

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TIM L. KERNS
ROUTE 1 BOX 30A
HAINES, OREGON 97833

confirms the right to use the waters of UNNAMED DRAINAGE WAY, a tributary of POWDER RIVER, for SUPPLEMENTAL IRRIGATION OF 58.7 ACRES.

This right was perfected under Permit 51398. The date of priority is JULY 13, 1987. This right is limited to 0.89 CUBIC FOOT 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 NW 1/4, SECTION 19, T 8 S, R 39 E, W.M.; 930 FEET SOUTH AND 1100 FEET WEST FROM THE NORTH 1/4 CORNER, SECTION 19.

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 second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 SW 1/4 22.4 ACRES
SE 1/4 SW 1/4 8.7 ACRES
SECTION 18

NE 1/4 NW 1/4 8.2 ACRES
NW 1/4 NW 1/4 19.4 ACRES
SECTION 19

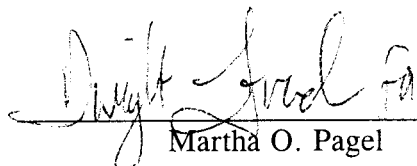
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

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

The right to use 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 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 FEBRUARY 28, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76433.