



2021-013688

Klamath County, Oregon

09/09/2021 11:41:02 AM

Fee: \$157.00

AFTER RECORDING RETURN TO:

Henrik Tordrup
C/O Swan Lake North Hydro, LLC
412 W 15th Street, 15th Floor
New York, NY 10011
USA

This space is reserved for recorder's use.

STATUTORY BARGAIN AND SALE DEED

Edgewood Ranch, Inc., an Oregon corporation, whose address is 12941 Swan Lake Road, Klamath Falls, OR 97603 ("Grantor"), conveys to **Swan Lake North Hydro, LLC**, a Delaware limited liability company, whose address is 412 W 15th Street, 15th Floor, New York, NY 10011 ("Grantee"), the following described real property:

All of Grantor's right, title and interest in and to: (a) 0.23 c.f.s. of the water and water right initially authorized for appropriation and application to beneficial use under Water Right Certificate No. 87006; and (b) 1.42 c.f.s. of the water and water right initially authorized for appropriation and application to beneficial use under Water Right Certificate No. 92375, together representing an annual maximum amount of 424.8 acre feet (AF) for appropriation (the "Water Right"), and a true and correct copy of which certificates, as identified in the records of the Oregon Water Resources Department, are attached hereto and incorporated herein as *Exhibit A*.

Grantor further acknowledges that Grantee's future use of the Water Rights shall be subject to that final order issued by the Oregon Water Resources Department dated January 21, 2021 and which order approves the transfer of the Water Rights for Grantee's exclusive application to beneficial use on specified lands for specified purposes (the "Final Order"), a true and correct copy of which final order is attached hereto and incorporated herein as *Exhibit B*.

The true consideration for this conveyance is Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration.

[CONTINUES ON FOLLOWING PAGE]

DATED this 2 day of Sept, 2021.

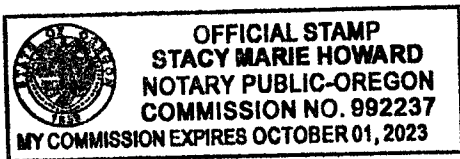
EDGEWOOD RANCH, INC., an Oregon
corporation

By: [Signature]
Larry Jespersen, President

By: [Signature]
Lauren Jespersen, Chief Financial Officer

STATE OF OREGON)
) ss.
County of Klamath)

This instrument was acknowledged before me on this 2 day of Sept, 2021, by both
Larry Jespersen, in his capacity as President, and Lauren Jespersen, in his capacity as Chief
Financial Officer, of Edgewood Ranch, Inc., an Oregon corporation.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10-01-2023

**EXHIBIT A
TO BARGAIN AND SALE DEED
WATER RIGHT CERTIFICATES 87006 AND 92375**

[APPEAR ON NEXT PAGE]

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JESPERSEN EDGEWOOD INC.
12941 SWAN LAKE ROAD
KLAMATH FALLS OR 97603

confirms the right to use the waters of TWO WELLS in the SWAN LAKE Basin for IRRIGATION of 1088.6 ACRES.

This right was perfected under Permit G-10952. The date of priority is JUNE 28, 1982. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 13.61 CUBIC FEET PER SECOND (CFS), BEING 5.72 CFS FROM WELL 4 AND 7.89 CFS FROM WELL 5 or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 37 S | 10 E | WM | 8 | NW SW | Well 4: 2020 FEET NORTH AND 500 FEET EAST FROM SW CORNER, SECTION 8 |
| 37 S | 10 E | WM | 14 | SW SW | WELL 5: 30 FEET NORTH AND 1300 FEET EAST FROM SW CORNER, SECTION 14 |

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use to which this right is appurtenant is as follows:

| Well | Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|------|------|-----|-----|-------|-------|
| 5 | 37 S | 10 E | WM | 21 | SW NE | 38.0 |
| 5 | 37 S | 10 E | WM | 21 | SE NE | 39.4 |
| 5 | 37 S | 10 E | WM | 21 | NE SE | 40.0 |
| 5 | 37 S | 10 E | WM | 21 | NW SE | 40.0 |
| 5 | 37 S | 10 E | WM | 21 | SW SE | 36.8 |
| 5 | 37 S | 10 E | WM | 21 | SE SE | 40.0 |
| 5 | 37 S | 10 E | WM | 22 | SW NW | 39.4 |

