

STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMSON ASSOCIATES LLC
C/O PARK LAND CO.
9800 MOUNT PYRAMID COURT SUITE 340
ENGLEWOOD CO 80112

confirms the right to the use of water perfected under the terms of Permit S-26743. 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(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: NORTH FORK GRANITE CREEK AND LOWER CHAPMAN RESERVOIR, CONSTRUCTED UNDER PERMIT R-2356, TRIBUTARIES OF MALHEUR RIVER

PURPOSE OR USE: IRRIGATION OF 68.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 12.2 ACRES

MAXIMUM RATE: 1.79 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 1.79 CFS FROM POD 1, 0.76 CFS FROM POD 4, 0.87 CFS FROM POD 5, AND 0.98 CFS FROM POD 6, IN ANY COMBINATION, NOT TO EXCEED MAXIMUM RATE OF 1.79 CFS

DATE OF PRIORITY: APRIL 12, 1960

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	38 E	WM	32	SE NE		POD 1 - LOWER CHAPMAN RESERVOIR (ORIGINAL) - 2820 FEET NORTH AND 4030 FEET EAST FROM SW CORNER, SECTION 32
23 S	38 E	WM	31	SE SW		POD 4 - NORTH FORK GRANITE CREEK (NEW) - 160 FEET NORTH AND 2270 FEET EAST FROM SW CORNER, SECTION 31
24 S	38 E	WM	6	SW NW	5	POD 5 - NORTH FORK GRANITE CREEK (NEW) - 1640 FEET SOUTH AND 1550 FEET EAST FROM NW CORNER, SECTION 6
24 S	37 E	WM	1	SW NE		POD 6 - NORTH FORK GRANITE CREEK (NEW) - 2350 FEET SOUTH AND 1260 FEET WEST FROM NE CORNER, SECTION 1

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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

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, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from Lower Chapman Reservoir constructed under Permit R-2356, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall be further limited to the use of stored water only on lands described as supplemental and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized PODs
23 S	38 E	WM	31	SE SW		7.0	POD 1 and POD 4
24 S	37 E	WM	1	NE NE	1	0.5	POD 1 and POD 6
24 S	37 E	WM	1	NW NE	2	0.3	POD 1 and POD 6
24 S	37 E	WM	1	SW NE		8.9	POD 1 and POD 6
24 S	37 E	WM	1	SE NE		21.5	POD 1 and POD 6
24 S	37 E	WM	1	NE SE		1.1	POD 1 and POD 6
24 S	37 E	WM	1	NW SE		6.9	POD 1 and POD 6
24 S	38 E	WM	6	NE NW	3	11.2	POD 1, POD 4, and POD 5
24 S	38 E	WM	6	SW NW	5	9.5	POD 1 and POD 5
24 S	38 E	WM	6	SE NW		1.9	POD 1 and POD 5

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized PODs
23 S	38 E	WM	31	SE SW		0.2	POD 1 and POD 4
24 S	38 E	WM	6	NE NW	3	12.0	POD 1, POD 4, and POD 5

The quantity of water diverted at the new points of diversion (POD 4, POD 5, and POD 6), together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	37 E	WM	1	SE NE	NORTH FORK GRANITE CREEK – (ORIGINAL) - 2330 FEET SOUTH AND 6580 FEET WEST FROM SW CORNER, SECTION 32, TOWNSHIP 23 SOUTH, RANGE 38 EAST, W.M.
23 S	38 E	WM	31	SW NE	NORTH FORK GRANITE CREEK – (ORIGINAL) - 2660 FEET NORTH AND 2060 FEET WEST FROM SE CORNER, SECTION 31
23 S	38 E	WM	32	SE NE	POD 1 – LOWER CHAPMAN RESERVOIR (ORIGINAL) - 2820 FEET NORTH AND 4030 FEET EAST FROM SW CORNER, SECTION 32

When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

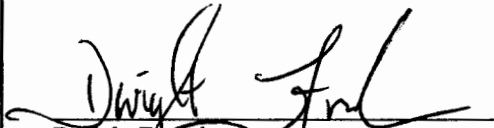
When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall maintain and operate the fish screens and/or by-pass devices, as appropriate, at the new points of diversion consistent with ODFW's operational and maintenance standards.

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

This certificate is issued to confirm changes in POINTS OF DIVERSION, approved by an order of the Water Resources Director entered JULY 21, 2009, at Special Order Volume 78, Page 509, approving Transfer Application 9918, and supersedes Certificate 40802, State Record of Water Right Certificates.

Issued MAY 02 2016



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

