

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RON BENTZ
38734 LULAY ROAD
SCIO, OREGON 97374

confirms the right to use the waters of BILYEU AND BERMEISTER CREEKS, tributaries of THOMAS CREEK, for IRRIGATION OF 26.2 ACRES.

This right was perfected under Permit 20010. The date of priority is NOVEMBER 20, 1950. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.24 CUBIC FOOT PER SECOND (CFS); BEING 0.12 CFS FROM EACH CREEK, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NW 1/4, SECTION 17, TOWNSHIP 10 SOUTH, RANGE 1 EAST, W.M.;
390 FEET SOUTH AND 740 FEET WEST FROM THE N 1/4 CORNER OF SECTION
17.

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 1/2 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:

SE 1/4 SW 1/4 26.2 ACRES
SECTION 8
TOWNSHIP 10 SOUTH, RANGE 1 EAST, 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.

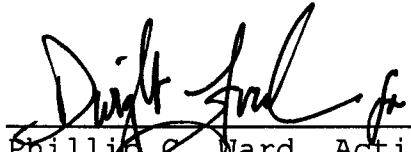
This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered January 7, 1994, and supersedes Certificate 44013, State Record of Water Right Certificates.

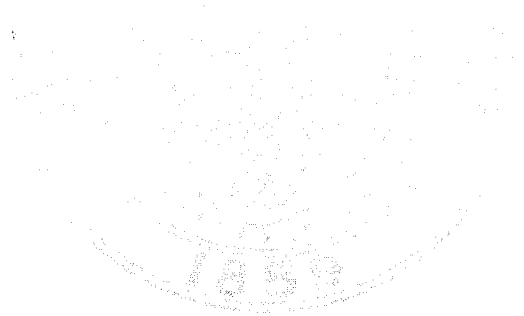
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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 August 25, 2004.


Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80870.

T-7036.SB