

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID BANY
5442 SW KRUSE RD
WILSONVILLE OR 97070

confirms the right to use the waters of BANY WELL 2 AND BANY WELL 4 in the Willamette Basin for AGRICULTURE USES AND IRRIGATION USE ON 5.80 ACRES.

This right was perfected under Permit G-16065. The date of priority is OCTOBER 20, 2005. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.078 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.022 CFS FOR AGRICULTURE AND 0.073 CFS FOR IRRIGATION or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	18	SE SW	BANY WELL 4 - 1442 FEET NORTH AND 1106 FEET EAST FROM SE CORNER, MINKLER DLC 48
3 S	1 E	WM	18	SW SE	BANY WELL 2 - 699 FEET NORTH AND 1499 FEET EAST FROM SE CORNER, MINKLER DLC 48

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 right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	18	NE SW	0.22
3 S	1 E	WM	18	SE SW	3.88
3 S	1 E	WM	18	SW SE	1.70

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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, 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. 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 within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The totalizing flow meter must be maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The water user 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; provided however, where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The wells shall produce groundwater only from the alluvial groundwater reservoir between approximately zero feet and 500 feet below land surface.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

The Director may require water level 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.

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 shall be limited when it interferes with any prior surface or ground water rights.

Issued July 5 2012

E. Timothy Ward for
Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department