



2025-000790
Klamath County, Oregon
02/06/2025 09:52:01 AM
Fee: \$172.00

RECORDED AT THE REQUEST OF:

WHEN RECORDED MAIL TO:

U.S. Department of the Interior
Fish and Wildlife Service
Division of Realty
U.S. Fish and Wildlife Service
Pacific Southwest Region
2800 Cottage Way, W-1832
Sacramento, CA 95825
Attn: Matthew J. Barry

Assessor's Parcel Numbers: (3407-V1300-00300, 3407-V0000-02400, 3407-V2400-00200, 3407-V0000-02400, 3407-V2500-00200, 3407-V1200-01500, 3407-V1300-00300 and 3407-V2400-00100)

Documentary Transfer Tax is: None (*cite Oregon statute*)

WARRANTY DEED OF WATER RIGHTS

The THOMAS FAMILY LIMITED PARTNERSHIP, an Oregon limited partnership, Grantor, in and for the total consideration of Three Million Eight Hundred and Fifty-three Thousand Five Hundred dollars (\$3,853,500.00), the receipt of which is hereby acknowledged, by these presents does hereby grant, sell and convey unto the UNITED STATES OF AMERICA, Grantee, and unto its assigns forever, certain water rights in the County of Klamath, State of Oregon, said water rights described as follows:

One Thousand Two Hundred Fifty-one and Eight Tenths acres (1,251.8 acres) from Claim 67 in the Corrected Partial Order of Determination for Water Right Claim 67 from the Oregon Water Resources Department dated February 28, 2014, under the Klamath Basin General Stream Adjudication, State of Oregon, attached hereto as Exhibit A, and made a part hereof. Specifically described as all water rights in the Revised Final Order Approving Temporary Changes in Place of Use and Points of Diversion in the Matter of Transfer Application T-13673, Klamath County, issued by the Oregon Water Resources Department, State of Oregon, on December 27, 2021, with supporting map and table, attached hereto as Exhibit B, and made a part hereof.

TO HAVE AND TO HOLD the above-described water rights, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the Grantee, and unto its assigns

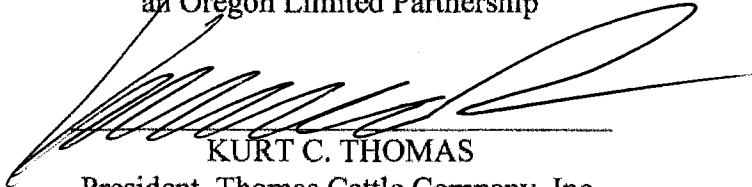
forever; and Grantor, for itself, its successors and assigns, does hereby covenant with the Grantee and its assigns that the Grantor is lawfully seized and possessed of the herein described water rights; that the same is free and clear of all encumbrances; that the Grantor has the right to sell and convey said water rights; that the Grantor warrants, specially and generally, the title and quiet enjoyment of the water rights property; that the Grantor, its successors and assigns will forever defend the same unto the Grantee and its assigns against all lawful claims and demands thereof by others and will issue such further assurances as the Grantee and/or its assigns may request.

The acquiring federal agency is the Department of the Interior, United States Fish and Wildlife Service.

Included in this deed as Exhibit C are the statements required by Oregon Revised Statute 93.040, attached hereto and made a part hereof.

IN WITNESS WHEREOF, Grantor has hereunto executed this instrument this 3rd day of Feb, 2025.

THOMAS FAMILY LIMITED PARTNERSHIP
an Oregon Limited Partnership



KURT C. THOMAS
President, Thomas Cattle Company, Inc.
General Partner

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Luis Obispo

S.S.

On Feb. 3, 2025 before me, Jacques M. Thiebaud, Notary Public,
Name of Notary Public, Title

personally appeared Kurt C Thomas
Name of Signer (1)

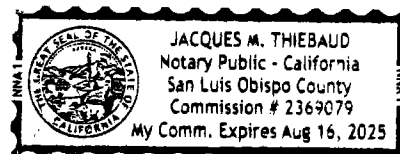
Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Jacques M Thiebaud
Signature of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-fact
☐ Corporate Officer(s) _____
Title(s)

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- ☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

- ☐ Additional Signer ☐ Signer(s) Thumbprints(s)
☐ _____

Certificate of Acceptance

This is to certify that the water rights conveyed by this Warranty Deed of Water Rights is accepted by the U. S. Fish and Wildlife Service on behalf of the UNITED STATES OF AMERICA, and the Grantee consents to the recordation thereof by its duly authorized officer.

A handwritten signature in black ink, appearing to read 'R. Grimes', is written over a horizontal line.

