

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.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CARLTON PLANTS
P.O. BOX 398
DAYTON, OREGON 97114-0398

confirms the right to use the waters of LAMBERT SLOUGH, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 24.1 ACRES.

This right was perfected under Permit 13847. The date of priority is MAY 23, 1939. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.30 CUBIC FEET PER SECOND, if lawfully available at the original point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN COOPER DLC 53, SECTION 10, T 5 S, R 3 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LAMBERT SLOUGH: LOT 2 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 34, T 5 S, R 3 W, W.M.;
1600 FEET SOUTH AND 510 FEET EAST FROM NE CORNER, MATHENY DLC 38.

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 $\frac{1}{2}$ acre-feet 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 6.0 ACRES
SW 1/4 SE 1/4 8.0 ACRES
SE 1/4 SE 1/4 10.1 ACRES
ALL AS PROJECTED WITHIN MATHENY DLC 38
SECTION 28
TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.


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 water user shall install and maintain a fish screen or by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to construction and shall be installed under the supervision of the Department of Fish and Wildlife.

This certificate is issued to confirm a CHANGE IN PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered May 8, 2002, approving Transfer Application 8741, and together with Certificate 79466 supercedes Certificate 51227, State Record of Water Right Certificates.

This right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

Issued AUG 24 2007.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83484.

T-8741 (Cert 51227).RA