

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BERNICE M. SMITH  
6432 CASPER DRIVE NE  
KEIZER, OR 97303

AND

ELSIE BERNING  
7016 E. EAGLE FEATHER RD  
SCOTTSDALE, AZ 85262

confirms the right to use the waters of ONE WELL in the PUDDING RIVER BASIN for IRRIGATION OF 59.0 ACRES.

This right was perfected under Permit G-11108. The date of priority is JULY 10, 1990. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.74 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW 1/4 SE 1/4, SECTION 3, TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.; 2500 FEET NORTH AND 2390 FEET WEST FROM THE SE CORNER OF SECTION 3.

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 2.5 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:

SW 1/4 NE 1/4	26.0 ACRES
NE 1/4 SW 1/4	0.6 ACRE
NW 1/4 SE 1/4	32.4 ACRES

SECTION 3

TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
  - (a) An average water level decline of three or more feet per year for five consecutive years; or
  - (b) A total water level decline of fifteen or more feet; or
  - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) Measurement, recording and reporting conditions:
  - A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the permit.

- 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.
- (3) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well:
- (a) The initial static water level in the well, to which levels will be referenced is 114.62 feet below land surface at the well;
  - (b) A water level measurement shall be made each year during the period March 1 through March 31;
  - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the water user;
  - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department; and
  - (e) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

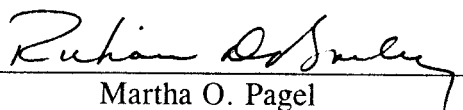
The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

The use confirmed 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 DECEMBER 2, 1998.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75910.