

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROY AND DARLENE SMITH
22215 WALLACE RD NW
SALEM, OREGON 97304

confirms the right to use the waters of A WELL in the WILLAMETTE RIVER BASIN for IRRIGATION OF 48.7 ACRES AND AGRICULTURAL USE (ORCHARD SPRAYING).

This right was perfected under Permit G-12154. The dates of priority are APRIL 4, 1991 FOR 0.05 CUBIC FOOT PER SECOND (CFS) FOR IRRIGATION; SEPTEMBER 15, 1992 FOR 0.03 CFS FOR IRRIGATION; SEPTEMBER 15, 1992 FOR 4919.2 GALLONS PER DAY (GPD) FOR AGRICULTURAL USE. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.08 CFS FOR IRRIGATION OR 4919.2 GPD FOR AGRICULTURAL USE (ORCHARD SPRAYING) or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	33	NE NW	38	35 FEET NORTH AND 310 FEET EAST FROM THE NE CORNER OF A. MATHENY DLC 60.

The amount of water used for irrigation under this right, 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) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

IRRIGATION AND AGRICULTURAL USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	28	SE SW	38	3.1
5 S	3 W	WM	28	SW SE	38	4.3
5 S	3 W	WM	33	NW NE	38	12.0
5 S	3 W	WM	33	NE NW	38	29.3

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 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.

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 Director may require water levels 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.

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 is issued to correct a scrivener's error in which the previous certificate number, 81498, was omitted from Certificate 85410. This certificate supersedes Certificate 85410 and describes that portion of the water right confirmed by Certificate 81498, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May 21, 2009, approving Transfer Application T-9812.

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 without waste on the lands or 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.

WITNESS the signature of the Water Resources Director, affixed JUN 22 2011



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR