

STATE OF OREGON
 COUNTY OF BENTON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARION L and MELISSA A THEURER
 645 HERITAGE HILLS DRIVE
 PHILOMATH OREGON 97370

T-E RANCH, LLC
 815 HERITAGE HILLS DRIVE
 PHILOMATH OREGON 97370

confirms the right to use the waters of MARYS RIVER, tributary to WILLAMETTE RIVER for IRRIGATION of 2.6 ACRES.

This right was perfected under Permit 43042. The date of priority is MARCH 31, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.03 CUBIC FOOT 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 | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|---|
| 11 S | 6 W | WM | 35 | SE SW | 49 | 250 FEET NORTH & 150 FEET WEST FROM SW CORNER, KENNEDY DLC 77 |

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 as follows:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
|------|-----|-----|-----|-------|-----|-------|
| 11 S | 6 W | WM | 35 | SE SW | 41 | 1.8 |
| 12 S | 6 W | WM | 2 | NE NW | 49 | 0.8 |

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

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|---|
| 12 S | 6 W | WM | 2 | NE NW | 49 | 950 FEET SOUTH AND 170 FEET EAST FROM SW CORNER, KENNEDY DLC 77 |

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 183.482. 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.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.


Water shall be acquired from the same surface source as the original point of diversion.

The water user shall maintain a fish screen or fish by-pass device.

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.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered JANUARY 27, 1999, at Special Order Volume 53, Page 256, approving Transfer Application 7864, and together with Certificate 75980, supercedes Certificate 51551, State record of Water Right Certificates.

Issued DEC 31 2013


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