

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BOB FESSLER
11796 MONITOR MCKEE RD NE
WOODBURN, OREGON 97071

confirms the right to use the waters of ONE WELL in the PUDDING RIVER BASIN for AGRICULTURAL USE ON 21.5 ACRES AND IRRIGATION OF 7.5 ACRES.

This right was perfected under Permit G-12167. The date of priority is AUGUST 13, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.381 CUBIC FOOT PER SECOND; BEING 0.287 CFS FOR AGRICULTURAL USE AND 0.094 CFS FOR IRRIGATION, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW 1/4 SE 1/4, SECTION 21, TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.; 1530 FEET NORTH AND 1430 FEET WEST FROM THE SE CORNER OF SECTION 21.

The amount of water used for agricultural use is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for agricultural use may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year. The period of allowed use for irrigation 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.

G-13491.SB

Certificate Number 80804

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

	<u>IRRIGATION AND AGRICULTURAL</u>	<u>AGRICULTURAL ONLY</u>
NW 1/4 SE 1/4		12.6 ACRES
SW 1/4 SE 1/4	7.3 ACRES	1.4 ACRES
	SECTION 21	
NW 1/4 NE 1/4	0.2 ACRE	
	SECTION 28	
	TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.	

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

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 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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The Department may require water level or 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.

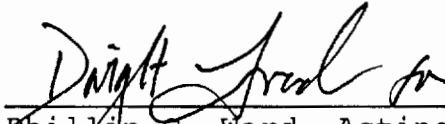
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

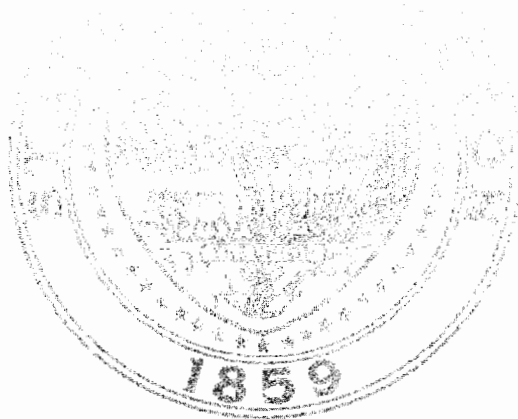
The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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

Issued July 22, 2004.



Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80804.

G-13491.SB