

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOSEPH O. RUDI  
PO BOX 425  
BAKER CITY, OR 97814

confirms the right to use the waters of NELSON SPRING, a tributary of SALMON CREEK, for PRIMARY IRRIGATION OF 21.4 ACRES AND THE SUPPLEMENTAL IRRIGATION OF 197.2 ACRES.

This right was perfected under Permit 43376. The date of priority is MAY 24, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 5, T 9 S, R 39 E, W.M.; 850 FEET SOUTH AND 440 FEET WEST FROM THE C 1/4 CORNER OF SECTION 5.

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 3.5 acre-feet per acre 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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NE 1/4	7.2 ACRES	30.0 ACRES
SE 1/4 NE 1/4		2.4 ACRES
SE 1/4 NW 1/4	1.2 ACRES	34.0 ACRES
NE 1/4 SW 1/4	4.0 ACRES	17.6 ACRES
SE 1/4 SW 1/4		14.2 ACRES
NE 1/4 SE 1/4		29.8 ACRES
NW 1/4 SE 1/4	8.0 ACRES	31.2 ACRES
SW 1/4 SE 1/4		38.0 ACRES
SE 1/4 SE 1/4	1.0 ACRE	

SECTION 5

TOWNSHIP 9 SOUTH, RANGE 39 EAST, W.M.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 MARCH 31, 1997.

**/S/ Richard D. Bailey**

Martha O. Pagel