

STATE OF OREGON
COUNTIES OF BAKER AND UNION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HART ESTATE INVESTMENTS
218 LEMMON DR.
RENO, NV 89506

BOYD, ISABEL
221 SE COWLS ST.
MCMINNVILLE, OR 97128

FRITZ, ROSS E.
RT 1, BOX 51
NORTH POWDER, OR 97867

PARKER, GIFFORD
49621 ELLIS RD
NORTH POWDER, OR 97867

WALLENDER, FRED
65228 AIRPORT LN
LAGRANDE, OR 97850

PETERS, JAMES F.
7643 DAVIS PEAK,
LITTLETON, CO 80127

confirms the right to use the waters of North Powder River, a tributary of Powder River, for irrigation of 795.5 acres, livestock and domestic.

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 use of water is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of flow from March 1 to July 1 as described below by tract and priority date:

TRACT	PRIORITY	ACRES	RATE (cfs)	PRIORITY	ACRES	RATE (cfs)	PRIORITY	ACRES	RATE (csf)
1	1879	105.5	2.64						
2	1879	95.0	1.68						
3	1873	78.2	1.42	1888	143.4	2.60	1903	122.9	2.23
4	1871	160.0	4.00	1883	50.5	1.24	1899	40.0	1.00

The four tracts combined shall not exceed the rate of 9.94 cubic feet per second from July 1st to October 1st of each year.

The total quantity diverted during each irrigation season is not to exceed 2,490.00 acre feet.

The points of diversion are located as follows:

POD#	DITCH NAME	LOCATION AND MEASURED DISTANCES
N-03	BULGER DITCH	SW¼ SE¼, SECTION 18, T7S, R38E, WM; 730' NORTH AND 1370' WEST FROM THE SOUTHEAST CORNER OF SECTION 18, T7S, R38E, WM.
N-04	HUTCHINSON HILLSIDE DITCH	SW¼ SE¼, SECTION 18, T7S, R38E, WM; 730' NORTH AND 1370' WEST FROM THE SOUTHEAST CORNER OF SECTION 18, T7S, R38E, WM.
N-05	GARDNER MILLRACE DITCH	NW¼ NE¼, SECTION 5, T6S, R38E, WM; 2760' SOUTH AND 2380' WEST FROM THE EAST QUARTER CORNER OF SECTION 32, T6S, R38E, WM.
N-11	SUNNYSLOPE ELLIS DITCH	NW¼ SW¼, SECTION 36, T6S, R38E, WM; 2774' SOUTH AND 370' EAST FROM THE NORTHWEST CORNER OF SECTION 36, T6S, R38E, WM.

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

TWP S	RNG E	SEC	Q40	Q160	ACRES	DATE	POD	USE	TAX LOT
TRACT 1									
6	38	36	NE	SW	4.5	1879	N-11	IR	6800
6	38	36	NE	SE	37.0	1879	N-11	IR	6800
6	38	36	NW	SE	29.0	1879	N-11	IR	6800
6	39	31	NW	SW	35.0	1879	N-11	IR	4700
TRACT 2									
7	38	14	NW	NE	19.0	1879	N-03	IR	100
7	38	14	SW	NE	40.0	1879	N-03	IR	200
7	38	14	NE	NW	36.0	1879	N-03	IR	100
TRACT 3									
7	38	1	NE	SW	40.0	*N/S	N-04	I*	100
7	38	1	NW	SW	40.0	*N/S	N-04	I*	100
7	38	1	SE	SW	40.0	*N/S	N-04	I*	200
7	38	1	SW	SE	25.0	*N/S	N-04	I*	200
7	38	1	SE	SE	7.5	*N/S	N-04	I*	200
7	38	2	NE	SW	21.5	*N/S	N-04	I*	700
7	38	2	NW	SW	34.0	*N/S	N-04	I*	700
7	38	2	SW	SW	40.0	*N/S	N-04	I*	700
7	38	2	SE	SW	37.0	*N/S	N-04	I*	700
7	38	2	NW	SE	28.5	*N/S	N-04	I*	500
7	38	2	SW	SE	31.0	*N/S	N-04	I*	500
TRACT 4									
7	38	2	NW	NE	4.0	*N/S	N-04	I*	400
7	38	2	NW	NE	36.0	*N/S	N-05	I*	400
7	38	2	SW	NE	35.0	*N/S	N-04	I*	400
7	38	2	NE	NW	11.0	*N/S	N-04	I*	400
7	38	2	NE	NW	29.0	*N/S	N-05	I*	400
7	38	2	NW	NW	15.0	*N/S	N-05	I*	601
7	38	2	NW	NW	25.0	*N/S	N-04	I*	601
7	38	2	SW	NW	36.5	*N/S	N-04	I*	601
7	38	2	SE	NW	27.0	*N/S	N-04	I*	400
7	38	3	NE	NE	32.0	*N/S	N-05	I*	601

Location descriptions are based on the Willamette Meridian.

NOTE: *N/S means the priority is "Not Specific" to the land location.

This certificate describes that portion of the water right confirmed by Certificate 1470, issued in the name of W. R. Hutchinson, State Record of Water Right Certificates, as modified by the provisions of orders of the Water Resources Director entered on:

- July 24, 1952, approving Transfer Number M-90, recorded at Special Order Volume 7, Page 428;
- March 3, 1953, approving Transfer Number P-43, recorded at Special Order Volume 7, Pages 494-496; and

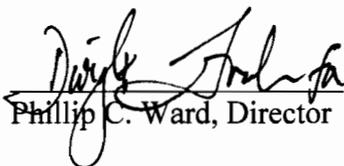
NOT modified by the provisions of an order of the Water Resources Director entered on MAY 17 2011, and recorded in Special Order Volume 84, page 100 approving a petition by the Powder Valley Water Control District under ORS 541.329.

This certificate together with Certificate 83738 supersedes Certificate 1470.

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 MAY 17 2011.


Phillip C. Ward, Director