

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HECTOR MACPHERSON  
BANNOCKBURN FARMS, INC.  
29626 CHURCH DRIVE  
ALBANY, OR 97321

confirms the right to use the waters of MCKENZIE RIVER, a tributary of WILLAMETTE RIVER, for IRRIGATION OF 33.8 ACRES.

This right was perfected under Permit 42759. The date of priority is MARCH 1, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.42 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

MCKENZIE RIVER - NE 1/4 NE 1/4, AS PROJECTED WITHIN SPORES DLC 38, TOWNSHIP 17 SOUTH, RANGE 3 WEST, W.M.; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF MANSFIELD DLC 79;

MUDDY CREEK RE-DIVERSION - NE 1/4 SE 1/4, AS PROJECTED WITHIN JOHN G. WILSON DLC 60, SECTION 20, TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.; 150 FEET SOUTH AND 450 FEET EAST FROM THE NW CORNER OF DLC 60; AND

MUDDY CREEK RE-DIVERSION - NE 1/4 SE 1/4, AS PROJECTED WITHIN JOHN G. WILSON DLC 60, SECTION 20, TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.; 800 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF DLC 60.

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 ½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

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 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            15.2 ACRES  
SE 1/4 NW 1/4            1.2 ACRES  
NE 1/4 SW 1/4            2.4 ACRES  
NW 1/4 SE 1/4            9.5 ACRES  
ALL AS PROJECTED WITHIN DLC 48  
SECTION 20


SW 1/4 SW 1/4            5.5 ACRES  
AS PROJECTED WITHIN DLC 60  
SECTION 21  
TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 14, 1997, and along with Certificate 75255, 80360 and 80361, supersedes Certificate 68367, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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.

Issued October 15, 2003.

  
Paul G. Cleary, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80359.