Richard Grimes
Supervisory Realty Specialist
Nevada Realty Field Office
U.S. Fish and Wildlife Service

EXHIBIT A

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

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of
THOMAS FAMILY LIMITED
PARTNERSHIP

)
)
)
)
)

CORRECTED PARTIAL ORDER OF
DETERMINATION

Water Right Claim 67

The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

A. FINDINGS OF FACT AND DESCRIPTION OF MODIFICATIONS TO THE PROPOSED ORDER

1. Claim 67 (Claimant: THOMAS FAMILY LIMITED PARTNERSHIP) and its associated contests (2756, 2837, 3104, 3464, 3806, and 4119) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 198.
2. On May 6, 2003, Claim 67 was consolidated with Case 900 "for the sole purpose of determining whether [this and other] claims for rights to water from the Wood River system . . . which have been previously adjudicated, bar the Claimants from participation in this adjudication." See ORDER GRANTING MOTION TO CONSOLIDATE AND SCHEDULING PREHEARING CONFERENCE (May 6, 2003) at 3.
3. On April 20, 2004, an ORDER AMENDING RULINGS ON MOTIONS FOR RULING ON LEGAL ISSUES (April 20, 2004) was issued in Case 900, and is adopted and incorporated in its entirety as if set forth fully herein.
4. On May 27, 2004, the consolidation of claims and cases in Case 900 was reversed; the law of the case in each case is set out in the ORDER AMENDING RULINGS ON MOTIONS FOR RULING ON LEGAL ISSUES (referenced in Finding 3, above). See ORDER VACATING ORDER TO CONSOLIDATE (May 27, 2004).
5. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) for Claim 67 on March 14, 2007.

6. Exceptions were filed to the Proposed Order within the exception filing deadline by the Thomas Family Limited Partnership.
7. The exceptions filed to the Proposed Order have been reviewed and considered in conjunction with the entire record for Claim 67. The exceptions are found to be persuasive, and therefore, modifications are made to the Proposed Order as described in Section A.11.a, below.
8. The Proposed Order is adopted and incorporated, with modifications, into this Partial Order of Determination as follows:
 - a. The "History of the Case" is adopted in its entirety.
 - b. The "Evidentiary Rulings" is adopted with modifications, as set forth in Section A.9, below.
 - c. The "Issues" is adopted in its entirety.
 - d. The "Findings of Fact" is adopted in its entirety.
 - e. The "Conclusions of Law" is adopted in its entirety.
 - f. The "Opinion" is adopted with modifications, as set forth in Section A.10, below.
 - g. The "Order" is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 67. Except as identified in Section A.11, below, the outcome of the Order is without modification; it is presented in a format standardized by OWRD.
9. **Evidentiary Rulings.** Within the section titled "Evidentiary Rulings" of the Proposed Order, the first paragraph is modified as follows:

The STIPULATION TO RESOLVE CONTESTS 3464 AND 3806 dated January 26, 2006, is added to the list of items that were admitted into the record.

Reason for Modification: A STIPULATION TO RESOLVE CONTESTS 3464 AND 3806 was executed on January 26, 2006 between the Claimant, the United States, and the "Klamath Project Water Users." Although a CLAIMANT'S UNOPPOSED MOTION TO ADMIT THE STIPULATION TO RESOLVE CONTESTS 3464 AND 3806 INTO THE RECORD (February 14, 2006) was filed, and the motion recited that the other participants did not oppose the motion, the motion was not formally granted by an order. However, the Administrative Law Judge based his Proposed Order on the terms specified in the stipulation. As a result, the Adjudicator treats the failure to explicitly admit the stipulation into the record as an oversight and treats the motion as if it had been explicitly granted. The STIPULATION TO RESOLVE CONTESTS 3464 AND 3806 was also omitted from the Section titled "Evidentiary Rulings." Therefore, the adjudicator modifies the Proposed Order to correct this omission.

10. **Opinion.** OWRD incorporates into the Opinion section the GENERAL CONCLUSIONS OF LAW CONCERNING KLAMATH TERMINATION ACT CLAIMS.

Reason for Modification: To clarify the elements of a Klamath Termination Act water right.

11. **Order.**

- a. Within the section titled "Order" of the Proposed Order, the duty for Diversion Point #3 is modified as follows (additions are shown in "underline" text, deletions are shown in "~~strikes through~~" text):

Duty: ~~2324~~ 2325 acre-feet

Reason for Modification: To correct a scrivener's error, the calculation for the duty is based on 3.0 acre-feet per acre per year for 775.0 acres, an issue raised in exceptions.

