

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BROOKS RESOURCES INVESTMENT CORPORATION
P.O. BOX 6119
BEND, OREGON 97708

confirms the right to use the waters of MOUNTAIN CREEK, a tributary of ROCK CREEK, for IRRIGATION 20.2 ACRES.

This right was perfected under Permit 45043. The date of priority is APRIL 23, 1980. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.50 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T 12 S, R 22 E, W.M.; 700 FEET SOUTH AND 1710 FEET WEST FROM THE NE CORNER OF SECTION 13.

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 7, T 12 S, R 23 E, W.M.; 40 FEET NORTH AND 1800 FEET WEST FROM THE SE CORNER OF SECTION 7.

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 17, T 12 S, R 23 E, W.M.; 150 FEET SOUTH AND 940 FEET WEST FROM THE C $\frac{1}{4}$ CORNER OF SECTION 17.

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 17, T 12 S, R 23 E, W.M.; 100 FEET SOUTH AND 290 FEET WEST FROM THE C $\frac{1}{4}$ CORNER OF SECTION 17.

LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 18, T 12 S, R 23 E, W.M.; 220 FEET SOUTH AND 150 FEET EAST FROM THE NW CORNER OF SECTION 18.

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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet 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:

NW¼ NW¼ 0.4 ACRE
SW¼ NW¼ 3.4 ACRES
SE¼ NW¼ 0.2 ACRE
NW¼ SE¼ 0.8 ACRE
SW¼ SE¼ 3.6 ACRES
SE¼ SE¼ 11.8 ACRES
SECTION 17

TOWNSHIP 12 SOUTH, RANGE 23 EAST, W.M.

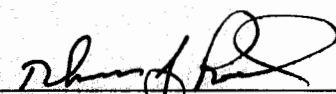
This certificate describes that portion of the water right confirmed by Certificate 64283, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 12 2004, approving Transfer Application 9562.

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 JAN 12 2004.


For Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80551.