

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MONTECUCCO FARMS LLC
4015 N LOCUST ST
CANBY OR 97013

confirms the right to use the waters of WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, TRIBUTARIES TO THE WILLAMETTE RIVER for IRRIGATION OF 100.5 ACRES AND SUPPLEMENTAL IRRIGATION of 167.84 ACRES.

This right was perfected under Permit S-52049. The date of priority is JANUARY 4, 1994, FOR 316.92 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 8.0 ACRE-FEET OF WATER. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 324.92 ACRE-FEET EACH YEAR or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	1 E	WM	21	SW NE	8	3800 FEET NORTH AND 3410 FEET EAST FROM SW CORNER, SECTION 21

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	1 E	WM	20	SE SW		8.1
3 S	1 E	WM	20	SW SE		1.3
3 S	1 E	WM	21	NE SW		15.6
3 S	1 E	WM	21	SE SW		23.4
3 S	1 E	WM	21	SW SE		1.0
3 S	1 E	WM	28	SW NE		19.1
3 S	1 E	WM	28	SW NW		14.8
3 S	1 E	WM	29	SE NE		17.1
3 S	1 E	WM	29	NE NW		0.1

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	1 E	WM	20	SE SW		13.6
3 S	1 E	WM	20	SW SE		13.0
3 S	1 E	WM	28	NW NW		29.4
3 S	1 E	WM	28	SW NW		2.6
3 S	1 E	WM	29	NE NE		31.5
3 S	1 E	WM	29	NW NE		22.2
3 S	1 E	WM	29	SW NE		16.2
3 S	1 E	WM	29	SE NE		14.54
3 S	1 E	WM	29	NE NW		20.4
3 S	1 E	WM	29	SE NW		4.4

Measurement, recording and reporting conditions:

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

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1027, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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 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 water user shall maintain and operate fish screening and by-pass device as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

In the interest of conserving groundwater, this right may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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 OCT 23 2015.



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