- b. Within the section titled "Order" of the Proposed Order, the season of use for livestock watering is modified as follows (additions are shown in "underline" text, deletions are shown in "~~strikes through~~" text):

Stock Water for 3,400 head of cattle, between March ~~April~~ 1 and October 31

Reason for Modification: To correct a scrivener's error. As per the Stipulation, livestock use is incidental to irrigation, and as such the season of use is coincidental to the irrigation season.

B. DETERMINATION

1. The Proposed Order is adopted and incorporated, with modifications, into this Partial Order of Determination as follows:
- a. The "History of the Case" is adopted in its entirety.
 - b. The "Evidentiary Rulings" is adopted with modifications, as set forth in Section A.9, above.
 - c. The "Issues" is adopted in its entirety.
 - d. The "Findings of Fact" is adopted in its entirety.
 - e. The "Conclusions of Law" is adopted in its entirety.
 - f. The "Opinion" is adopted with modifications, as set forth in Section A.10, above.
 - g. The "Order" is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 67. Except as identified in Section A.11, above, the outcome of the Order is without modification; it is presented in a format standardized by OWRD.
2. The Klamath Tribes Termination Act of August 13, 1954, 68 Stat. 718, 25 U.S.C. § 564 et seq. for an Indian reserved water right is a valid basis for this claim. The elements of a Klamath Termination Act claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING KLAMATH TERMINATION ACT CLAIMS is incorporated as if set forth fully herein.

3. Based on the file and record herein, IT IS ORDERED that Claim 67 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 67

CLAIM MAP REFERENCE: CLAIM # 67 SETTLEMENT MAP (Feb. 23, 2006)

CLAIMANT: THOMAS FAMILY LIMITED PARTNERSHIP
5800 GEORGIA DR
BAKERSFIELD, CA 93308

SOURCE OF WATER:

The WOOD RIVER, tributary to UPPER KLAMATH LAKE, and
CROOKED CREEK, tributary to the WOOD RIVER

PURPOSE OR USE:

IRRIGATION OF 1500.5 ACRES WITH INCIDENTAL LIVESTOCK WATERING OF 3400
HEAD, BEING 725.5 ACRES FROM WOOD RIVER PODS 1 AND 2, AND 775.0 ACRES
FROM CROOKED CREEK POD.

RATE OF USE:

30.01 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINT OF DIVERSION,
BEING 14.51 CFS FROM WOOD RIVER PODS 1 AND 2, AND 15.5 CFS FROM CROOKED
CREEK POD.

THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/30 OF ONE CUBIC FOOT
PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH
YEAR.

DUTY:

3.0 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH
YEAR

PERIOD OF ALLOWED USE: APRIL 1 - OCTOBER 1

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

| Pod Name | Twp | Rng | Mer | Sec | Q-Q | Elev | Monumented Distances |
|--------------------------------|------|-------|-----|-----|-------|------|---|
| Wood River POD 1 (Headgate) | 34 S | 7.5 E | WM | 14 | NW NW | 5 | 30 FEET SOUTH AND 2459 FEET WEST FROM N¼ CORNER, SECTION 14 |
| Wood River POD 2 (Pump) | 34 S | 7.5 E | WM | 14 | NW NW | 5 | 45 FEET SOUTH AND 2490 FEET WEST FROM N¼ CORNER, SECTION 14 |
| Crooked Creek POD | 34 S | 7.5 E | WM | 13 | NW SE | | 1510 FEET NORTH AND 2210 FEET WEST FROM SE CORNER, SECTION 13 |

THE PLACE OF USE IS LOCATED AS FOLLOWS:

