

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EUGENE BERNARDS
5000 NW WESTSIDE ROAD
MCMINNVILLE OREGON 97128

confirms the right to use the waters of an UNNAMED STREAM, PANTHER CREEK, and an UNNAMED RESERVOIR constructed under Permit R-11457, tributaries of the NORTH YAMHILL RIVER, for IRRIGATION of 55.7 ACRES, SUPPLEMENTAL IRRIGATION of 39.3 ACRES.

This right was perfected under Permit 51460. The date of priority is APRIL 9, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.18 CUBIC FEET PER SECOND WITH ANY DEFICIENCY IN THE SUPPLY TO BE APPROPRIATED FROM PANTHER CREEK FROM MARCH 1 TO APRIL 30, AND 3.5 ACRE FEET OF STORED WATER ONLY FROM THE RESERVOIR, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Pod	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
DAM	4 S	4 W	WM	4	SW NW			1170 FEET NORTH AND 630 FEET EAST FROM W¼ CORNER, SECTION 4
PANTHER CREEK	4 S	4 W	WM	4	SW NW			1200 FEET NORTH AND 370 FEET EAST FROM W¼ CORNER, SECTION 4

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department Fish and Wildlife specifications.

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.

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
4 S	4 W	WM	4	SW NW			5.2
4 S	4 W	WM	4	SE NW			1.3
4 S	4 W	WM	4	NE SW			0.1
4 S	4 W	WM	4	NW SW			26.2
4 S	4 W	WM	4	SW SW			3.3
4 S	4 W	WM	5	SE NE			3.0
4 S	4 W	WM	5	NE SE			16.6

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	4	SW NW			16.1
4 S	4 W	WM	4	SE NW			0.4
4 S	4 W	WM	4	NW SW			10.0
4 S	4 W	WM	5	SE NE			10.3
4 S	4 W	WM	5	NE SE			2.5

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.

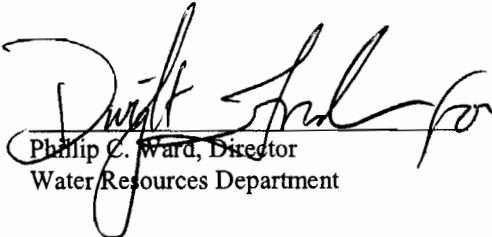
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This certificate is issued to correct a scrivener error and supersedes certificate 84774, state record of water right certificates.

Issued **NOV 21 2008**


Philip C. Ward, Director
Water Resources Department