

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FLEMING LOVING TRUST
P.O. BOX 985
BAKER CITY, OREGON 97814

confirms the right to use the waters of SECOND CREEK, a tributary of RUCKLES CREEK, for IRRIGATION OF 55.6 ACRES.

This right was perfected under Permit 51735. The date of priority is JANUARY 14, 1991. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.39 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source. The period of the allowed use under this right is year round when water may be beneficially used.

The point of diversion is located as follows:

SW 1/4 SE 1/4, SECTION 29, TOWNSHIP 9 SOUTH, RANGE 42 EAST, W.M.; 4660 FEET SOUTH AND 3695 FEET EAST FROM THE NW CORNER OF SECTION 29.

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 1/2 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:

SW 1/4 NW 1/4	11.9 ACRES
NE 1/4 SW 1/4	17.0 ACRES
NW 1/4 SW 1/4	23.6 ACRES
SE 1/4 SW 1/4	0.4 ACRE
NW 1/4 SE 1/4	0.7 ACRE
SW 1/4 SE 1/4	2.0 ACRES

SECTION 29
TOWNSHIP 9 SOUTH, RANGE 42 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. 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.

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

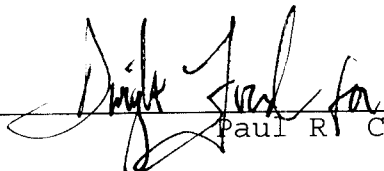
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including 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 Director, affixed March 29, 2002.



Paul R. Cleary

Recorded in State Record of Water Right Certificates Number 79425.