

STATE OF OREGON
COUNTY OF WALLOWA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARKS AND MARKS
ROUTE 1, BOX 446
IMNAHA, OREGON 97828

confirms the right to use the waters of THORN CREEK FOR TRACT 2, IMNAHA RIVER FOR TRACT 3, AND DUNLAP CREEK FOR TRACT 5, for the purpose of IRRIGATING 19.8 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for WALLOWA County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 11, at page 6. The date of priority is 1888 FOR TRACT 2, 1894 FOR TRACT 3, AND 1900 FOR TRACT 5.

The right is limited to not more than 0.74 CUBIC FOOT PER SECOND; BEING 0.225 CFS FROM THORN CREEK, 0.29 CFS FROM IMNAHA RIVER, AND 0.225 CFS FROM DUNLAP CREEK, IF AVAILABLE AT THE ORIGINAL POINTS OF DIVERSION.

The points of diversion are located as follows:

NE 1/4 NW 1/4, NE 1/4 SW 1/4, SECTION 11, SE 1/4 SW 1/4, SECTION 14, T 1 S, R 48 E, W.M.; DUNLAP CREEK - 1270 FEET SOUTH AND 1350 FEET EAST FROM THE NW CORNER OF SECTION 11, IMNAHA RIVER - 350 FEET NORTH AND 1340 FEET EAST FROM THE SW CORNER OF SECTION 14, THORN CREEK - 420 FEET SOUTH AND 130 FEET WEST FROM THE C1/4 CORNER OF SECTION 11.

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 THREE-EIGHTIETHS 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 1.5 acre-feet per acre for any thirty day period during the irrigation season of each year.

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

SEE NEXT PAGE

TRACT 2 - THORN CREEK

NE 1/4 SW 1/4 3.2 ACRES
NW 1/4 SW 1/4 2.8 ACRES
SECTION 11
TOWNSHIP 1 SOUTH, RANGE 48 EAST, W.M.

TRACT 3 - IMNAHA RIVER

SW 1/4 SW 1/4 6.4 ACRES
SE 1/4 SW 1/4 0.6 ACRE
SECTION 14

NW 1/4 NW 1/4 0.8 ACRE
SECTION 23
TOWNSHIP 1 SOUTH, RANGE 48 EAST, W.M.

TRACT 5 - DUNLAP CREEK

NE 1/4 SE 1/4 6.0 ACRES
SECTION 10
TOWNSHIP 1 SOUTH, RANGE 48 EAST, W.M.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered DECEMBER 20, 1977, and together with certificate 45227, supersedes certificate 9361, 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.

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

WITNESS the signature of the Water Resources Director, affixed this date APRIL 14, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60839

T-3684.BE