

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT FESSLER
 11796 MONITOR MCKEE RD
 WOODBURN OR 97071

confirms the right to use the waters of SIX WELLS in the Pudding River Basin for IRRIGATION of 163.2 ACRES AND NURSERY USE ON 22.0 ACRES.

This right was perfected under Permit G-11807. The date of priority is DECEMBER 26, 1989. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.7 CUBIC FEET PER SECOND (CFS), BEING 2.49 CFS FOR NURSERY USE AND 1.21 CFS FOR IRRIGATION, in any combination from the wells (see well capacity table below), or its equivalent in case of rotation, measured at the wells.

Well Capacity Table	
Well Number	Well Capacity
1	0.68 cfs
2	0.41cfs
3	0.41 cfs
4	1.35 cfs
5	0.81 cfs
6	0.54 cfs

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	22	SW SW	WELL 5 - 2670 FEET NORTH & 400 FEET EAST FROM E 1/4 CORNER, SECTION 28
5 S	1 W	WM	27	NW NW	WELL 4 - 1780 FEET NORTH & 1250 FEET EAST FROM E 1/4 CORNER, SECTION 28
5 S	1 W	WM	27	SW NW	WELL 3 - 50 FEET NORTH & 130 FEET EAST FROM E 1/4 CORNER, SECTION 28
5 S	1 W	WM	28	NE NE	WELL 6 - 2350 FEET NORTH & 900 FEET WEST FROM E 1/4 CORNER, SECTION 28
5 S	1 W	WM	28	SE NE	WELL 1 - 1300 FEET NORTH & 920 FEET WEST FROM E 1/4 CORNER, SECTION 28
5 S	1 W	WM	28	SE NE	WELL 2 - 730 FEET NORTH & 1080 FEET WEST FROM E 1/4 CORNER, SECTION 28

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 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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year. The period of allowed use for irrigation is March 1 through October 31.

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	21	SE SE	0.6
5 S	1 W	WM	22	SW SW	1.0
5 S	1 W	WM	27	NW NW	40.0
5 S	1 W	WM	27	SW NW	40.0
5 S	1 W	WM	28	NE NE	32.0
5 S	1 W	WM	28	NW NE	2.5
5 S	1 W	WM	28	SE NE	8.0
5 S	1 W	WM	28	NE SE	29.4
5 S	1 W	WM	28	SE SE	9.7

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	SE NE	20.2
5 S	1 W	WM	28	NE SE	1.8

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the wells at all times.

Measurement, recording and reporting conditions:

A. The water user shall maintain the meter or measuring device 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 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.

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alternation 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.

The Director may require water level or pump test results every ten years.

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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