

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DERBY SMITH PARTNERS
15 SW COLORADO AVENUE
BEND, OR 97701

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 3.8 ACRES.

This right was perfected under Permit 47613. The date of priority is FEBRUARY 23, 1983. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1/40 CUBIC FOOT PER SECOND PER ACRE, AND SHALL BE FURTHER LIMITED TO A DIVERSION OF NOT TO EXCEED 5.0 ACRE-FEET PER ACRE FROM JOHN DAY RIVER, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

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 SOUTH 1/4 CORNER OF SECTION 12.

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:

SW 1/4 SW 1/4 0.2 ACRE
SECTION 12

NE 1/4 NW 1/4 0.1 ACRE
NW 1/4 NW 1/4 3.5 ACRES
SECTION 13
TOWNSHIP 9 SOUTH, RANGE 19 EAST, W.M.

This certificate is issued to confirm a change in USE, PLACE OF USE, AND POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 24, 1992, and supersedes Certificate 25739, 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. 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 23 , 1995.

s/ Steven P. Applegate

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68638.

T-6737B.DEK