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. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

| Well | Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|------|------|-----|-----|-------|-------|
| 5 | 37 S | 10 E | WM | 22 | SE NW | 39.4 |
| 5 | 37 S | 10 E | WM | 22 | NE SW | 40.0 |
| 5 | 37 S | 10 E | WM | 22 | NW SW | 40.0 |
| 5 | 37 S | 10 E | WM | 22 | SW SW | 40.0 |
| 5 | 37 S | 10 E | WM | 22 | SE SW | 40.0 |
| 5 | 37 S | 10 E | WM | 27 | NE NW | 39.2 |
| 5 | 37 S | 10 E | WM | 27 | NW NW | 39.2 |
| 5 | 37 S | 10 E | WM | 27 | SW NW | 40.0 |
| 5 | 37 S | 10 E | WM | 27 | SE NW | 40.0 |
| 4 | 37 S | 10 E | WM | 28 | NE NE | 39.2 |
| 4 | 37 S | 10 E | WM | 28 | NW NE | 39.2 |
| 4 | 37 S | 10 E | WM | 28 | SW NE | 40.0 |
| 4 | 37 S | 10 E | WM | 28 | SE NE | 40.0 |
| 4 | 37 S | 10 E | WM | 29 | NE NE | 40.0 |
| 4 | 37 S | 10 E | WM | 29 | NW NE | 40.0 |
| 4 | 37 S | 10 E | WM | 29 | SW NE | 40.0 |
| 4 | 37 S | 10 E | WM | 29 | SE NE | 40.0 |
| 4 | 37 S | 10 E | WM | 32 | NE NE | 40.0 |
| 4 | 37 S | 10 E | WM | 32 | NW NE | 29.8 |
| 4 | 37 S | 10 E | WM | 32 | SW NE | 29.0 |
| 4 | 37 S | 10 E | WM | 32 | SE NE | 40.0 |

The wells 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 wells at all times. When required by the Department, the water user shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The Director may require water level or pump test results every ten years.

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 permit.

This right is for 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 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 of water shall be limited when it interferes with any prior surface or ground water rights.

Issued 4-20-11



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department

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

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JESPERSEN EDGEWOOD, INC.
12929 SWAN LAKE ROAD
KLAMATH FALLS, OREGON 97603

confirms the right to use the waters of THREE WELLS in the SWAN LAKE BASIN for IRRIGATION OF 1,119.0 ACRES.

This right was perfected under Permit G-7293. The date of priority is MARCH 3, 1977. This right is limited to 13.54 CUBIC FEET PER SECOND (CFS), BEING 0.83 CFS FROM WELL 1, 5.50 CFS FROM WELL 2, AND 7.21 CFS FROM WELL 3, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

WELL 1: SW1/4 SE1/4, SECTION 9, T 37 S, R 10 E, WM; 550 FEET NORTH AND 3420 FEET EAST FROM THE SW CORNER, SECTION 9.

WELL 2: SW1/4 SW1/4, SECTION 8, T 37 S, R 10 E, WM; 70 FEET NORTH AND 100 FEET EAST FROM THE SW CORNER, SECTION 8.

WELL 3: SW1/4 NE1/4, SECTION 8, T 37 S, R 10 E, WM; 3240 FEET NORTH AND 2670 FEET EAST FROM THE SW CORNER, SECTION 8.

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.

A description of the place of use to which this right is appurtenant is as follows:

WELL 1

NE1/4 SW1/4 11.6 ACRES
 SW1/4 SW1/4 0.3 ACRE
 SE1/4 SW1/4 4.4 ACRES
 NW1/4 SE1/4 3.7 ACRES
 SW1/4 SE1/4 10.4 ACRES

SECTION 15

NE1/4 NE1/4 4.8 ACRES
 NW1/4 NE1/4 24.4 ACRES
 NE1/4 NW1/4 6.4 ACRES

SECTION 22

TOWNSHIP 37 SOUTH, RANGE 10 EAST, W.M.

WELL 2

NW1/4 SW1/4 3.7 ACRES
 SW1/4 SW1/4 24.2 ACRES

SECTION 17

NE1/4 SW1/4 14.0 ACRES
 NW1/4 SW1/4 16.5 ACRES
 SW1/4 SW1/4 36.0 ACRES
 SE1/4 SW1/4 11.6 ACRES

SECTION 21

NE1/4 NW1/4 12.4 ACRES
 NW1/4 NW1/4 36.4 ACRES
 SW1/4 NW1/4 40.0 ACRES
 SE1/4 NW1/4 35.2 ACRES
 NE1/4 SW1/4 35.2 ACRES
 NW1/4 SW1/4 40.0 ACRES
 SW1/4 SW1/4 35.9 ACRES
 SE1/4 SW1/4 12.1 ACRES

SECTION 28

NE1/4 SE1/4 40.0 ACRES
 NW1/4 SE1/4 35.0 ACRES
 SW1/4 SE1/4 12.3 ACRES
 SE1/4 SE1/4 35.8 ACRES

SECTION 29

TOWNSHIP 37 SOUTH, RANGE 10 EAST, W.M.

