

STATE OF OREGON
COUNTY OF JEFFERSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DERBY SMITH PARTNERS
365 NE GREENWOOD
BEND, OREGON 97701

confirms the right to use the waters of CHERRY CREEK AND CHERRY CREEK RESERVOIR, a tributary of JOHN DAY RIVER, for IRRIGATION OF 7.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 75.1 ACRES.

This right was perfected under Permit 43718. The date of priority is JUNE 14, 1978. This right is limited to 0.4 CUBIC FOOT PER SECOND AND 86.1 ACRE FEET, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE 1/4 SW 1/4, SECTION 33, T 10 S, R 19 E, W.M.; 1440 FEET NORTH AND 2060 FEET EAST FROM THE SW CORNER OF SECTION 33.

SW 1/4 SE 1/4, SECTION 29, T 10 S, R 19 E, W.M.; 300 FEET NORTH AND 1220 FEET EAST, 670 FEET NORTH AND 600 FEET EAST, BOTH FROM THE S 1/4 CORNER OF SECTION 29.

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 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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:

	<u>SUPPLEMENTAL IRRIGATION</u>	<u>PRIMARY IRRIGATION</u>
SE 1/4 SW 1/4	2.0 ACRES SECTION 20	
NE 1/4 NW 1/4	7.5 ACRES	
NW 1/4 NW 1/4	1.0 ACRE	
SW 1/4 NW 1/4	1.5 ACRES	
SE 1/4 NW 1/4	3.5 ACRES	
NE 1/4 SW 1/4	10.0 ACRES	
SE 1/4 SW 1/4	1.0 ACRE	
NW 1/4 SE 1/4	1.0 ACRE	
SW 1/4 SE 1/4	10.5 ACRES	0.9 ACRE
SE 1/4 SE 1/4	2.0 ACRES	0.9 ACRE
	SECTION 29	
NE 1/4 NE 1/4	13.0 ACRES SECTION 32	
NW 1/4 NW 1/4	9.1 ACRES	
SW 1/4 NW 1/4	6.0 ACRES	
SE 1/4 NW 1/4	4.0 ACRES	4.3 ACRES
NE 1/4 SW 1/4	3.0 ACRES	1.0 ACRE
	SECTION 33	

TOWNSHIP 10 SOUTH, RANGE 19 EAST W.M.

SEE NEXT PAGE

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 AUGUST 14, 1995.

/s/ MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68550.