

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BUTSCH BROTHERS  
 15468 UNION SCHOOL RD NE  
 WOODBURN OR 97071

confirms the right to use the waters of 2 WELLS in the BUTTER CREEK BASIN for IRRIGATION of 54.7 ACRES.

This right was perfected under Permit G-11614. The date of priority is MARCH 2, 1992. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.684 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	15	NW NE	WELL 1: 670 FEET SOUTH AND 2460 FEET WEST FROM THE NE CORNER OF SECTION 15
5 S	1 W	WM	15	NW SE	WELL 2: 2720 FEET SOUTH AND 2640 FEET WEST FROM THE NE CORNER OF SECTION 15

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 use allowed under this right is March 1 through October 31 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
5 S	1 W	WM	15	SE SW		57	3.4
5 S	1 W	WM	15	SE SW	4		0.2
5 S	1 W	WM	15	NE SE		57	20.6
5 S	1 W	WM	15	NW SE	5		0.1
5 S	1 W	WM	15	NW SE		57	16.0
5 S	1 W	WM	15	SW SE		57	10.6
5 S	1 W	WM	15	SE SE		57	3.8

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

A regulating device shall be installed pursuant to ORS 540.310.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. 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 water user shall obtain a static water-level measurement for each well during March of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations.

If a well listed on this right displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The referenced level for water-level declines shall be the second annual measurement taken after water use began under the terms of this right. The water user shall in no instance allow excessive decline to occur within the aquifer as a result of use under this right.

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.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands of place of use described. 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 shall be limited when it interferes with any prior surface or ground water rights.

This certificate corrects scrivener's errors in the measurement, recording and reporting conditions in previously issued Certificate 81903, and describes that portion of the water right confirmed by Certificate 81743, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May 25, 2006, approving Transfer Application T-9959. This certificate supersedes Certificate 81903.

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.

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.

WITNESS the signature of the Water Resources Director, affixed JUN 04 2009.

  
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Phillip C. Ward, Director