

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DERBY SMITH PARTNERS
15 SW COLORADO STREET
BEND, OREGON 97701

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 49.8 ACRES.

This right was 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 1900.

The use is limited to ONE-FORTIETH CUBIC FOOT PER SECOND PER ACRES IRRIGATED FROM APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO ONE ACRE-FOOT PER ACRE PER CALENDAR MONTH; TOTAL OF FIVE ACRE-FEET PER ACRE FOR SEASON or its equivalent in case of rotation, measured at the point of diversion from the source.

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.2 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.7 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.6 ACRES

SECTION 12

NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.0 ACRES

SECTION 13

TOWNSHIP 9 SOUTH, RANGE 19 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 25739, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered July 24, 1992, approving Transfer Application 6736.

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

WITNESS the signature of the Water Resources Director, affixed JULY 24, 1992.

/s/ MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67640.

T-6736 & 6737.LHN

L-191
Instream Lease #191 4-1-2001/9-30-2001