

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FLEMING LOVING TRUST
PO BOX 985
BAKER CITY OR 97814

confirms the right to store water perfected under the terms of Permit R-11585. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R71116

SOURCE: BOULDER CREEK, a tributary of RUCKLES CREEK WITHIN THE POWDER RIVER BASIN

STORAGE FACILITY: BOLDER CREEK RESERVOIR

PURPOSE or USE: STOCK WATER

MAXIMUM STORAGE VOLUME: 0.5 ACRE FOOT EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: 12 MONTHS

DATE OF PRIORITY: JANUARY 14, 1991

DAM LOCATION IS AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
9 S	42 E	WM	20	NE SW			1980 FEET NORTH FROM S1/4 CORNER, SECTION 20

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
9 S	42 E	WM	20	NE SW
9 S	42 E	WM	20	NW SE

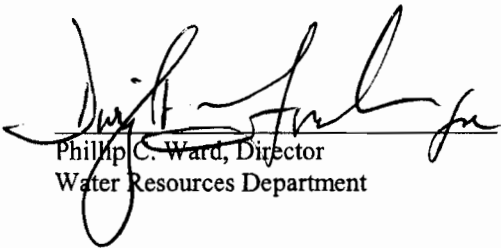
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

CONDITIONS OF USE

1. Measurement, recording and reporting:
 - 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.
2. Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.
3. When in the judgment of the Watermaster it becomes necessary to regulate waters of the stream system, storage of water in the reservoir shall be to the installation of suitable devices for measuring all incoming natural flows and outflows from the reservoir or passing all incoming flows. The types and plans for such devices shall be approved by the Watermaster and shall be installed under the supervision of said Watermaster.
4. 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 Director to satisfy prior downstream rights.
5. 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.
6. This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
7. 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.
8. The storage 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.

Issued SEP 30 2008



Phillip C. Ward, Director
Water Resources Department