

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

UNITED FOODS, INC.
10 PICTSWEET DRIVE
BELLS, TENNESSEE 38006-0119

confirms the right to use the waters of WELL #2 in the WEST FORK LITTLE PUDDING RIVER BASIN for IRRIGATION OF 75.5 ACRES.

This right was perfected under Permit G-11940. The date of priority is June 24, 1992. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.94 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN DLC 77, SECTION 29, TOWNSHIP 7 SOUTH, RANGE 2 WEST, WM; 1450 FEET NORTH AND 1620 FEET WEST FROM THE MOST NORTHERLY CORNER OF DLC 75.

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:

SW ¼ NW ¼ 19.5 ACRES
 SE ¼ NW ¼ 19.0 ACRES
 BOTH AS PROJECTED WITHIN DLC 80

NE ¼ SW ¼ 8.0 ACRES
 NW ¼ SW ¼ 13.5 ACRES
 BOTH AS PROJECTED WITHIN DLC 77

SW ¼ SW ¼ 1.5 ACRES
 SE ¼ SW ¼ 14.0 ACRES
 BOTH AS PROJECTED WITHIN DLC 74

SECTION 29
 TOWNSHIP 7 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 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 for this right is 16.17 feet bgs. The water user shall in no instance allow excessive decline to occur within the aquifer as a result of use under this right.

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

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.

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.

SEP 25 2006

Issued _____


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82388.