

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that JOHN CLARY AND DON CROXTON, of 16694 SOUTH DRAKE ROAD, MT. ANGEL, OREGON 97362, has a right to the use of the waters of BUTTE CREEK, TRIBUTARY OF PUDDING RIVER, for the purpose of IRRIGATING 35.6 ACRES.

The right has been perfected under Permit 28831. The date of priority is MAY 8, 1963. The right is limited to not more than 0.20 CUBIC FOOT PER SECOND IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE1/4 NW1/4 AS PROJECTED WITHIN DLC 41, SECTION 8, T6S, R1E, WM; 180 FEET SOUTH AND 1450 FEET EAST AND 440 FEET SOUTH AND 1480 FEET EAST, BOTH FROM NW CORNER, SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

|                                    |      |       |
|------------------------------------|------|-------|
| NE1/4 NW1/4                        | 5.6  | ACRES |
| NW1/4 NW1/4                        | 28.2 | ACRES |
| BOTH AS PROJECTED WITHIN DLC 41    |      |       |
| LOT 1(NW1/4 NW1/4)                 | 0.6  | ACRE  |
| SW1/4 NW1/4                        | 1.2  | ACRES |
| AS PROJECTED WITHIN DLC 41         |      |       |
| SECTION 8                          |      |       |
| TOWNSHIP 6 SOUTH, RANGE 1 EAST, WM |      |       |

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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered DECEMBER 24, 1975, and together with certificate 43785, supersedes certificate 34698, State Record of Water Right Certificates.

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 this date July 26, 1988.

/S/ WILLIAM H. YOUNG  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57353