

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HERMAN BROTHERS
SELMA, OREGON 97538

confirms the right to use the waters of DRAPER CREEK AND SPRING CREEK, A TRIBUTARY OF DEER CREEK, a tributary of the APPLGATE RIVER, for IRRIGATION OF 2.7 ACRES.

This right was perfected under Permit 4587. The date of priority is MAY 5, 1920. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.035 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

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-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated acre-feet 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:

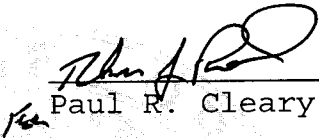
NW¼ NW¼ 2.7 ACRES
SECTION 12
TOWNSHIP 38 SOUTH, RANGE 8 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 4951, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 29 2001, approving Transfer Applications 8160 AND 8173.

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 AUG 29 2001.



Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 77052.