

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD J. HAMMELMAN
9495 MERIDIAN ROAD NE
MT. ANGEL, OREGON 97362

confirms the right to use the waters of WELLS NO. 1 AND 2 in the ZOLLNER CREEK BASIN for IRRIGATION OF 104.8 ACRES.

This right was perfected under Permit G-12209. The date of priority is APRIL 27, 1990. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well. The period of the allowed use under this right is limited to March 1 through October 31 of each year.

The wells are located as follows:

WELL NO. 1 - NE 1/4 SE 1/4, SECTION 12, TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.; 1425 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 12; AND

WELL NO. 2 - NW 1/4 NE 1/4, SECTION 13, TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.; 540 FEET SOUTH AND 2060 FEET WEST FROM THE NE CORNER OF SECTION 13.

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:

NE 1/4 NE 1/4 9.9 ACRES
SE 1/4 NE 1/4 37.9 ACRES
SECTION 12
TOWNSHIP 6 SOUTH, RANGE 1 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.

NE 1/4 SE 1/4 9.6 ACRES
NW 1/4 SE 1/4 4.9 ACRES
SW 1/4 SE 1/4 2.8 ACRES
SE 1/4 SE 1/4 8.6 ACRES

SECTION 12
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

NE 1/4 NE 1/4 17.3 ACRES
NW 1/4 NE 1/4 13.8 ACRES

SECTION 13
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

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.
- 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 water user shall keep and maintain a record of the amount (volume) of water used and shall submit an annual report of water used to the Department by December 1 of each year. 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.

Groundwater production may only be appropriated from the basalt groundwater reservoir between approximately 200 feet and 500 feet below land surface.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the wells shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The initial water level in Wells to which subsequent water levels will be referenced is 120.19 feet below land surface in Well No. 1 and 61.80 feet below land surface in Well No. 2.

- (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 feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen feet; or
 - (c) A hydraulic interference decline of fifteen feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

- (2) The landowner/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the wells.
- (a) A water level measurement shall be made each year during the period March 1 through March 31.
 - (b) 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 landowner/appropriator.
 - (c) 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.
 - (d) The landowner/appropriator 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 (2).

The Director may require pump test results every ten years.

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 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.

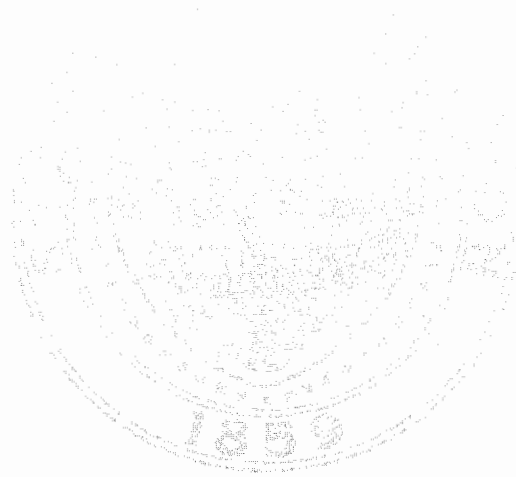
The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the groundwater resource can probably support the use of water under this right and the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE CONDITIONS OF THE RIGHT LIMITING THE SOURCE OF WATER TO THE BASALT GROUNDWATER RESERVOIR AND SUPERSEDES CERTIFICATE 80448.

Issued December 15, 2003.


Paul R. Cleary, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80498.