

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BROOKS RESOURCES CORPORATION
416 N.E. GREENWOOD
BEND, OREGON 97701

confirms the right to use the waters of SPRINGS, tributaries of MOUNTAIN CREEK, AND MOUNTAIN CREEK, a tributary of ROCK CREEK, for the purpose of IRRIGATING 41.4 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for GRANT County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at page 461. The date of priority is 1868.

The right is limited to 1.04 cubic feet per second, if available at the original points of diversion.

The points of diversion are located as follows:

SPRINGS - NE 1/4 NW 1/4, NW 1/4 SW 1/4, SECTION 17, T 12 S, R 23 E, W.M.; MOUNTAIN CREEK - NW 1/4 NE 1/4, SECTION 13, T 12 S, R 22 E, W.M.; 700 FEET SOUTH AND 1710 FEET WEST FROM THE NE CORNER OF SECTION 13; NE 1/4 SW 1/4, SECTION 17, LOT 1 (NW 1/4 NW 1/4), SECTION 18, T 12 S, R 23 E, W.M.; 150 FEET SOUTH AND 940 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 17; 220 FEET SOUTH AND 150 FEET EAST FROM THE NW CORNER OF SECTION 18.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same land, shall be limited to a diversion of not to exceed ONE-FORTIETH cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to 1.0 acre-foot per acre per calendar month to June 1 and 4.0 acre-feet per acre during the season April 1 to September 30, measured at the points of diversion. The right is further limited to the quantity of water available at the original points of diversion.

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

NW 1/4 NW 1/4	0.6 ACRE
SW 1/4 NW 1/4	16.1 ACRES
SE 1/4 NW 1/4	0.1 ACRE
NE 1/4 SW 1/4	17.6 ACRES
NW 1/4 SW 1/4	7.0 ACRES
SECTION 17	
TOWNSHIP 12 SOUTH, RANGE 23 EAST, W.M.	

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This certificate describes that portion of the water right confirmed by certificate 25805, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered February 28, 1967, approving transfer M-170 and also to confirm changes in POINTS OF DIVERSION approved by orders of the Water Resources Director entered February 28, 1967 and July 21, 1980.

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 FEBRUARY 7, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64090

T-4481.JW