| IRRIGATION WITH INCIDENTAL LIVESTOCK WATERING | | | | | | | Authorized POI |
|---|-------|-----|-----|-------|-----|-------|--|
| Twp | Rng | Mer | Sec | Q-Q | GLP | Acres | |
| 34 S | 7.5 E | WM | 11 | SE SW | | 22.5 | Wood River POD 1 (Headgate) and/or Wood River POD 2 (Pump) |
| 34 S | 7.5 E | WM | 11 | SW SE | | 27.1 | |
| 34 S | 7.5 E | WM | 13 | SW SW | | 10.3 | |
| 34 S | 7.5 E | WM | 14 | NE NE | | 1.6 | |
| 34 S | 7.5 E | WM | 14 | NW NE | | 37.6 | |
| 34 S | 7.5 E | WM | 14 | SW NE | | 37.6 | |
| 34 S | 7.5 E | WM | 14 | SE NE | | 16.3 | |
| 34 S | 7.5 E | WM | 14 | NE NW | | 40.0 | |
| 34 S | 7.5 E | WM | 14 | NW NW | 5 | 22.9 | |
| 34 S | 7.5 E | WM | 14 | SW NW | 6 | 16.6 | |
| 34 S | 7.5 E | WM | 14 | SE NW | | 40.0 | |
| 34 S | 7.5 E | WM | 14 | | 7 | 43.1 | |
| 34 S | 7.5 E | WM | 14 | SE SW | 8 | 10.9 | |
| 34 S | 7.5 E | WM | 14 | NE SE | | 33.4 | |
| 34 S | 7.5 E | WM | 14 | NW SE | | 40.0 | |
| 34 S | 7.5 E | WM | 14 | SW SE | 9 | 33.9 | |
| 34 S | 7.5 E | WM | 14 | SE SE | | 40.0 | |
| 34 S | 7.5 E | WM | 23 | NE NE | | 40.0 | |
| 34 S | 7.5 E | WM | 23 | | 2 | 28.5 | |
| 34 S | 7.5 E | WM | 23 | NW NE | 1 | 9.8 | |
| 34 S | 7.5 E | WM | 23 | NE SE | 3 | 5.7 | |
| 34 S | 7.5 E | WM | 24 | NW NW | | 30.0 | |
| 34 S | 7.5 E | WM | 24 | SW NW | | 41.0 | |
| 34 S | 7.5 E | WM | 24 | SE NW | | 13.3 | |
| 34 S | 7.5 E | WM | 24 | NE SW | | 33.0 | |
| 34 S | 7.5 E | WM | 24 | NW SW | 6 | 37.7 | |
| 34 S | 7.5 E | WM | 24 | | 7 | 12.5 | |
| 34 S | 7.5 E | WM | 11 | SW SE | | 12.9 | Crooked Creek POD |
| 34 S | 7.5 E | WM | 11 | SE SE | | 39.6 | |
| 34 S | 7.5 E | WM | 12 | SW SW | | 39.2 | |
| 34 S | 7.5 E | WM | 12 | SE SW | | 30.4 | |
| 34 S | 7.5 E | WM | 13 | NW NE | 4 | 2.2 | |
| 34 S | 7.5 E | WM | 13 | SW NE | 6 | 12.3 | |
| 34 S | 7.5 E | WM | 13 | | 7 | 6.2 | |
| 34 S | 7.5 E | WM | 13 | NE NW | | 35.6 | |
| 34 S | 7.5 E | WM | 13 | NW NW | | 40.0 | |
| 34 S | 7.5 E | WM | 13 | SW NW | | 40.0 | |
| 34 S | 7.5 E | WM | 13 | SE NW | | 40.0 | |
| 34 S | 7.5 E | WM | 13 | NE SW | | 35.1 | |
| 34 S | 7.5 E | WM | 13 | NW SW | | 40.0 | |
| 34 S | 7.5 E | WM | 13 | SW SW | | 29.7 | |
| 34 S | 7.5 E | WM | 13 | SE SW | | 39.8 | |
| 34 S | 7.5 E | WM | 13 | NE SE | 9 | 0.5 | |
| 34 S | 7.5 E | WM | 13 | NW SE | 12 | 3.7 | |
| 34 S | 7.5 E | WM | 13 | NW SE | 11 | 14.0 | |
| 34 S | 7.5 E | WM | 13 | | 10 | 9.6 | |
| 34 S | 7.5 E | WM | 14 | NE NE | | 38.4 | |
| 34 S | 7.5 E | WM | 14 | NW NE | | 2.4 | |

| IRRIGATION WITH INCIDENTAL LIVESTOCK WATERING | | | | | | | Authorized POD |
|---|------|-----|-----|-------|-----|-------|-------------------|
| Twp | Box | Mer | Sec | Q/Q | GLs | Acres | |
| 34S | 7.5E | WM | 14 | SE NE | | 24.5 | Crooked Creek POD |
| 34S | 7.5E | WM | 14 | NE SE | | 6.6 | |
| 34S | 7.5E | WM | 13 | SW SE | 14 | 7.9 | |
| 34S | 7.5E | WM | 13 | SW SE | 13 | 3.9 | |
| 34S | 7.5E | WM | 24 | NE NE | | 4.8 | |
| 34S | 7.5E | WM | 24 | NW NE | | 37.4 | |
| 34S | 7.5E | WM | 24 | SW NE | | 37.5 | |
| 34S | 7.5E | WM | 24 | SE NE | | 0.9 | |
| 34S | 7.5E | WM | 24 | NE NW | | 41.9 | |
| 34S | 7.5E | WM | 24 | NW NW | | 10.5 | |
| 34S | 7.5E | WM | 24 | SE NW | | 25.9 | |
| 34S | 7.5E | WM | 24 | NE SW | | 6.0 | |
| 34S | 7.5E | WM | 24 | NE SE | | 0.3 | |
| 34S | 7.5E | WM | 24 | NW SE | | 22.1 | |
| 34S | 7.5E | WM | 24 | SW SE | | 29.1 | |
| 34S | 7.5E | WM | 24 | SE SE | | 1.9 | |
| 34S | 7.5E | WM | 25 | NE NW | | 2.2 | |

