

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FOSTER RANCH, INC.
HCR 87 BOX 552
BAKER CITY, OR 97814

confirms the right to use the waters of ELK CREEK, a tributary of POWDER RIVER for SUPPLEMENTAL IRRIGATION of 59.8 acres of land.

This right was perfected under Permit 7994. The date of priority is JUNE 8, 1927. This right is limited to 0.748 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

POINT OF DIVERSION: approximately 3/4 of a mile NW of SW corner of Section 5, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T 10 S, R 40 E, W.M.

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-EIGHTIETH of one cubic foot per second 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:

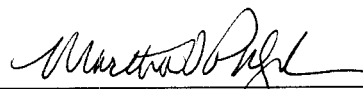
SW 1/4 NW 1/4 39.8 acres
NW 1/4 SW 1/4 20.0 acres
Section 5
TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 7368, issued in the name of Baker Loan and Trust Company, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on FEB 25 1997 and recorded in Special Order Volume 51, page 148 approving a petition by the Baker Valley Irrigation District under ORS 541.329.

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 permits.

Witness the signature of the Water Resources Director, affixed
FEB 25 1997



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 73608.

7368.vc