18 | NW NE | 2 | 19.0 |
| 19 S | 34 E | WM | 18 | NE NW | 2 | 9.0 |
| 19 S | 34 E | WM | 18 | SE NW | 2 | 18.0 |
| 19 S | 34 E | WM | 19 | NW NW | 2 | 12.0 |

| IRRIGATION (1888) | | | | | | |
|-------------------|------|-----|-----|-------|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Tract | Acres |
| 19 S | 34 E | WM | 19 | NW NW | 3 | 11.0 |
| 19 S | 34 E | WM | 19 | SW NW | 3 | 18.0 |

This certificate describes that portion of the water right confirmed by Certificate 6857, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 29 2009, approving Transfer Application T-10598, which approved a change in point of diversion to reflect historic use. This certificate, together with Certificate 85638, supersedes Certificate 6857.

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.

WITNESS the signature of the Water Resources Director, affixed JUN 29 2009.


Phillip C. Ward, Director