[End of Water Right Claim Description]

Dated at Salem, Oregon on February 28, 2014


Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

CORRECTED PARTIAL ORDER OF DETERMINATION

CLAIM 67
Page 6 of 6

KBA ACFFOD_01059

EXHIBIT B

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application
T-13673, Klamath County

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REVISED FINAL ORDER APPROVING
TEMPORARY CHANGES IN PLACE OF USE
AND POINTS OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 and 445 Oregon Laws (2015) Sections 1 and 2 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 183.484(4) governs orders on reconsideration after a petition for review is filed.

Applicant

THOMAS FAMILY LIMITED PARTNERSHIP
2500 VENTURE OAKS WAY, SUITE 175
SACRAMENTO, CA 95833

Findings of Fact

1. On April 20, 2021, THOMAS FAMILY LIMITED PARTNERSHIP filed an application to temporarily change the place of use and points of diversion to serve the proposed place of use under Klamath Basin Adjudication Determined Claim KA-67 for a period of 5 years. The Department assigned the application number T-13673.
2. On April 26, 2021, the applicant's agent submitted a revised Table 1, adding the North Canal as a proposed point of diversion.
3. Notice of the application for transfer was published on May 4, 2021, pursuant to OAR 690-380-4000. The Department received two comments in response to the notice.

This is a final 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 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.

4. On July 13, 2021, the Department determined that there were some acres that cannot be dried up, and that those lands should be excluded from the transfer.
5. On August 9, 2021, the Department received revised tables and maps, removing 248.7 acres from the transfer.
6. On August 26, 2021, the Department issued a Final Order as evidenced in (Special Order Volume 121, Page 433), approving temporary changes in place of use and points of diversion under T-13673.
7. On October 4, 2021, the Department reconsidered its final order and determined a revised Final Order was necessary, to include a change in point of diversion condition.
8. The claim to be temporarily transferred is as follows:

Claim: KA-67 in the name of THOMAS FAMILY LIMITED PARTNERSHIP
Use: IRRIGATION of 1251.8 ACRES WITH INCIDENTAL LIVESTOCK WATERING OF 3400 HEAD, BEING 590.3 ACRES FROM WOOD RIVER PODS 1 AND 2, AND 661.5 ACRES FROM CROOKED CREEK POD.
Priority Date: OCTOBER 14, 1864
Rate: 25.04 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINT OF DIVERSION, BEING 12.02 CFS FROM POINTS OF DIVERSION (POD) #1 AND #2, AND 13.02 CFS FROM POD #3; THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/50 OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR
Duty: 3.0 ACRE-Feet PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR
Season of use: APRIL 1 THROUGH OCTOBER 1
Sources: POD #1 AND #2: WOOD RIVER, tributary to AGENCY LAKE; POD#3: CROOKED CREEK, tributary to AGENCY LAKE

Authorized Points of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | GLot | Measured Distances |
|------|-------|-----|-----|-------|------|---|
| 34 S | 7.5 E | WM | 14 | NW NW | 5 | WOOD RIVER POD 1 (HEADGATE) - 30 FEET SOUTH AND 2450 FEET WEST FROM THE NW CORNER OF SECTION 14 |
| 34 S | 7.5 E | WM | 14 | NW NW | 5 | WOOD RIVER POD 2 (PUMP) - 45 FEET SOUTH AND 2450 FEET WEST FROM THE NW CORNER OF SECTION 14 |
| 34 S | 7.5 E | WM | 13 | NW SE | | CROOKED CREEK POD - 1510 FEET NORTH AND 2210 FEET WEST FROM THE SE CORNER OF SECTION 13 |

