

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MALLORIES DAIRY INC.  
PO BOX 720  
SILVERTON OR 97381

confirms the right to use the waters of RESERVOIR 1, CONSTRUCTED UNDER PERMIT R-11534, AND 2 CONSTRUCTED UNDER PERMIT R-11533, TRIBUTARIES OF PUDDING RIVER, for IRRIGATION of 70.94 ACRES, SUPPLEMENTAL IRRIGATION 176.70 ACRES, AND AGRICULTURAL USE (DAIRY OPERATIONS WASHDOWN).

This right was perfected under Permit 51594. The date of priority is OCTOBER 9, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 176.0 ACRE FEET OF STORED WATER ONLY, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion (POD) are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
C	6 S	1 W	WM	29	SE SE			800 FEET NORTH & 710 FEET WEST FROM SE CORNER, SECTION 29
A	6 S	1 W	WM	32	SW NE			1740 FEET SOUTH & 2230 FEET WEST FROM NE CORNER, SECTION 32
D	6 S	1 W	WM	32	SW NE			2150 FEET SOUTH & 2140 FEET WEST FROM NE CORNER, SECTION 32
B	6 S	1 W	WM	32	NE NW			2080 FEET SOUTH & 2990 FEET WEST FROM NE CORNER, SECTION 32

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 use of water for irrigation is limited to the period of March 1 through October 31 of each year.

**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
6 S	1 W	WM	29	SE SE			24.90
6 S	1 W	WM	32	NW NE			7.00
6 S	1 W	WM	32	NE NW			4.50
6 S	1 W	WM	32	NW NW	1		0.60
6 S	1 W	WM	32	NW NW		42	0.04
6 S	1 W	WM	32	SW NW	2		7.00
6 S	1 W	WM	32	SE NW			2.40
6 S	1 W	WM	32	NE SW			6.00
6 S	1 W	WM	32	NW SW			6.00
6 S	1 W	WM	32	SW SW			8.40
6 S	1 W	WM	32	SE SW			1.60
6 S	1 W	WM	32	NW SE			2.50

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	1 W	WM	29	NW SW	2		1.30
6 S	1 W	WM	29	SE SW			18.80
6 S	1 W	WM	32	NE NE			8.90
6 S	1 W	WM	32	NW NE			0.40
6 S	1 W	WM	32	SW NE			21.50
6 S	1 W	WM	32	SE NE			35.40
6 S	1 W	WM	32	NE NW			22.20
6 S	1 W	WM	32	SE NW			30.00
6 S	1 W	WM	32	NE SW			22.80
6 S	1 W	WM	32	NW SW			2.00
6 S	1 W	WM	32	NE SE			0.30
6 S	1 W	WM	32	NW SE			13.10

AGRICULTURE USE						
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
6 S	1 W	WM	32	NW NE		
6 S	1 W	WM	32	SW NE		
6 S	1 W	WM	32	SE NW		

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.

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.

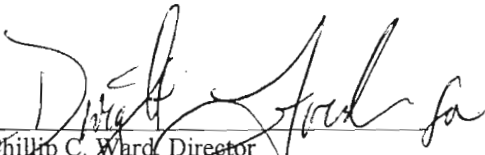
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 OCT 15 2009

  
Phillip C. Ward, Director  
Water Resources Department

