

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

AUXIER RESOURCES NO 1, LLC
5000 SW MEADOWS RD, SUITE 410
LAKE OSWEGO OR 97035

confirms the right to use the waters of JOHN DAY RIVER, tributary to COLUMBIA RIVER for IRRIGATION of 76.2 ACRES AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is JUNE 1893. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.9 CUBIC FEET PER SECOND, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	27 E	WM	3	SW SW	330 FEET NORTH & 20 FEET EAST FROM SE CORNER, SECTION 4

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 diversion of ONE-FORTIETH of one cubic foot per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total 5.0 acre-feet per acre for season, measured at the point of diversion.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	27 E	WM	4	SE SW	2.0
13 S	27 E	WM	4	NE SE	17.0
13 S	27 E	WM	4	NW SE	11.0
13 S	27 E	WM	4	SW SE	28.2
13 S	27 E	WM	4	SE SE	18.0

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Original Diversion	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
SOUTH SIDE DITCH	13 S	27 E	WM	3	SE SE	NONE GIVEN

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Water shall be acquired from the same surface water source as the original point of diversion.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered March 5, 1996, at Special Order Volume 50, Page 112, approving Transfer Application 6848, and supersedes Certificate 25869, State record of Water Right Certificates.

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 and is subject to all other conditions and limitations contained in said decree.

Issued MAY 27 2011



Dwight W. French
Water Right Services Division Administrator, for
Phillip C. Ward, Director