

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MALPASS LAND CO.
32255 BOWERS DR
HARRISBURG OR 97446

confirms the right to the use of water perfected under the terms of Permit S-55198. 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 FILE NUMBER: S-88060

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARY TO MCKENZIE RIVER

PURPOSE or USE: IRRIGATION OF 34.9 ACRES

MAXIMUM VOLUME: 1.6 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT)

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 16, 2015

Authorized Point of Re-Diversion:

| POD | Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-----|-------|--|
| 1 | 15 S | 3 W | WM | 30 | SE SE | 1332 FEET NORTH AND 499 FEET WEST FROM SE CORNER, SECTION 30 |
| MCIP | 17 S | 3 W | WM | 9 | NE NE | 727 FEET NORTH AND 2500 FEET EAST FROM NW CORNER, G. ARMITAGE DLC 43 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 1.43 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purposed is restricted to beneficial use on the lands or place of use described.

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.

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|-----|-----|-----|-------|-------|
| 15 S | 3 W | WM | 30 | SW NE | 16.5 |
| 15 S | 3 W | WM | 30 | SE NE | 0.4 |
| 15 S | 3 W | WM | 30 | NE SE | 6.3 |
| 15 S | 3 W | WM | 30 | NW SE | 8.0 |
| 15 S | 3 W | WM | 30 | SE SE | 3.7 |

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter at each point of re-diversion.
- B. The water user shall allow the watermaster access to the meter(s); where a meter 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.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The use of water under this right is subject to the terms and conditions of contract No. 169E101886, or a satisfactory replacement, between the Bureau of Reclamation and the water user, a copy of which must be on file in the records of the Water Resources Department.

The water user shall maintain and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the diversion.

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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 plan.

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.

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

APR 07 2023

Issued _____



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department