

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

Cancelled due to
T- 9812; Sp. Or.
Vol. 77 P. 922

Superseded by
Cert. No. 85410

THIS CERTIFICATE ISSUED TO

ROY AND DARLENE SMITH
22215 WALLACE ROAD NW
SALEM, OREGON 97304

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

APPLICATION FILE NUMBER: G-12474

SUPERSEDED BY
CERT. NO. 91744

PERMIT NUMBER: G-12154

SOURCE OF WATER: A WELL WITHIN THE WILLAMETTE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 69.3 ACRES AND AGRICULTURAL USE (ORCHARD SPRAYING)

MAXIMUM RATE ALLOWED: 0.11 CUBIC FOOT PER SECOND (CFS) FOR IRRIGATION OR 7000 GALLONS PER DAY (GPD) FOR AGRICULTURAL USE (ORCHARD SPRAYING)

PERIOD OF USE: IRRIGATION: MARCH 1 THROUGH OCTOBER 31
AGRICULTURAL USE: YEAR ROUND

G-12474.RA

Certificate Number 81498

DATE OF PRIORITY: APRIL 4, 1991 FOR 0.07 CFS FOR IRRIGATION; SEPTEMBER 15, 1992 FOR 0.04 CFS FOR IRRIGATION; AND SEPTEMBER 15, 1992 FOR 7000 GPD FOR AGRICULTURAL USE. THE USE IS LIMITED TO NOT MORE THAN 0.11 CFS FOR IRRIGATION OR 7000 GPD FOR AGRICULTURAL USE (ORCHARD SPRAYING), OR ITS EQUIVALENT IN CASE OF ROTATION, MEASURED AT THE WELL.

THE WELL IS LOCATED AS FOLLOWS: NE 1/4 NW 1/4, AS PROJECTED IN THE D. MATHENY DLC 38, SECTION 33, TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.; 35 FEET NORTH AND 310 FEET EAST OF THE NE CORNER OF A. MATHENY DLC 60.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4 17.0 ACRES
SW 1/4 SE 1/4 11.0 ACRES
BOTH AS PROJECTED WITHIN D. MATHENY DLC 38
SECTION 28

NW 1/4 NE 1/4 12.0 ACRES
NE 1/4 NW 1/4 29.3 ACRES
BOTH AS PROJECTED WITHIN D. MATHENY DLC 38
SECTION 33
TOWNSHIP 5 SOUTH, RANGE 3 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 Director may require water levels 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.

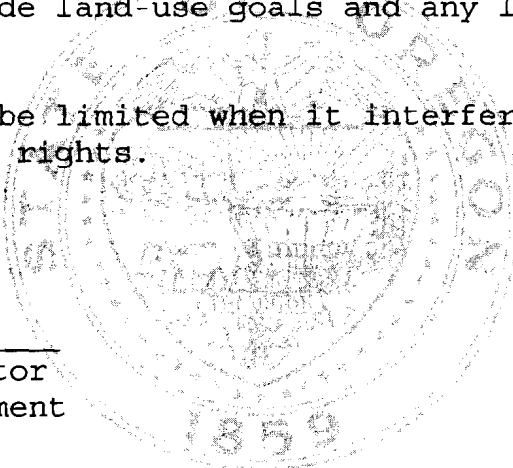
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 of water shall be limited when it interferes with any prior surface or ground water rights.

Issued June 24, 2005.


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81498.