

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MUDDY CREEKS IRRIGATION PROJECT  
 32255 BOWERS DR  
 HARRISBURG OR 97446

confirms the right to use the waters of WILLAMETTE BASIN PROJECT RESERVOIRS CONSTRUCTED UNDER PERMIT R-5363, A TRIBUTARY TO THE WILLAMETTE RIVER, for IRRIGATION of 41.6 ACRES.

This right was perfected under Permit 51919. The date of priority is MARCH 22, 1993. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 45.0 ACRE FEET FOR STORED WATER FROM BUREAU OF RECLAMATION CONTRACT or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is April 1 through September 30 of each year.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
14 S	4 W	WM	16	NW SW	42	2040 FEET NORTH & 1880 FEET EAST FROM SW CORNER, DLC 42, SECTION 17

Water is re-diverted from the McKenzie River into Muddy Creek.

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 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	GLot	DLC	Acres
14 S	4 W	WM	16	SW NE			1.1
14 S	4 W	WM	16	SW NW		42	0.5
14 S	4 W	WM	16	SE NW		42	1.7
14 S	4 W	WM	16	SE NW	2		2.2
14 S	4 W	WM	16	NE SW		42	9.5

**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
14 S	4 W	WM	16	NE SW	3		19.0
14 S	4 W	WM	16	NW SW		42	4.0
14 S	4 W	WM	16	NW SE			3.6

Measurement, recording and reporting conditions:

- A. 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 use of water under this right is subject to the terms and conditions of Water Service Contract No. 5-07-10-W1023 or a satisfactory replacement between the Bureau of Reclamation and the water user, a copy of which is on file in the records of the Water Resources Department.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

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 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 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.

Issued           MAY 08 2009          .

  
 Phillip C. Ward, Director  
 Water Resources Department