

STATE OF OREGON  
 COUNTY OF MARION  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAROLD M. MILLER  
 PO BOX 989  
 JEFFERSON OREGON 97032

confirms the right to use the waters of INTERMITTENT SURFACE RUN-OFF/NURSERY RUN-OFF AND MILLER PONDS 7 AND 8, constructed under Permit R-11478, tributaries of the Sidney Ditch, a tributary of the Willamette River, for AGRICULTURE USES, IRRIGATION of 67.3 ACRES, AND SUPPLEMENTAL IRRIGATION of 36.7 ACRES.

This right was perfected under Permit 51511. The dates of priority are MAY 11, 1992 for 1.27 CUBIC FEET PER SECOND (CFS) and JUNE 25, 1993 FOR 0.11 CFS. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.38 CFS from live flow AND 7.87 ACRE FEET of water stored in Miller Ponds, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
9 S	3 W	WM	27	NW NW		51	340 FEET SOUTH AND 290 FEET EAST FROM NW CORNER, SECTION 27

The amount of water used for AGRICULTURE USES (NURSERY OPERATIONS) is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, including propagation of wetland plants, the amount diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Irrigation from live flow may occur March 1 through June 30; agriculture use (nursery operations) from live flow may occur September 1 through June 30. Stored water may be used at anytime.

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

**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 AND AGRICULTURE USE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	3 W	WM	22	SW NW		51	1.7
9 S	3 W	WM	22	SE NW		51	18.5
9 S	3 W	WM	22	NE SW		51	10.0
9 S	3 W	WM	22	NW SW		51	9.5
9 S	3 W	WM	22	SW SW		51	17.9
9 S	3 W	WM	22	SE SW		51	2.1
9 S	3 W	WM	27	NW NW		51	7.6

SUPPLEMENTAL IRRIGATION AND AGRICULTURE USE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	3 W	WM	21	SE SE		51	8.2
9 S	3 W	WM	22	NW SW		51	8.2
9 S	3 W	WM	22	SW SW		51	19.1
9 S	3 W	WM	27	NW NW		51	1.1
9 S	3 W	WM	28	NE NE		51	0.1

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.

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.

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Phillip C. Ward, Director  
Water Resources Department

