

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JIM FLEISHMEN
34464 BREWSTER RD
LEBANON OR 97355

confirms the right to use the waters of SOUTH SANTIAM RIVER AND WILLAMETTE BASIN PROJECT RESERVOIRS, UNDER PERMIT R-5363, TRIBUTARIES OF SANTIAM RIVER for IRRIGATION of 41.1 ACRES.

This right was perfected under Permit S-51923. The date of priority is DECEMBER 23, 1992.

Quantity of Use: 0.51 CUBIC FOOT PER SECOND FROM RIVER, and 92.2 ACRE-FEET STORED WATER ONLY

Period of Use: Stored water: APRIL 1 to SEPTEMBER 30 WITH USBOR CONTRACT, Live stream flow: APRIL 1-30 and OCTOBER 1-31

The point of diversion is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|--|
| 11 S | 2 W | WM | 25 | NE NW | SOUTH SANTIAM RIVER – SOUTH 47 DEGREES 30 MINUTES WEST, 625 FEET FROM THE NORTH 1/4 CORNER, SECTION 25 |

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-foot per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 11 S | 2 W | WM | 25 | NE NE | 0.1 |
| 11 S | 2 W | WM | 25 | NW NE | 39.8 |
| 11 S | 2 W | WM | 25 | SE NE | 1.2 |

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 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 use of water under this right is subject to the terms and conditions of Water Service Contract No. 5-07-10-W1082 or a satisfactory replacement between the Bureau of Reclamation and the water user, a copy of which is on file in the records of the Water Resources Department.

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.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

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.

Issued MAR 14 2014 .



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