

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK C. WHITE
1111 JONES AVENUE NW
ALBANY, OREGON 97321

confirms the right to use the waters of THORNTON LAKE, a tributary of WILLAMETTE RIVER, for SUPPLEMENTAL IRRIGATION OF 1.6 ACRES.

This right was perfected under Permit 53481. The date of priority is July 14, 1997. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.0 ACRE-FEET PER YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source. The period of the allowed use is March 1 through October 31 of each year.

The point of diversion is located as follows:

NE 1/4 NW 1/4, AS PROJECTED WITHIN THORNTON DLC 37, SECTION 1, TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.; 170 FEET NORTH AND 378 FEET EAST FROM THE NORTH ANGLE CORNER OF RAINWATER DLC 39.

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 not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 1/4 NW 1/4 0.9 ACRE
AS PROJECTED WITHIN THORNTON DLC 37
AND RAINWATER DLC 39
SE 1/4 NW 1/4 0.7 ACRE
AS PROJECTED WITHIN RAINWATER DLC 39
SECTION 1
TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

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.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval..
- B. The Director may require the water user 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 right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The use of water under this right is subject to the terms and conditions of Contract No. 8-07-10-W1185, or a satisfactory replacement, between the Bureau of Reclamation and the water user, a copy of which is on file in the records of the Water Resources Department.

The water user shall be responsible for restoration and enhancement of any riparian area disturbed at the point of diversion.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

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 79621.