

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOUIS E. MARKS
ROUTE 1, BOX 67-A
NORTH POWDER, OR 97867

confirms the right to use the waters of NORTH POWDER RIVER, a tributary of THE POWDER RIVER, for IRRIGATION OF 55.4 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UNION COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Page 252. The date of priority is 1888.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.38 CUBIC FEET PER SECOND, FROM MARCH 1ST TO JULY 1ST; AND 0.69 CFS FROM JULY 1ST TO OCTOBER 1ST OF EACH YEAR; THE TOTAL QUANTITY DIVERTED DURING EACH IRRIGATION SEASON SHALL NOT EXCEED 138.5 ACRE-FEET.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 36, T 6 S, R 38 E, W.M.; 967 FEET NORTH AND 2809 FEET EAST FROM THE SW CORNER OF SECTION 36.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, FROM MARCH 1 TO JULY 1 and ONE-EIGHTIETH of one cubic foot per second FROM JULY 1 TO OCTOBER 1, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

SW 1/4 NE 1/4	1.5 ACRES
SE 1/4 NE 1/4	21.4 ACRES
NE 1/4 SE 1/4	13.5 ACRES
SE 1/4 SE 1/4	16.0 ACRES

SECTION 4

NE 1/4 NE 1/4	3.0 ACRES
---------------	-----------

SECTION 9

TOWNSHIP 7 SOUTH, RANGE 39 EAST, W.M.

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water available at the original point of diversion.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered DECEMBER 26, 1990, and together with Certificate 65136, supersedes Certificate 1460, 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.

SEE NEXT PAGE

T-6365.JT

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 17, 1996.

|s| Steven P. Applegate

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72429.

T-6365.JT