

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLARENCE SIMMONS  
 4978 BLUEGRASS LANE NE  
 SILVERTON OR 97381

confirms the right to use the waters of WELL 3 in the Pudding River Basin for IRRIGATION of 102.9 ACRES AND SUPPLEMENTAL IRRIGATION of 12.0 ACRES.

This right was perfected under Permit G-11668. The date of priority is OCTOBER 3, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.87 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
7 S	2 W	WM	25	SW NW		64	400 FEET NORTH & 1740 FEET WEST FROM C1/4 CORNER, SECTION 25

The amount of water used for irrigation, 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 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 allowed use is March 1 through October 31.

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
7 S	2 W	WM	23	SE SE		64	1.0
7 S	2 W	WM	24	SW SW		64	17.7
7 S	2 W	WM	24	SE SW		64	15.6
7 S	2 W	WM	24	SW SE		64	10.8
7 S	2 W	WM	25	NW NW		64	6.0
7 S	2 W	WM	25	NW NW		65	1.2

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an 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.

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
7 S	2 W	WM	25	SW NW		65	9.6
7 S	2 W	WM	25	SE NW		65	4.0
7 S	2 W	WM	25	NE SW		65	10.7
7 S	2 W	WM	25	NW SW		65	2.0
7 S	2 W	WM	26	NE NE		64	9.3
7 S	2 W	WM	26	NE NE		65	3.5
7 S	2 W	WM	26	SE NE		65	11.5

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
7 S	2 W	WM	24	SW SE		64	4.0
7 S	2 W	WM	25	SW NE	2		0.9
7 S	2 W	WM	25	SE NW	6		2.0
7 S	2 W	WM	25	NE SW	6		3.6
7 S	2 W	WM	25	NW SE	3		1.5

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- 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.

In the efforts to conserve surface water, this right may be exercised at times when water is available from the primary source, provided the total quantity diverted shall not exceed the limits described herein.

The water user shall report a March static water level in the well to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, registered professional engineer, a licensed well constructor or pump installer licensed by the Construction Contractors Board.

Use of water from the well shall not be allowed if the well displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well is that of the initial April report, 33.79 feet below land surface. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

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.

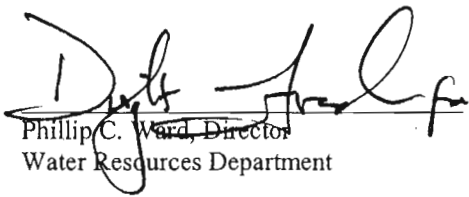
This right is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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 right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

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Phillip C. Ward, Director  
Water Resources Department

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