

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PATRICK J JOHNSTON
RT 1 BOX 317
WOODBURN OR 97071

confirms the right to use the waters of CHAMPOEG CREEK AND RESERVOIR CONSTRUCTED UNDER PERMIT R-5064, A TRIBUTARY OF WILLAMETTE RIVER for IRRIGATION of 32.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 78.0 ACRES.

This right was perfected under Permit 32873. The date of priority is FEBRUARY 26, 1968. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.02 CUBIC FEET PER SECOND 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
4 S	2 W	WM	27	SE SW		54	210 FEET NORTH & 1480 FEET EAST FROM SW CORNER, SECTION 27

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 period of March 1 through April 30 of each year from direct flow and storage from reservoir constructed under Permit R-5064, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall be subject to the terms and agreement between Arthur McKay, Patrick Johnston, Walter Wilmes and Neal Miller, recorded at page 979, Volume 4, Miscellaneous Records of the State Engineer and by reference made a part hereof, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

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
4 S	2 W	WM	27	SE SW		88	6.9
4 S	2 W	WM	27	SE SW		54	6.7
4 S	2 W	WM	27	SW SE		88	3.0
4 S	2 W	WM	27	SW SE		54	1.1
4 S	2 W	WM	34	NW NE		54	0.1
4 S	2 W	WM	34	NE NW		54	9.8
4 S	2 W	WM	34	NW NW		54	4.6

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	27	SW SE		54	2.0
4 S	2 W	WM	27	SW SE		88	7.0
4 S	2 W	WM	34	NW NE		88	0.2
4 S	2 W	WM	34	NW NE		54	7.3
4 S	2 W	WM	34	NE NW		54	28.0
4 S	2 W	WM	34	NW NW		54	8.5
4 S	2 W	WM	34	SW NW		87	1.2
4 S	2 W	WM	34	SW NW		54	8.8
4 S	2 W	WM	34	SE NW		87	4.2
4 S	2 W	WM	34	SE NW		54	10.8

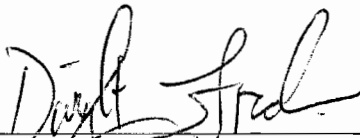
This superseding certificate is issued to describe the period of allowed use as outlined in a Settlement Agreement for Application G-16308, signed July 1, 2010, and supersedes Certificate 40458.

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.

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 AUG 27 2010



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