WELL 3

SW1/4 SW1/4 7.9 ACRES
 SECTION 14

NE1/4 SE1/4 5.5 ACRES
 NW1/4 SE1/4 5.1 ACRES
 SE1/4 SE1/4 32.8 ACRES

SECTION 15

NE1/4 NE1/4 27.8 ACRES
 NW1/4 NE1/4 5.6 ACRES
 SW1/4 NE1/4 30.4 ACRES
 SE1/4 NE1/4 40.0 ACRES
 NE1/4 SE1/4 40.0 ACRES
 NW1/4 SE1/4 35.9 ACRES
 SW1/4 SE1/4 18.4 ACRES
 SE1/4 SE1/4 40.0 ACRES

SECTION 22

NE1/4 NW1/4 20.8 ACRES
 NW1/4 NW1/4 30.4 ACRES
 SW1/4 NW1/4 40.0 ACRES
 SE1/4 NW1/4 37.1 ACRES
 NE1/4 SW1/4 39.0 ACRES
 NW1/4 SW1/4 40.0 ACRES
 SW1/4 SW1/4 40.0 ACRES
 SE1/4 SW1/4 25.2 ACRES

SECTION 23

NW1/4 NW1/4 8.4 ACRES
 SECTION 26

NE1/4 NE1/4 6.4 ACRES
 SECTION 27

TOWNSHIP 37 SOUTH, RANGE 10 EAST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works shall include an airline and pressure gauge or an access port for a measuring line, adequate to determine the water level elevation in the well at all times.

The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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

THIS CERTIFICATE IS ISSUED TO CORRECTLY IDENTIFY THE LOCATION OF A PORTION OF THE ACRES FOR IRRIGATION AND SUPERSEDES CERTIFICATE 83121.

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.

Issued MAR 10 2017



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

**EXHIBIT B
TO BARGAIN & SALE DEED**

FINAL ORDER APPROVING TRANSFER T-13280

[APPEARS ON NEXT PAGE]

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

| | | |
|---------------------------------------|---|-----------------------------|
| In the Matter of Transfer Application |) | FINAL ORDER APPROVING AN |
| T-13280, Klamath County |) | ADDITIONAL POINT OF |
| |) | APPROPRIATION, AND A CHANGE |
| |) | IN PLACES OF USE AND |
| |) | CHARACTER OF USE |

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ERIK STEIMLE
SWAN LAKE NORTH HOLDINGS, LLC
220 NW 8TH AVE
PORTLAND, OR 97209

Receiving Landowner

SWAN LAKE NORTH HOLDINGS, LLC
C/O ERIK STEIMLE
C/O RYE DEVELOPMENT
220 NW 8TH AVE
PORTLAND, OR 97209

Findings of Fact

1. On October 30, 2019, ERIK STEIMLE, SWAN LAKE NORTH HOLDINGS, LLC filed an application for an additional point of appropriation, and to change the place of use and the character of use of a portion of Certificate 87006, and to change the place of use and character of use of a portion of Certificate 92375. The Department assigned the application number T-13280.
2. Swan Lake North Holdings, LLC is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 12, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

| |
|---|
| <p>This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or 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.</p> |
|---|

4. On January 9, 2020, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. Based on the Watermaster's review, it was determined the "FROM" lands could continue to receive water under the rights, creating a potential for enlargement. The Department requested that the deficiency be resolved by March 9, 2020.
5. On March 4, 2020, the Department received a revised Watermaster review, resolving the deficiency.
6. On September 10, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13280 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 12, 2020, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
7. On September 14, 2020, the applicant's agent submitted a request to extend the date for completion of full beneficial use of the water to October 1, 2026. Project construction and initial filling of the reservoir will likely extend through 2025.
8. On October 8, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-13280 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 13, 2020, and in the Klamath Falls Herald and News newspaper on October 11 and 18, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
9. The portion of the first right to be transferred is as follows:

Certificate: 87006 in the name of JESPERSEN EDGEWOOD INC. (perfected under Permit G-10952)
Use: IRRIGATION of 18.5 ACRES
Priority Date: JUNE 28, 1982
Rate: 0.23 CUBIC FOOT PER SECOND
Limit/Duty: 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the SWAN LAKE BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 37 S | 10 E | WM | 8 | NW SW | WELL 4 - 2020 FEET NORTH AND 500 FEET EAST FROM THE SW CORNER OF SECTION 8 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 37 S | 10 E | WM | 29 | NW NE | 18.5 |

10. Transfer Application T-13280 proposes an additional point of appropriation approximately 0.5 mile from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 37 S | 10 E | WM | 8 | SW NE | WELL 3 - 3240 FEET NORTH AND 2670 FEET EAST FROM THE SW CORNER OF SECTION 8 |