Authorized Place of Use:

| IRRIGATION - POD #1 AND POD #2 | | | | | | |
|--------------------------------|-----|-----|-----|-------|-----|-------|
| TWP | RNG | Mer | Sec | Q-Q | GLC | Acres |
| 34S | 75E | WM | 11 | SE SW | | 22.5 |
| 34S | 75E | WM | 11 | SW SE | | 27.1 |
| 34S | 75E | WM | 14 | NE NE | | 1.6 |
| 34S | 75E | WM | 14 | NW NE | | 37.6 |
| 34S | 75E | WM | 14 | SW NE | | 37.6 |
| 34S | 75E | WM | 14 | SE NE | | 16.5 |
| 34S | 75E | WM | 14 | NE NW | | 40.0 |
| 34S | 75E | WM | 14 | NW NW | 5 | 22.9 |
| 34S | 75E | WM | 14 | SW NW | 6 | 16.6 |
| 34S | 75E | WM | 14 | SE NW | | 40.0 |
| 34S | 75E | WM | 14 | NE SW | 7 | 48.1 |
| 34S | 75E | WM | 14 | SE SW | 8 | 10.9 |
| 34S | 75E | WM | 14 | NE SE | | 11.5 |
| 34S | 75E | WM | 14 | NW SE | | 40.0 |
| 34S | 75E | WM | 14 | SW SE | 9 | 38.9 |
| 34S | 75E | WM | 14 | SE SE | | 13.6 |
| 34S | 75E | WM | 28 | NE NE | | 42.4 |
| 34S | 75E | WM | 28 | NW NE | 1 | 9.8 |
| 34S | 75E | WM | 28 | SE NE | 2 | 28.5 |
| 34S | 75E | WM | 29 | NE SE | 3 | 5.7 |
| 34S | 75E | WM | 24 | NW NW | | 8.0 |
| 34S | 75E | WM | 24 | SW NW | | 37.2 |
| 34S | 75E | WM | 24 | NE SW | | 8.0 |
| 34S | 75E | WM | 24 | NW SW | 6 | 37.7 |
| 34S | 75E | WM | 24 | SE SW | 7 | 9.6 |
| Total | | | | | | 550.3 |

| IRRIGATION - POD #3 | | | | | | |
|---------------------|-----|-----|-----|-------|-----|-------|
| TWP | RNG | Mer | Sec | Q-Q | GLC | Acres |
| 34S | 75E | WM | 11 | SW SE | | 12.9 |
| 34S | 75E | WM | 11 | SE SE | | 39.6 |
| 34S | 75E | WM | 12 | SW SW | | 39.2 |
| 34S | 75E | WM | 12 | SE SW | | 30.4 |
| 34S | 75E | WM | 13 | NW NE | 4 | 2.2 |
| 34S | 75E | WM | 13 | SW NE | 6 | 12.3 |
| 34S | 75E | WM | 13 | SE NE | 7 | 6.2 |
| 34S | 75E | WM | 13 | NE NW | | 35.6 |
| 34S | 75E | WM | 13 | NW NW | | 40.0 |
| 34S | 75E | WM | 13 | SW NW | | 40.0 |
| 34S | 75E | WM | 13 | SE NW | | 40.0 |
| 34S | 75E | WM | 13 | NE SW | | 30.4 |
| 34S | 75E | WM | 13 | NW SW | | 40.0 |
| 34S | 75E | WM | 13 | SE SW | | 3.4 |
| 34S | 75E | WM | 13 | NE SE | 9 | 0.5 |

| IRRIGATION - POD #3 | | | | | | |
|---------------------|-------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 34 S | 7.5 E | WM | 13 | NW SE | 10 | 9.6 |
| 34 S | 7.5 E | WM | 13 | NW SE | 11 | 14.0 |
| 34 S | 7.5 E | WM | 13 | NW SE | 12 | 3.7 |
| 34 S | 7.5 E | WM | 13 | SW SE | 13 | 3.9 |
| 34 S | 7.5 E | WM | 13 | SW SE | 14 | 7.9 |
| 34 S | 7.5 E | WM | 14 | NE NE | | 38.4 |
| 34 S | 7.5 E | WM | 14 | NW NE | | 2.4 |
| 34 S | 7.5 E | WM | 14 | SE NE | | 24.5 |
| 34 S | 7.5 E | WM | 14 | NE SE | | 6.6 |
| 34 S | 7.5 E | WM | 24 | NE NE | | 4.8 |
| 34 S | 7.5 E | WM | 24 | NW NE | | 37.4 |
| 34 S | 7.5 E | WM | 24 | SW NE | | 37.5 |
| 34 S | 7.5 E | WM | 24 | SE NE | | 0.9 |
| 34 S | 7.5 E | WM | 24 | NE NW | | 11.2 |
| 34 S | 7.5 E | WM | 24 | SE NW | | 13.8 |
| 34 S | 7.5 E | WM | 24 | NE SW | | 6.0 |
| 34 S | 7.5 E | WM | 24 | NE SE | | 0.3 |
| 34 S | 7.5 E | WM | 24 | NW SE | | 22.1 |
| 34 S | 7.5 E | WM | 24 | SW SE | | 29.1 |
| 34 S | 7.5 E | WM | 24 | SE SE | | 1.9 |
| 34 S | 7.5 E | WM | 25 | NE NW | | 2.2 |
| Total | | | | | | 661.5 |

