

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WARD AGRICULTURAL PROPERTIES
1500 H STREET
BAKER CITY, OREGON 97814

confirms the right to use the waters of POWDER RIVER, a tributary of SNAKE RIVER for IRRIGATION of 120.0 acres of land.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291. The date of priority is 1893 FOR 15 ACRES, 1871 FOR 39 ACRES, 1869 FOR 28 ACRES, AND 1872 FOR 38 ACRES.

The use is limited to 3.0 CUBIC FEET PER SECOND or its equivalent in case of rotation.

The point of diversion is located as follows:

SETTLERS SLOUGH DITCH: NW 1/4 SW 1/4, SECTION 21, T 9 S, R 40 E, W.M.; 2160 FEET NORTH & 30 FEET EAST FROM SW CORNER, SEC. 21

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 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:

PRIORITY OF 1871
NE1/4 SE1/4 22.0 ACRES
SE1/4 SE1/4 17.0 ACRES
SECTION 1
TOWNSHIP 9 SOUTH, RANGE 39 EAST, W.M.

PRIORITY OF 1869
NE1/4 SE1/4 5.0 ACRES
SECTION 1
TOWNSHIP 9 SOUTH, RANGE 40 EAST, W.M.

SE1/4 SE1/4 23.0 ACRES
SECTION 1
TOWNSHIP 9 SOUTH, RANGE 39 EAST, W.M.

PRIORITY OF 1872
NE1/4 SE1/4 13.0 ACRES
SECTION 1
TOWNSHIP 9 SOUTH, RANGE 39 EAST, W.M.

NW1/4 SW1/4 25.0 ACRES
SECTION 6

PRIORITY OF 1893

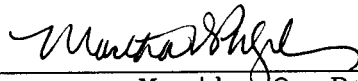
NW1/4 SW1/4 15.0 ACRES
SECTION 6
TOWNSHIP 9 SOUTH, RANGE 40 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 4353, issued in the name of Lizzie A. Merson, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on FEB 25 1997 and recorded in Special Order Volume 51, page 148 approving a petition by the Baker Valley Irrigation District under ORS 541.329.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purposes 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 FEB 25 1997.



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 73577.
4353.vc