

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID VAN ESSEN
38846 RIVER DR
LEBANON OR 97355

confirms the right to use the waters of WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-5363, AND SOUTH SANTIAM RIVER, TRIBUTARIES OF SANTIAM RIVER, for AGRICULTURAL USE of 36.6 ACRES, IRRIGATION OF 4.9 ACRES and SUPPLEMENTAL IRRIGATION OF 31.7 ACRES.

This right was perfected under Permit S-51694. The date of priority is OCTOBER 23, 1992. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.538 CUBIC FOOT PER SECOND FROM THE SOUTH SANTIAM RIVER FOR AGRICULTURAL USE AND 105.75 ACRE-FEET STORED WATER ONLY FOR IRRIGATION or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|-----|-----|-----|-------|---|
| 12 S | 1 W | WM | 19 | SE SE | POD 1 - 950 FEET NORTH AND 10 FEET WEST FROM SE CORNER, SECTION 19 |
| 12 S | 1 W | WM | 20 | SW SW | POD 2 - 760 FEET NORTH AND 510 FEET EAST FROM SE CORNER, SECTION 19 |

The amount of water used for AGRICULTURAL USE is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for AGRICULTURAL USE may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to 2.5 acre feet per acre during the irrigation season of each year.

Water may be appropriated from South Santiam River for AGRICULTURAL USE only during the period of October 1 through April 30 of each year.

Water released from storage may be appropriated for irrigation during the period April 1 through September 30.

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.

A description of the place of use is as follows:

| AGRICULTURAL USE SOUTH SANTIAM RIVER OCTOBER 1 THROUGH APRIL 30 | | | | | | |
|--|------------|------------|------------|------------|------------|--------------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 12 S | 1 W | WM | 19 | SE SE | 39 | 5.6 |
| 12 S | 1 W | WM | 29 | NW NW | | 10.5 |
| 12 S | 1 W | WM | 29 | SW NW | | 6.7 |
| 12 S | 1 W | WM | 30 | NE NE | 39 | 12.5 |
| 12 S | 1 W | WM | 30 | SE NE | 39 | 1.3 |

| IRRIGATION WILLAMETTE BASIN PROJECT RESERVOIRS APRIL 1 THROUGH SEPTEMBER 30 | | | | | | |
|--|------------|------------|------------|------------|------------|--------------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 12 S | 1 W | WM | 29 | NW NW | | 2.3 |
| 12 S | 1 W | WM | 29 | SW NW | | 1.55 |
| 12 S | 1 W | WM | 30 | NE NE | 39 | 0.15 |
| 12 S | 1 W | WM | 30 | SE NE | 39 | 0.9 |

| SUPPLEMENTAL IRRIGATION WILLAMETTE BASIN PROJECT RESERVOIRS APRIL 1 THROUGH SEPTEMBER 30 | | | | | | |
|---|------------|------------|------------|------------|------------|--------------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 12 S | 1 W | WM | 19 | SE SE | 39 | 5.6 |
| 12 S | 1 W | WM | 29 | NW NW | | 8.2 |
| 12 S | 1 W | WM | 29 | SW NW | | 5.15 |
| 12 S | 1 W | WM | 30 | NE NE | 39 | 12.35 |
| 12 S | 1 W | WM | 30 | SE NE | 39 | 0.4 |

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director 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.

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.

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

The use of water under this right is subject to the terms and conditions of Contract No. 5-07-10-W1029 between the Bureau of Reclamation and the water user, or a satisfactory replacement, a copy of which is on file in the records of the Water Resources Department.

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.

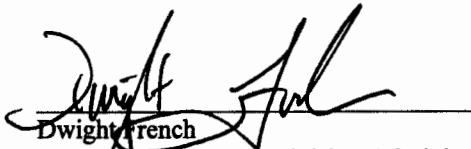
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 lands or place of use described.

Issued MAR 04 2016



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