

STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLM NO. 68-5540

U.S. BUREAU OF LAND MANAGEMENT
100 OREGON STREET
VALE, OREGON 97918

confirms the right to store the waters of MUD FLAT CREEK, a tributary of SOLDIER CREEK, in MUD FLAT WATERHOLE RESERVOIR, for LIVESTOCK AND WILDLIFE.

The right to store these waters was perfected under Reservoir Permit R-11725. The date of priority is SEPTEMBER 24, 1986. The amount of water entitled to be stored and used each year under this right is not more than 0.31 ACRE-FOOT. Water may be appropriated for storage during the period NOVEMBER 1 THROUGH MARCH 1 OF EACH YEAR.

The reservoir is located within:

LOT 2 (NW 1/4 NE 1/4)
SECTION 2
TOWNSHIP 33 SOUTH, RANGE 44 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. 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.

R-68921.GEC

Certificate Number 78153

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition March 2 through October 31.

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.

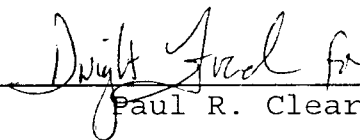
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

Witness the signature of the Water Resources Department Director, affixed October 24, 2001.


Paul R. Cleary

Recorded in the State Record of Water Right Certificate numbered 78153.
R-68921.GEC