

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RON BENTZ
133 W REGIS
STAYTON, OR 97383

confirms the right to use the waters of NEAL CREEK (aka BURMESTER CREEK), A TRIBUTARY OF THOMAS CREEK, for FISH CULTURE.

This right was perfected under Permit S-52037. The date of priority is JANUARY 26, 1996 (DATE OF COMMISSION APPROVAL TO ACCEPT APPLICATION). The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.78 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is YEAR ROUND.

The point of diversion is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|---|
| 10 S | 1 E | WM | 17 | NE NW | 750 FEET SOUTH AND 700 FEET WEST FROM N1/4 CORNER, SECTION 17 |

A description of the place of use is as follows:

| Twp | Rng | Mer | Sec | Q-Q |
|------|-----|-----|-----|-------|
| 10 S | 1 E | WM | 17 | NE NW |

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable 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.

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.

The water user shall not construct, operate, or maintain any dam or artificial obstruction in the channel of Neal Creek.

The water user shall maintain and operate both upstream and downstream fish screening for fish passage facilities, raceways, and ponds as required by the Oregon Department of Fish and Wildlife to prevent fish from entering and escaping from the fish hatchery system.

The use is to be largely non-consumptive in nature. Any consumptive use would not be allowed under the terms of this water right.

The water user shall not divert any amount of water that would cause the flow of Neal Creek (aka Burmester Creek) to be less than 0.50 cfs below the point of diversion.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

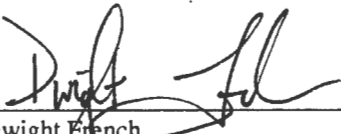
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

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

Issued JAN 23 2015



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department