

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRELL LAND AND LIVESTOCK, LTD
 42590 SALMON CREEK ROAD
 BAKER CITY OR 97814

confirms the right to use the waters of SALMON CREEK, tributary to POWDER RIVER for IRRIGATION of 129.55 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 6, at Page 291. The dates of priority are 1864 for 100 acres and 1875 for 29.55 acres. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.24 CUBIC FEET PER SECOND, if available at the original point of diversion, Lower Never Sweat Ditch, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion (POD) are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Original						LOWER NEVER SWEAT DITCH-NONE GIVEN
Additional	9 S	39 E	WM	8	NW NE	780 FEET SOUTH & 2000 FEET WEST FROM NE CORNER, SECTION 8

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 per acre, and shall be subject to all other conditions and limitations contained in said decree.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	39 E	WM	4	SW SW	10.00
9 S	39 E	WM	4	SE SW	18.35
9 S	39 E	WM	8	NE NE	16.70
9 S	39 E	WM	8	NW NE	4.70
9 S	39 E	WM	8	SW NE	2.30
9 S	39 E	WM	8	SE NE	3.35
9 S	39 E	WM	9	NE NW	40.00
9 S	39 E	WM	9	NW NW	18.00
9 S	39 E	WM	9	SW NW	5.40
9 S	39 E	WM	9	SE NW	10.75

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

The quantity of water diverted at the new point of diversion, together with that diverted at the Lower Never Sweat diversion, shall not exceed the quantity of water available at the Lower Never Sweat diversion.

The water user shall maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted.

This certificate is issued to confirm a change in PLACE OF USE AND AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered January 19, 1990, at Special Order Volume 44, Page 15, approving Transfer Application 6282, and together with Certificate 63839, supersedes Certificate 3985, State record of Water Right Certificates.

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.

Issued APR 01 2011.

A handwritten signature in black ink, appearing to read "Dwight W. French", is written over a horizontal line.

Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director