11. The portion of the second right to be transferred is as follows:

Certificate: 92375 in the name of JESPERSEN EDGEWOOD, INC. (perfected under Permit G-7293)
Use: IRRIGATION of 123.1 ACRES
Priority Date: MARCH 3, 1977
Rate: 1.42 CUBIC FEET PER SECOND
Limit/Duty: 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.
Source: A WELL in the SWAN LAKE BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 37 S | 10 E | WM | 8 | SW SW | WELL 2 - 70 FEET NORTH AND 100 FEET EAST FROM THE SW CORNER OF SECTION 8 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 37 S | 10 E | WM | 29 | NE SE | 40.0 |
| 37 S | 10 E | WM | 29 | NW SE | 35.0 |
| 37 S | 10 E | WM | 29 | SW SE | 12.3 |
| 37 S | 10 E | WM | 29 | SE SE | 35.8 |
| Total | | | | | 123.1 |

12. Transfer Application T-13280 proposes to change the character of use under Certificates 87006 and 92375 to hydroelectric power generation and reservoir maintenance, in order to maintain reservoir water levels and account for annual losses due to evaporation.
13. Transfer Application T-13280 also proposes to change the place of use under the rights to:

| HYDROELECTRIC POWER GENERATION AND RESERVOIR MAINTENANCE | | | | | |
|--|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 37 S | 10 E | WM | 3 | SW NW | 12.7 |
| 37 S | 10 E | WM | 3 | SE NW | 4.5 |
| 37 S | 10 E | WM | 3 | NE SW | 31.5 |

| HYDROELECTRIC POWER GENERATION AND RESERVOIR MAINTENANCE | | | | | |
|---|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 37 S | 10 E | WM | 3 | NW SW | 15.4 |
| 37 S | 10 E | WM | 16 | NW NE | 0.5 |
| 37 S | 10 E | WM | 16 | SW NE | 1.7 |
| 37 S | 10 E | WM | 16 | SE NE | 5.3 |
| 37 S | 10 E | WM | 16 | NE SE | 17.6 |
| 37 S | 10 E | WM | 16 | NW SE | 25.1 |
| 37 S | 10 E | WM | 16 | SW SE | 11.4 |
| 37 S | 10 E | WM | 16 | SE SE | 0.5 |
| Total surface area | | | | | 126.3 |

14. Certificates 87006 and 92375 do not specify the irrigation season. Pursuant to the Swan Lake (F) decree, the irrigation season is fixed as beginning on March 15, and ending on September 30, of each year.
15. The total volume of water that may be diverted under Certificate 87006 for hydroelectric power generation and reservoir maintenance, as conditioned, is 55.5 Acre-Feet (AF) March 15 through September 30. ($3.0 \times 18.5 = 55.5$).
16. The total volume of water that may be diverted under Certificate 92375 for hydroelectric power generation and reservoir maintenance, as conditioned, is 369.3 AF March 15 through September 30. ($3.0 \times 123.1 = 369.3$).

Transfer Review Criteria (OAR 690-380-4010)

17. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13280.
19. The proposed changes, as conditioned, would not result in enlargement of the rights. The District 17 Watermaster identified the former place of use under Certificates 87006 and 92375 could continue to be irrigated once the transfer is completed. The certificate holder of record has agreed to additional conditions to prevent enlargement of the rights.
20. The proposed changes would not result in injury to other water rights.
21. All other application requirements are met.

Conclusions of Law

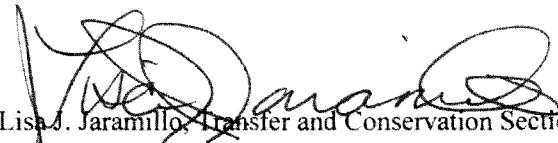
The additional point of appropriation, change in places of use, and change in character of use proposed in Transfer Application T-13280 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation, change in places of use, and change in character of use proposed in Transfer Application T-13280 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 87006 and 92375, and any related decree.
3. Water right Certificates 87006 and 92375 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. The quantity of water diverted, under the right authorized by Certificate 87006, at the new additional point of appropriation (Well 3), together with that diverted at the original point of appropriation (Well 4), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 4).
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The former places of use of the transferred rights shall no longer receive water under the rights.
8. In order to prevent enlargement under Certificates 87006 and 92375. One field is a small pivot that will no longer be used. The other area is currently part of a half pivot. In order to keep water from reaching the area to be dried up, the certificate holder of record will move the auto-reverse bars to the border of the area to be dried up so that the pivot will simply reverse motion and will no longer cover the dried up area. In addition to this, the certificate holder of record is planning to install an auto valve on the pivot to prevent flooding in the event that the pivot's safety mechanism stops the pivot near the border of the dried up area.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

10. The use of water under the proposed hydroelectric power generation and reservoir maintenance shall be limited to a total rate of diversion of 1.65 cubic foot per second and further limited to a total quantity of water diverted of 424.8 acre-feet during the irrigation season.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **JAN 21 2021**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **JAN 22 2021**