

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MILLER FORESTS, INC.
P.O. BOX 12395
SALEM, OREGON 97309

SUPERSEDED BY
CERT. NO. **91378**

confirms the right to use the waters of NORTH SANTIAM RIVER AND DETROIT RESERVOIR CONSTRUCTED UNDER PERMIT R-1625, tributaries of SANTIAM RIVER, for IRRIGATION OF 32.4 ACRES.

This right was perfected under Permit 52770. The date of priority is MARCH 2, 1995. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.405 CUBIC FOOT PER SECOND(CFS) AND 32.4 ACRE-FEET STORED WATER ONLY PROVIDED THE TOTAL AMOUNT DOES NOT EXCEED THE LIMITATION CONTAINED HEREIN, or its equivalent in case of rotation, measured at the points of diversion from the source. The period of use allowed under this right for direct flow from the North Santiam River is limited to March 1 through June 30 of each year. The use of water from Detroit Reservoir is limited to March 1 through October 31 of each year.

The points of diversion are located as follows:

DETROIT RESERVOIR - SW 1/4 NW 1/4, SECTION 7, TOWNSHIP 10 SOUTH, RANGE 5 EAST, W.M.;

NORTH SANTIAM RIVER - LOT 5 (SW 1/4 NW 1/4), SECTION 9, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 2780 FEET NORTH AND 4450 FEET WEST FROM THE SE CORNER OF SECTION 9;

NORTH SANTIAM RIVER - LOT 4 (NE 1/4 SW 1/4), SECTION 9, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 2470 FEET NORTH AND 3770 FEET WEST FROM THE SE CORNER OF SECTION 9;

NORTH SANTIAM RIVER - LOT 3 (SW 1/4 NE 1/4), SECTION 9, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 3130 FEET NORTH AND 1430 FEET WEST FROM THE SE CORNER OF SECTION 9; AND

NORTH SANTIAM RIVER - NW 1/4 NW 1/4, AS PROJECTED WITHIN DLC 54, SECTION 10, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 4820 FEET NORTH AND 380 FEET EAST FROM THE SE CORNER OF SECTION 9.

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.

79614.SB

Cancelled due to
T. 9922, Sp. Or.
Vol. 69, P. 274

Certificate Number 80806

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 from direct flow and storage.

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 4.8 ACRES
 SE 1/4 NE 1/4 1.0 ACRE
 BOTH AS PROJECTED WITHIN DLC 54
 SECTION 9

NW 1/4 SW 1/4 1.8 ACRES
 SW 1/4 SW 1/4 7.4 ACRES
 SE 1/4 SW 1/4 2.8 ACRES
 ALL AS PROJECTED WITHIN DLC 62
 SECTION 9

LOT 2 (SE 1/4 NE 1/4) 2.0 ACRES
 LOT 5 (SW 1/4 NW 1/4) 5.4 ACRES
 LOT 9 (SE 1/4 SW 1/4) 0.7 ACRE
 SECTION 9

NE 1/4 NW 1/4 1.4 ACRES
 NW 1/4 NW 1/4 4.9 ACRES
 BOTH AS PROJECTED WITHIN DLC 62
 LOT 1 (NE 1/4 NW 1/4) 0.2 ACRE
 SECTION 16
 TOWNSHIP 10 SOUTH, RANGE 2 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 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 water user shall install, 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.

If the riparian area is disturbed in the process of developing a point of diversion under this right, the water user shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish and Wildlife.

The use of water may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

The use of water under this right is subject to the terms and conditions of contract No. 6-07-10-W1112, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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.

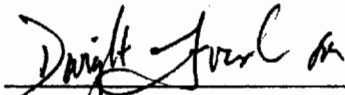
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practices, technologies or conservation practices to achieve this end.

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.

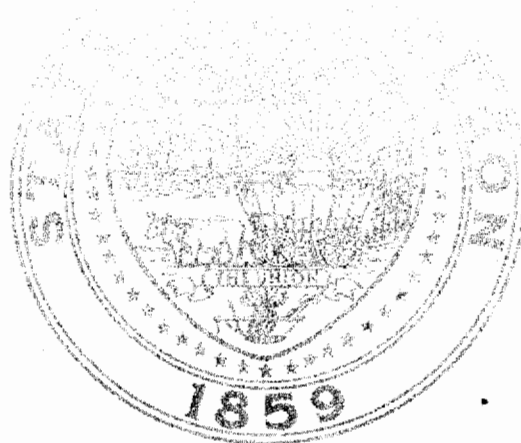
The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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 80806.

79614.SB