

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 MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Butsch Brothers
15468 Union School Road NE
Woodburn, Oregon 97071

Brent and Todd Nelson
17280 Boones Ferry Road NE
Woodburn, Oregon 97071

confirms the right to use the waters of 2 WELLS in the BUTTER CREEK BASIN for IRRIGATION OF 107.9 ACRES.

This right was perfected under Permit G-11614. The date of priority is MARCH 2, 1992. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.35 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

WELL 1 - NW ¼ NE ¼, SECTION 15, T 5 S, R 1 W, WM; 670 FEET SOUTH AND 2460 FEET WEST; AND

WELL 2 - NW ¼ SE ¼, SECTION 15, T 5 S, R 1 W, WM; 2720 FEET SOUTH AND 2640 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 15.

G-12799.RA

Superseded by
Cert. No. 81903

Certificate Number 81743

SUPERSEDED BY
CERT. NO. 91866
T-9959

T-9959 168 #9537 Restricted

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 period of use allowed under this right is March 1 through October 31 of each year.

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

| | | | |
|------------|-------------|------|-------|
| | NE ¼ NE ¼ | 18.3 | ACRES |
| | NW ¼ NE ¼ | 13.7 | ACRES |
| LOT 2 | (SW ¼ NE ¼) | 9.4 | ACRES |
| LOT 1 | (SE ¼ NE ¼) | 9.8 | ACRES |
| LOT 4 | (SE ¼ SW ¼) | 0.2 | ACRE |
| LOT 5 | (NW ¼ SE ¼) | 0.1 | ACRE |
| SECTION 15 | | | |

| | | | |
|------|------|------|-------|
| SE ¼ | NE ¼ | 2.0 | ACRES |
| SE ¼ | SW ¼ | 3.4 | ACRES |
| NE ¼ | SE ¼ | 20.6 | ACRES |
| NW ¼ | SE ¼ | 16.0 | ACRES |
| SW ¼ | SE ¼ | 10.6 | ACRES |
| SE ¼ | SE ¼ | 3.8 | ACRES |

ALL AS PROJECTED WITHIN MAGOON DLC 57
SECTION 15

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.

A regulating device shall be installed pursuant to ORS 540.310.

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 obtain a static water-level measurement for each well during March of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. If a well listed on this right displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The referenced level for water-level declines shall be the second annual measurement taken after water use began under the terms of this right.

The water user shall in no instance allow excessive decline to occur within the aquifer as a result of use under this right.

The Director 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.

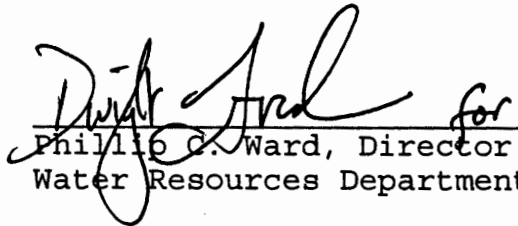
SUPERSEDED BY
CERT. NO. 91866
7-9959

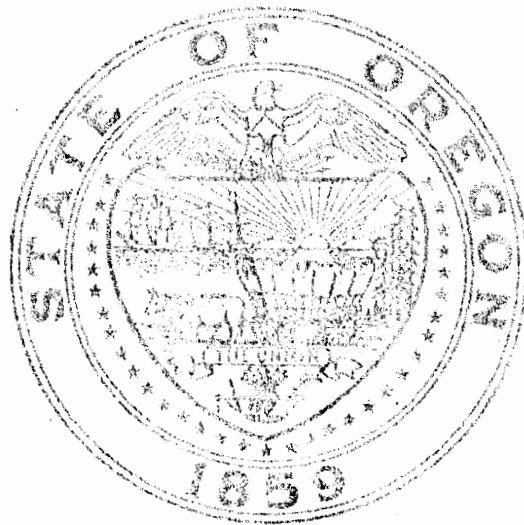
Cancelled due to
T-9959; Sp. Or.
Vol. 68 P. 537
Superseded by
Cert. No. 81903

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 November 17, 2005.


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81743.

G-12799.RA