

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NICE BROTHERS
NORTH POWDER OR 97867

confirms the right to use the waters of WOLF CREEK, tributary to POWDER RIVER for IRRIGATION of 35.0 ACRES.

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 6, at Page 291. The date of priority is 1876.

The amount of water used for irrigation, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be subject to all other conditions or limitations in the decree. 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.

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

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 6 S | 39 E | WM | 17 | SW SW | 15.0 |
| 6 S | 39 E | WM | 17 | SE SW | 10.0 |
| 6 S | 39 E | WM | 18 | SE SE | 10.0 |

This certificate describes that portion of the water right confirmed by Certificate 4375, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 18 2009, approving Transfer Application T-7503, approving a change in point of diversion and partial cancellation of a water right.

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.

WITNESS the signature of the Water Resources Director, affixed MAY 18 2009.


Phillip C. Ward, Director *PCW*