9. Temporary Transfer Application T-13673 proposes to temporarily change the place of use of the right to:

| IRRIGATION - WOOD RIVER | | | | |
|-------------------------|-----|-----|-----------------|-------|
| Twp | Rng | Mer | Unit | Acres |
| 48 N | 2 E | MDM | 3A - UNSURVEYED | 224.0 |
| 48 N | 2 E | MDM | 6A - UNSURVEYED | 366.3 |
| Total | | | | 590.3 |

| IRRIGATION - CROOKED CREEK | | | | | |
|----------------------------|-----|-----|------------------|-------|-------|
| Twp | Rng | Mer | Unit | Q-Q | Acres |
| 48 N | 2 E | MDM | 3A - UNSURVEYED | | 2.2 |
| 48 N | 2 E | MDM | 3A - UNSURVEYED | | 6.5 |
| 48 N | 2 E | MDM | 3A - UNSURVEYED | | 10.9 |
| 48 N | 2 E | MDM | 3A - UNSURVEYED | | 12.7 |
| 48 N | 2 E | MDM | 3A - UNSURVEYED | | 18.8 |
| 48 N | 2 E | MDM | 3A - UNSURVEYED | | 21.5 |
| 48 N | 2 E | MDM | 3A - UNSURVEYED | | 60.1 |
| 48 N | 2 E | MDM | 3B1 - UNSURVEYED | | 25.9 |
| 48 N | 2 E | MDM | 3B1 - UNSURVEYED | | 51.9 |
| 48 N | 2 E | MDM | 3B1 - UNSURVEYED | | 69.3 |
| 48 N | 2 E | MDM | 3B1 - UNSURVEYED | | 72.7 |
| 48 N | 2 E | MDM | 3B2 | NW SE | 6.9 |
| 48 N | 2 E | MDM | 3B2 - UNSURVEYED | | 26.8 |
| 48 N | 2 E | MDM | 3B2 - UNSURVEYED | | 36.2 |

| IRRIGATION - CROOKED CREEK | | | | | |
|----------------------------|-----|-----|------------------|-------|-------|
| Twp | Rng | Mer | Unit | Q-Q | Acres |
| 48 N | 2 E | MDM | 3B2 - UNSERVEYED | | 72.2 |
| 48 N | 2 E | MDM | 3B2 - UNSERVEYED | | 74.4 |
| 48 N | 2 E | MDM | 3B2 - UNSERVEYED | | 92.5 |
| | | | | Total | 661.5 |

10. A change in points of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13673 proposes to move the authorized points of diversion downstream to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances | Approximate distance from original points of diversion in miles (mi.) |
|------|-----|-----|-----|-------|---|---|
| 40 S | 8 E | WM | 2 | NE NW | NORTH CANAL (ALTERNATE) - 316 FEET SOUTH AND 1964 FEET EAST FROM THE NW CORNER OF SECTION 2 | 42.2 mi. |
| 40 S | 8 E | WM | 15 | NE NW | ADY/CENTRAL CANAL (PRIMARY) - 1220 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER OF SECTION 15 | 44.0 mi. |

Temporary Transfer Review Criteria

11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing claim is present.
12. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred claim, as required by ORS 540.523(7).
13. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13673 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

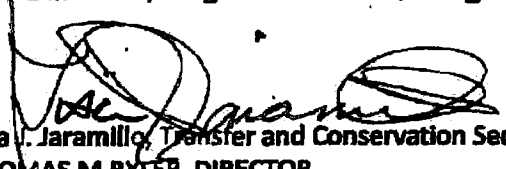
Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13673 is approved.

2. The former place of use shall not be irrigated as part of this claim during the 2021, 2022, 2023, 2024, and 2025 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2025 irrigation season. The authorization to use the new point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Claim KA-67.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The quantity of water diverted at the new points of diversion (North Canal (alternate) and Ady/Central Canal (primary)), shall not exceed the quantity of water lawfully available at the original points of diversion (Wood River POD 1(headgate), Wood River POD 2 (pump), and Crooked Creek POD).
9. Prior to diverting water, the water user shall install 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 the headgate as required by the Department.

