

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TROY E. CUMMINS
MALLARD CREEK LLC
31221 OSPREY RD
LEBANON OR 97355

confirms the right to store the waters of UNNAMED STREAM, a tributary to HAMILTON CREEK, in DRAKE RESERVOIR, for MULTIPLE PURPOSES, INCLUDING, BUT NOT LIMITED TO IRRIGATION AND WETLAND ENHANCEMENT.

This right was perfected under Permit R-12492. The date of priority is SEPTEMBER 9, 1996. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 20.3 ACRE FEET, or its equivalent in case of rotation, measured at the point of diversion.

Water may only be appropriated for storage during the period of November 1 through June 30 of each year.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
12 S	1 W	WM	22	NE NW	44
12 S	1 W	WM	22	SE NW	44

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable 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.

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 to downstream rights.

NOTICE OF RIGHT TO 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.

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.

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.

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 plans.

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.

This certificate is issued to confirm a change in CHARACTER OF USE approved by an order of the Water Resources Director entered April 10, 2006, at Special Order Volume 68, Page 263, approving Transfer Application 8456, and supersedes Certificate 80831, State record of Water Right Certificates.

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

Issued MAR 10 2011



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director