STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DANIEL J BOYDEN
BMT LLC
1430 EASTSIDE RD
HOOD RIVER OR 97031

confirms the right to store water perfected under the terms of Permit R-14928. 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: R-87673

SOURCE: A SPRING/RUNOFF, TRIBUTARY TO WILLOW CREEK

STORAGE FACILITY: A RESERVOIR

PURPOSE or USE: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 1.24 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: OCTOBER 1 THROUGH JUNE 30

DATE OF PRIORITY: DECEMBER 29, 2010

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	3 E	WM	2	NE NE	160 FEET NORTH AND 100 FEET WEST FROM SE CORNER, NENE, SECTION 2
39 S	3 E	WM	2	NE NE	220 FEET NORTH AND 50 FEET WEST FROM SE CORNER, NENE, SECTION 2

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
39 S	3 E	WM	2	NE NE

CONDITIONS OF USE

1. Measurement, recording and reporting:

   A. The Director may require the water user to install a staff gage that measures the entire range and stage between full reservoir level and dead pool level in the reservoir.

   B. If the Director notifies the water user to install a staff gage, or other suitable measuring device, the water user shall install such devices 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 devices in good working order and shall allow the watermaster access to the devices.

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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

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 permit.

D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

2. The storage of water allowed herein is subject to the 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.

3. The water user shall pass all live flow outside the storage season described above.

4. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

5. The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission.

6. Not withstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

7. This right does not provide for the appropriation of water for any out-of-reservoir uses, the maintenance of the water level, or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

8. 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.

9. 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.

10. 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.

11. 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.

12. This right does not authorize the water user to interfere with or affect adjacent property not under the ownership of the water user.

Issued DEC 3 1 2013

Dwight W. French, Administrator Water Right Services, for
Phillip C. Ward, Director