

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVE SETNIKER
 P.O. BOX 338
 INDEPENDENCE, OREGON 97351

confirms the right to use the waters of the WILLAMETTE RIVER, tributary to the COLUMBIA RIVER, for IRRIGATION of 2.9 ACRES.

This right was perfected under Permit S-40168. The date of priority is DECEMBER 17, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.04 CUBIC FOOT PER SECOND (if available at the original point of diversion described as being located in the SE ¼ NW ¼, as projected within W. Prather DLC 67, Section 35, T 9 S, R 4 W, W.M.; 1520 feet South and 1540 feet East from the NW corner of Section 35), or its equivalent in case of rotation, measured at the diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
8 S	4 W	WM	22	SW NW	DLC 43	2300 FEET SOUTH AND 1150 FEET WEST FROM THE EASTERLY NE CORNER OF DLC 43

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.

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
8 S	4 W	WM	21	NE NE	DLC 43	2.9

The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used at each of the new points of diversion. The type and plans of the 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 fish by-pass device. The type and plans of the screen or by-pass must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed prior to beginning construction and shall be installed under the general supervision of the Department of Fish and Wildlife.

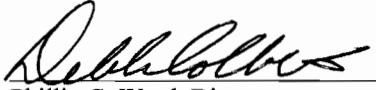
The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

The right to use 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 flows.

This certificate describes that portion of the water right confirmed by Certificate 81459, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 03 2008, approving Transfer Application T-9975.

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.

WITNESS the signature of the Water Resources Director, affixed DEC 03 2008.


R Phillip C. Ward, Director