

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SMITH BROTHERS
PRAIRIE CITY, OREGON 97869

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 29.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 2.2 ACRES.

This right was perfected under Permit 8655. The date of priority is AUGUST 24, 1928. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.39 CUBIC FOOT PER SECOND 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 $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 13, T 13 S, R 32 E, W.M.; 2300 FEET NORTH AND 700 FEET EAST FROM SW CORNER, SECTION 13.

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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent 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:

SUPPLEMENTAL
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.0 ACRES
SECTION 14

SE¼ NW¼ 0.2 ACRE
SECTION 22
TOWNSHIP 13 SOUTH, RANGE 32 EAST, W.M.

PRIMARY

NE¼ SW¼ 8.6 ACRES
NW¼ SE¼ 20.0 ACRES
SECTION 14

NW¼ NE¼ 1.0 ACRE
SECTION 22
TOWNSHIP 13 SOUTH, RANGE 32 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 49442, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 02 2002, approving Transfer Application 8771.

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 JUL 02 2002.


Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 79544.