

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EDER BROTHERS INC.
11690 HOOK RD NE
MOUNT ANGEL OR 97362

confirms the right to use the waters of ABIQUA CREEK, tributary to PUDDING RIVER, PUDDING RIVER, tributary to MOLALLA RIVER for IRRIGATION of 152.6 ACRES.

This right was perfected under Permit 21522 with a date of priority of MAY 14, 1952, Permit 28621 with a date of priority of FEBRUARY 14, 1963, and Permit 34385 with a date of priority of MAY 15, 1969. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.20 CUBIC FEET PER SECOND (CFS), being 0.89 CFS from the Pudding River with priority of May 14, 1952, 0.22 CFS from Abiqua Creek with priority of February 14, 1963, and 0.09 CFS from Abiqua Creek with priority of May 15, 1969 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	Measured Distances
6 S	1 W	WM	17	SE NE	2670 FEET SOUTH & 960 FEET WEST FROM SOUTHERLY SW CORNER, DLC 53

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 shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	1 W	WM	8	SE SE			3.6
6 S	1 W	WM	9	SW SW	4		20.0
6 S	1 W	WM	9	SE SW	5		0.6
6 S	1 W	WM	16	NE NW			4.0
6 S	1 W	WM	16	NW NW			28.8
6 S	1 W	WM	17	NE NE			36.6
6 S	1 W	WM	17	NW NE	1		27.4
6 S	1 W	WM	17	SW NE		56	5.0

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	1 W	WM	17	SW NE	2		8.0
6 S	1 W	WM	17	NE NW		56	9.4
6 S	1 W	WM	17	NW NW		56	9.1
6 S	1 W	WM	17	SE NW		56	0.1

The water rights, described above, perfected under Permit 21522, a portion of Permit 28621, and Permit 34385 are combined into a single right, and may not be separated at a later date.

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	1 W	WM	17	SE NE		NONE GIVEN
6 S	1 W	WM	24	SW NW	50	WALKER DITCH - 1780 FEET SOUTH & 4630 FEET WEST FROM NE CORNER, SECTION 24
6 S	1 W	WM	24	SW NW	50	1780 FEET SOUTH & 4630 FEET WEST FROM NE CORNER, SECTION 24
6 S	1 W	WM	24	SW NW	50	1820 FEET SOUTH & 4480 FEET WEST FROM NE CORNER, SECTION 24

When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The portion of the water right allowing use of water from Abiqua Creek shall be regulated with other rights to the use of water from Abiqua Creek.

This certificate is issued to confirm a change in place of use, point of diversion, and combining of water rights approved by an order of the Water Resources Director entered August 11, 1995, at Special Order Volume 49, Page 273, approving Transfer Application 6605, and supersedes Certificates 28364, 40147, and a portion of Certificate 36097, State record of Water Right Certificates.

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.

Issued JUL 13 2012



 Dwight W. French
 Water Right Services Administrator, for
 Phillip C. Ward, Director