

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KRAEMER FARMS
13318 DOMINIC RD NE
MOUNT ANGEL, OR 97362

confirms the right to use the waters of ZOLLNER CREEK, a tributary to the PUDDING RIVER for IRRIGATION OF 4.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 295.9 ACRES.

This right was perfected under Permit S-53657. The date of priority is APRIL 26, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.865 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The period of allowed use is March 1 through June 30 and as further limited below.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 W	WM	3	NE NE	POD 1 - 400 FEET SOUTH AND 750 FEET WEST FROM THE NE CORNER OF SECTION 3
6 S	1 W	WM	3	NE NE	POD 2 - 1020 FEET SOUTH AND 190 FEET WEST FROM THE NE CORNER OF SECTION 3

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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 W	WM	2	SW NW	1.7
6 S	1 W	WM	3	SE SE	2.3

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	34	SW SW	34.0
5 S	1 W	WM	34	SE SW	28.2
6 S	1 W	WM	2	SW NW	9.5
6 S	1 W	WM	2	SE NW	8.3
6 S	1 W	WM	3	NW NE	9.1
6 S	1 W	WM	3	SW NE	12.0
6 S	1 W	WM	3	NW NW	19.6
6 S	1 W	WM	3	SW NW	27.5
6 S	1 W	WM	3	SE NW	30.0
6 S	1 W	WM	3	NE SE	40.0
6 S	1 W	WM	3	SE SE	22.0
6 S	1 W	WM	4	NE NE	16.9
6 S	1 W	WM	4	SE NE	36.5
6 S	1 W	WM	4	NE SE	2.3

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meters or measuring devices 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 meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

Consistent with the August 1, 1994, Agreement between the water user and ODFW, and on file with the Water Resources Department in Application S-72037 and R-72038, diversion of water under this right, combined with diversion under Application S-72037, Permit 52836 and Application R-72038, Permit R-12051, shall be limited to no more than 25 percent of the instream flow of Zollner Creek as measured at the staff gage described below.

Consistent with the August 1, 1994, Agreement between the water user and ODFW and on file with the Water Resources Department in Application S-72037 and R-72038, diversion of water under this right may only occur when there is a minimum of 1.0 cfs of natural streamflow entering Kraemer Farms Reservoir (application R-72038, Permit R-12051). While diversion is occurring, if the natural streamflow entering Kraemer Farms Reservoir, measured at the staff gage described below drops below 1.0 cfs, diversion shall cease.

The water user shall maintain a staff gage to measure the natural stream flow entering Kraemer Farms Reservoir (Application R-72038, Permit R-12051) to the satisfaction of the Watermaster which shall include periodic discharge measurements to adequately define an accurate rating for the staff gage. By March 1 of each year the water user shall provide the discharge measurements and staff gage rating to the Watermaster for review.

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

The water user shall maintain and operate fish screening as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

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 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.

This certificate describes that portion of the water right confirmed by Certificate 87357, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 31 2013, approving Transfer Application T-6947.

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.

WITNESS the signature of the Water Resources Director, affixed JAN 31 2013.


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