

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. FRANK SCHMIDT AND SON COMPANY
P.O. BOX 189
BORING, OREGON 97009

confirms the right to use the waters of ONE WELL in the NORTH FORK DEEP CREEK BASIN for IRRIGATION OF 30.4 ACRES.

This right was perfected under Permit G-11636. The date of priority is JANUARY 22, 1991. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.38 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The well is located as follows:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 4, T 2 S, R 4 E, WM; 2720 FEET NORTH AND 2610 FEET EAST FROM THE SW CORNER, SECTION 4.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet per acre 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.

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 27.6 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.8 ACRES
SECTION 4
TOWNSHIP 2 SOUTH, RANGE 4 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 be maintained 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.

Measurement, recording and reporting conditions:

- a. The water user shall maintain, in good working order, a meter or other suitable measuring device as approved by the Director.
- b. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- c. The Director may require the permittee 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 water right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

A regulating device shall be maintained pursuant to ORS 540.310. Use of water from the well shall be controlled or shut off if limits specified in the water right to protect the resource from depletion and prior appropriators from interference are exceeded.

The water user shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high water level), and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a Certified Water Right Examiner, Licensed Water Well Driller, Licensed Pump Installer, Registered Geologist, Licensed Land Surveyor, Registered Professional Engineer, or the water user.

The reference water level is 185 feet. If the well listed on this right displays a total static water-level decline of 25 feet or more over any period of years, as compared to the reference level, the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well. Such action shall be taken until the water level recovers to above the 25 foot decline level or until the Department determines, based on the appropriators or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline to occur within the aquifer as a result of use of water under this right.

Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on use, or civil penalties.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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

WITNESS the signature of the Water Resources Director,
affixed SEP 26 1995.

MARtha O. PAGEL

Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 68610.

G-12395.LHN