Dated in Salem, Oregon on

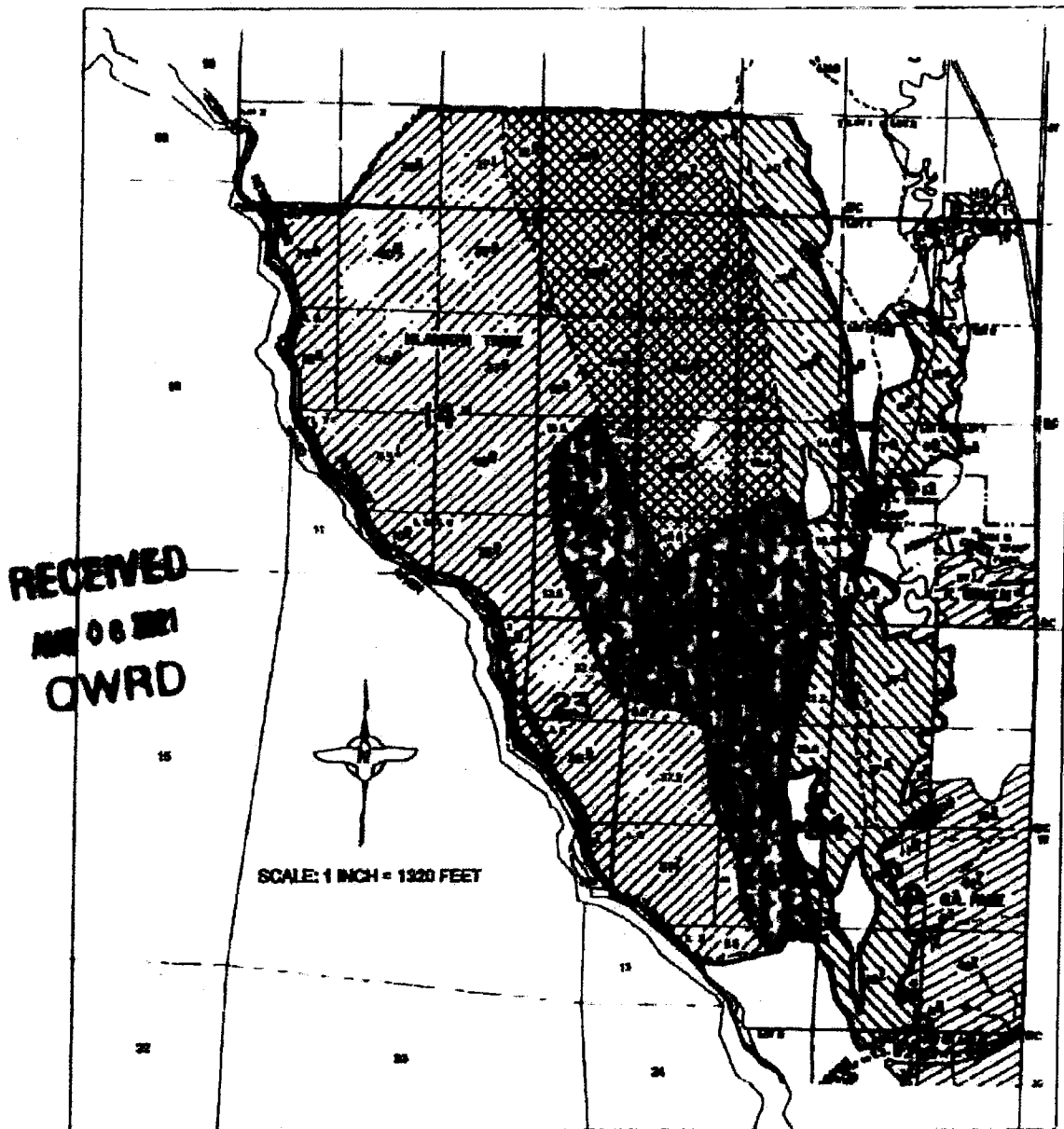
DEC 27 2021


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

Mailing Date:

DEC 28 2021

TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST, W.M.



TEMPORARY TRANSFER T-13673 APPLICATION MAP
IN THE NAME OF THOMAS FAMILY LIMITED PARTNERSHIP
FOR THE U.S. FISH AND WILDLIFE SERVICE,
KLAMATH BASIN NATIONAL WILDLIFE REFUGE COMPLEX



RENEWS: 12/31/2021

THIS MAP BASED ON ADJUDICATION
MAP PREPARED BY OWRD STAFF



KA-67 Authorized Place of Use



KA-67 Excluded_POU

This map is not intended to provide legal dimensions
or locations of property ownership lines

EXHIBIT C

ORS 93.040

Mandatory statements for sales agreements, earnest money receipts or other instruments for conveyance of fee title to real property

(1)

The following statement shall be included in the body of an instrument transferring or contracting to transfer fee title to real property except for owner's sale agreements or earnest money receipts, or both, as provided in subsection (2) of this section:

:RF9."BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

(2)

In all owner's sale agreements and earnest money receipts, there shall be included in the body of the instrument the following statement: :RF9."THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), IN ALL

ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."