

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MYRON KUENZI
6500 STATE STREET
SALEM, OR 97301

CECIL ROTH
4551 HOWELL PRAIRIE ROAD
SILVERTON, OR 97381

confirms the right to use the waters of THREE WELLS in the LITTLE PUDDING RIVER BASIN for IRRIGATION OF 154.3 ACRES.

This right was perfected under Permit G-11622. The date of priority is SEPTEMBER 5, 1990. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.93 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

KUENZI WELL NO. 1 - SE 1/4 SE 1/4, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.; 465 FEET NORTH AND 175 FEET EAST FROM THE NW CORNER OF DLC 44;

KUENZI WELL NO. 2 - NW 1/4 SW 1/4, SECTION 27, TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.; 1983 FEET NORTH AND 2205 FEET EAST FROM THE NW CORNER OF DLC 44; AND

ROTH WELL - SE 1/4 NW 1/4, AS PROJECTED WITHIN DLC 44, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.; 1966 FEET SOUTH AND 1400 FEET WEST FROM THE NE CORNER OF DLC 44.

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 period of the allowed use is March 1 through October 31 of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

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

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

KUENZI (WELLS NO. 1 AND 2)

NE 1/4 SE 1/4 13.3 ACRES
 NW 1/4 SE 1/4 5.1 ACRES
 SW 1/4 SW 1/4 13.4 ACRES
 SE 1/4 SW 1/4 30.8 ACRES

SECTION 28

TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.

ROTH (ROTH WELL)

SW 1/4 SW 1/4 0.1 ACRE
 AS PROJECTED WITHIN DLC 44
 SECTION 27

SE 1/4 SE 1/4 4.6 ACRES
 AS PROJECTED WITHIN DLC 44
 SECTION 28

NE 1/4 NE 1/4 30.7 ACRES
 NW 1/4 NE 1/4 1.1 ACRES
 SW 1/4 NE 1/4 0.1 ACRE
 SE 1/4 NE 1/4 3.5 ACRES
 AS PROJECTED WITHIN DLC 44
 SECTION 33

NE 1/4 NW 1/4 2.9 ACRES
 NW 1/4 NW 1/4 36.6 ACRES
 SW 1/4 NW 1/4 11.1 ACRES
 SE 1/4 NW 1/4 1.0 ACRE
 AS PROJECTED WITHIN DLC 44
 SECTION 34

TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. 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 right.
- 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.

The water user shall report a March static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water right examiner, registered professional geologist, certified engineering geologist or professional engineer.

Use of water from the well shall not be allowed if the well(s) displays an (A) average water level decline of three or more feet per year for five consecutive years, or (B) a water level decline of fifteen or more feet in fewer than five consecutive years, or (C) a water level decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well(s) are those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

The Director may require 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 right.

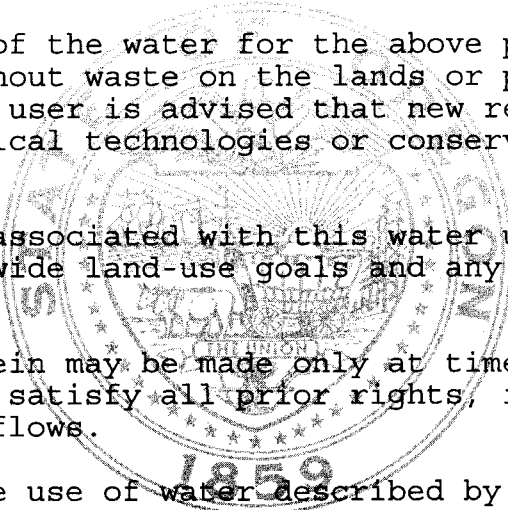
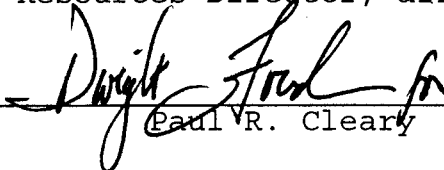
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

WITNESS the signature of the Water Resources Director, affixed September 17, 2002.



Paul R. Cleary

Recorded in State Record of Water Right Certificates Number 79606.

G-12221.SB