

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EAGLE CREEK NORTHWEST, LLC  
1314 12 AVE SOUTH, SUITE 5  
NAMPA, ID 83651

confirms the right to use the waters of SMALLMAN CREEK, a tributary of the NORTH SANTIAM RIVER, for IRRIGATION of 33.2 acres and SUPPLEMENTAL IRRIGATION of 44.2 ACRES.

This right was perfected under Permit S-51213. The date of priority is JUNE 26, 1990. This right is limited to an amount actually used beneficially, and shall not exceed 0.97 CUBIC FOOT PER SECOND (cfs), being 0.42 cfs for irrigation and 0.55 cfs for supplemental irrigation or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	2 W	WM	10	NE NW	5300 FEET NORTH AND 1390 FEET EAST FROM THE SW CORNER OF SECTION 10

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 2.5 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 to which this right is appurtenant is as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	2 W	WM	10	NE SW	3.5
10 S	2 W	WM	10	SE SW	29.7
Total					33.2

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	2 W	WM	10	NW SW	7.5
10 S	2 W	WM	10	SW SW	36.7
Total					44.2

This certificate is issued to describe the right modified by provisions of an order of the Water Resources Director entered December 11, 2020, and recorded at Special Order Volume 117, Page 811, approving a partial diminution of the right evidenced by Certificate 68109, State Record of Water Right Certificates. This certificate supersedes Certificate 68109.

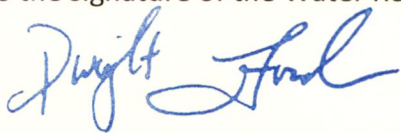
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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.

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. The use described herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed DEC 11 2020.



\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director