

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORPAC FOODS INC.
PO BOX 458
STAYTON OR 97383

confirms the right to use the waters of THREE RESERVOIRS, BEING RESERVOIR 1, CONSTRUCTED UNDER PERMIT R-6170, RESERVOIRS 2 & 3, CONSTRUCTED UNDER PERMIT R-12083, AND EFFLUENT, TRIBUTARIES OF NORTH SANTIAM RIVER, for SUPPLEMENTAL IRRIGATION of 62.4 ACRES.

This right was perfected under Permit S-52939. The date of priority is OCTOBER 31, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.78 CUBIC FOOT PER SECOND FROM EFFLUENT AND 122.5 ACRE FEET (AF) PER YEAR STORED WATER, BEING 12.0 AF FROM RESERVOIR 1, 76.75 AF FROM RESERVOIR 2, AND 33.75 AF FROM RESERVOIR 3, or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is: March 1 through October 31 from stored water only each year. The use of effluent is allowed whenever such water is available and necessary for beneficial use.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
9 S	1 W	WM	16	NW SE			120 FEET SOUTH & 420 FEET EAST FROM C1/4 CORNER, SECTION 16

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.

A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	1 W	WM	20	NE NE			32.0
S	1 W	WM	20	NW NE			30.4

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.

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.

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

Diversion screening shall be operated to Oregon Department of Fish and Wildlife specifications.

The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

The use of water shall be limited to the water available at the point of diversion, and shall not carry with it the right to compel the continuance of the waste water.

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 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.

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Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department