

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

421 DUFFIELD LLC
c/o PARK LAND CO
126 E 56TH STREET, 32ND FLOOR
NEW YORK, NY 10022

confirms the right to use the waters of WELL 2, WELL 1, WELL 3, WELL 14, WELL 10, WELL 9 AND WELL 4 in the MALHEUR LAKE BASIN for IRRIGATION OF 125.6 ACRES.

This right was perfected under Permit G-7351. The date of priority is August 6, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.57 CUBIC FEET PER SECOND (CFS) or its equivalent in case of rotation, measured at the wells, being 0.39 CFS from each of Well 1 and Well 2, and 0.79 CFS from Well 3.

The wells are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 24 S | 33 E | WM | 9 | NE NE | WELL 2 (ORIGINAL) - 1140 FEET SOUTH AND 1290 FEET WEST FROM NE CORNER, SECTION 9 |
| 24 S | 33 E | WM | 9 | NW NE | WELL 1 (ORIGINAL) - 1180 FEET SOUTH AND 1360 FEET WEST FROM NE CORNER, SECTION 9 |
| 24 S | 33 E | WM | 9 | SE SE | WELL 3 (ORIGINAL) - 3960 FEET SOUTH AND 1310 FEET WEST FROM NE CORNER, SECTION 9 |
| 24 S | 33 E | WM | 14 | NE NW | WELL 14 (ADDITIONAL) - 30 FEET SOUTH AND 2590 FEET EAST FROM NW CORNER, SECTION 14 |
| 24 S | 33 E | WM | 14 | SE NW | WELL 10 (ADDITIONAL) - 1360 FEET SOUTH AND 1410 FEET EAST FROM NW CORNER, SECTION 14 |
| 24 S | 33 E | WM | 14 | SE SW | WELL 9 (ADDITIONAL) - 1320 FEET NORTH AND 1370 FEET EAST FROM SW CORNER, SECTION 14 |
| 24 S | 33 E | WM | 15 | NE NE | WELL 4 (ADDITIONAL) - 1275 FEET SOUTH AND 1230 FEET WEST FROM NE CORNER, SECTION 15 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second or its equivalent and 3.0 acre-feet 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.

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.

A description of the place of use is as follows:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|------|-----|-----|-------|-------|
| 24 S | 33 E | WM | 9 | NE SE | 31.4 |
| 24 S | 33 E | WM | 9 | NW SE | 31.4 |
| 24 S | 33 E | WM | 9 | SW SE | 31.4 |
| 24 S | 33 E | WM | 9 | SE SE | 31.4 |

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The quantity of water diverted at the new points of appropriation (wells), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.

The water user shall maintain in-line flow meters or other suitable devices for measuring and recording the quantity of water used.

Water shall be acquired from the same aquifer as the original points of appropriation.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 ADDITIONAL POINTS OF APPROPRIATION approved by an order of the Water Resources Director entered September 27, 2000, at Special Order Volume 54, Page 744, approving Transfer Application 8109, supercedes Certificate 76396, State record of Water Right Certificates.

Issued JUL 07 2017



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