

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARK S. AND JODI L. MASCALL  
P.O. BOX 879  
PILOT ROCK, OREGON 97868

confirms the right to use the waters of A WELL in the BIRCH CREEK BASIN for IRRIGATION OF 11.95 ACRES.

This right was perfected under Permit G-12072. The date of priority is NOVEMBER 8, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.149 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NW 1/4, SECTION 21, TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.; 300 FEET SOUTH AND 1515 FEET EAST FROM THE NW CORNER OF SECTION 21.

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-EIGHTIETH 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The irrigation season under this right is limited to March 1 through November 1 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:

SE 1/4 SW 1/4      1.55 ACRES  
SECTION 16  
NE 1/4 NW 1/4      8.57 ACRES  
SE 1/4 NW 1/4      1.83 ACRES  
SECTION 21  
TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

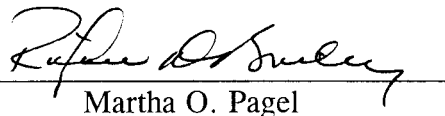
If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 MAY 14, 1999.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76166.