

STATE OF OREGON
COUNTIES OF JEFFERSON AND WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DERBY SMITH PARTNERS
15 SW COLORADO AVENUE
BEND, OREGON 97701

confirms the right to use the waters of THE JOHN DAY RIVER AND CHERRY CREEK, tributaries of THE COLUMBIA RIVER, for IRRIGATION OF 158.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 58.6 ACRES.

This right was perfected under Permit 47613. The date of priority is FEBRUARY 23, 1983. This right is limited to 5.33 CUBIC FEET PER SECOND, BEING 4.91 CFS FROM THE JOHN DAY RIVER AND 0.42 CFS FROM CHERRY CREEK or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

1 - SE 1/4 NE 1/4, SECTION 31, T 9 S, R 20 E, W.M.; 1100 FEET NORTH AND 20 FEET WEST FROM THE E 1/4 CORNER OF SECTION 31. 2 - NE 1/4 SW 1/4, SECTION 30, T 9 S, R 20 E, W.M.; 2360 FEET NORTH AND 820 FEET WEST FROM THE S 1/4 CORNER OF SECTION 30. 3 - NE 1/4 NE 1/4, SECTION 25, T 9 S, R 19 E, W.M.; 570 FEET SOUTH AND 600 FEET WEST FROM THE NE CORNER OF SECTION 25. 4 - SW 1/4 NE 1/4, SECTION 24 T 9 S, R 19 E, W.M.; 160 FEET NORTH AND 1750 FEET WEST FROM THE E 1/4 CORNER OF SECTION 24. 5 - NE 1/4 NW 1/4, SECTION 24, T 9 S, R 19 E, W.M.; 950 FEET SOUTH AND 390 FEET WEST FROM THE N 1/4 CORNER OF SECTION 24. 6 - NW 1/4 SW 1/4, SECTION 12, T 9 S, R 19 E, W.M.; 1290 FEET NORTH, AND 1660 FEET WEST FROM THE S 1/4 CORNER OF SECTION 12. 7 - CHERRY CREEK - SW 1/4 SW 1/4, SECTION 26, T 9 S, R 19 E, W.M.; 760 FEET NORTH AND 640 FEET EAST FROM THE SW CORNER OF SECTION 26.

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 (or its equivalent) and 5.0 acre-feet per acre from John Day River and 4.0 acre-feet per acre from Cherry Creek for each acre irrigated during the irrigation season of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

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

SEE NEXT PAGE

PRIMARY FROM JOHN DAY RIVER

SW 1/4 SW 1/4	10.3 ACRES
SE 1/4 SW 1/4	8.7 ACRES

SECTION 12

NE 1/4 NW 1/4	1.0 ACRE
NW 1/4 NW 1/4	1.4 ACRES
SE 1/4 SW 1/4	12.2 ACRES
SW 1/4 SE 1/4	0.7 ACRE

SECTION 13

NW 1/4 NE 1/4	1.0 ACRE
SW 1/4 NE 1/4	3.8 ACRES
NE 1/4 NW 1/4	19.3 ACRES
SE 1/4 NW 1/4	1.3 ACRES
NE 1/4 SE 1/4	5.3 ACRES
NW 1/4 SE 1/4	4.2 ACRES
SE 1/4 SE 1/4	11.6 ACRES

SECTION 24

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

LOT 2 (SW 1/4 NW 1/4)	8.4 ACRES
SE 1/4 NW 1/4	17.1 ACRES
NE 1/4 SW 1/4	0.7 ACRE
LOT 3 (NW 1/4 SW 1/4)	2.5 ACRES

SECTION 30

NE 1/4 NE 1/4	2.6 ACRES
NW 1/4 NE 1/4	11.5 ACRES
SW 1/4 NE 1/4	6.3 ACRES
SE 1/4 NE 1/4	4.8 ACRES
NE 1/4 NW 1/4	6.6 ACRES
SE 1/4 NW 1/4	0.7 ACRE

SECTION 31

TOWNSHIP 9 SOUTH, RANGE 20 EAST, W.M.

SUPPLEMENTAL FROM JOHN DAY RIVER

NE 1/4 NE 1/4	2.6 ACRES
NW 1/4 NE 1/4	0.2 ACRE
SW 1/4 NE 1/4	12.4 ACRES
SE 1/4 NE 1/4	0.8 ACRE
SW 1/4 NW 1/4	2.5 ACRES
SE 1/4 NW 1/4	1.5 ACRES
NW 1/4 SW 1/4	1.0 ACRE

SECTION 25

SE 1/4 NE 1/4	2.0 ACRES
NE 1/4 SW 1/4	2.0 ACRES
NE 1/4 SE 1/4	9.0 ACRES
NW 1/4 SE 1/4	8.0 ACRES

SECTION 26

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

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PRIMARY FROM CHERRY CREEK & SUPPLEMENTAL FROM JOHN DAY RIVER

SW 1/4 NW 1/4 6.6 ACRES
SE 1/4 NW 1/4 6.0 ACRES
NW 1/4 SW 1/4 0.7 ACRE

SECTION 25

SE 1/4 NE 1/4 0.3 ACRE
NW 1/4 SE 1/4 3.0 ACRES

SECTION 26

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

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE POINT OF DIVERSION AND SUPERSEDES CERTIFICATE 67639.

This Certificate describes that portion of the water right perfected under the terms of Permit 47613, 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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed
OCTOBER 12, 1992.

/s/ MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67885.

64855.DSM