

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KRAEMER FARMS
13318 DOMINIC RD NE
MOUNT ANGEL OR 97362

SCHMITZ AG LANDS, LLC
PO BOX 666
MT ANGEL OR 97362

NORBERT J. SCHMITZ
KATHERINE N. SCHMITZ
PO BOX 666
MT ANGEL OR 97362

confirms the right to use the waters of ZOLLNER CREEK AND KRAEMER FARMS RESERVOIR, CONSTRUCTED UNDER APPLICATION R-72038, PERMIT R-12051, TRIBUTARIES OF PUDDING RIVER for SUPPLEMENTAL IRRIGATION OF 466.0 ACRES AND WILDLIFE HABITAT.

This right was perfected under Permit S-52836. The date of priority is NOVEMBER 22, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.1 CUBIC FOOT PER SECOND (CFS) FROM ZOLLNER CREEK TO MAINTAIN KRAEMER FARMS RESERVOIR FOR WILDLIFE HABITAT; 42.5 ACRE-FEET (AF) OF STORED WATER FROM KRAEMER FARMS RESERVOIR, FOR WILDLIFE HABITAT; AND 102.5 AF OF STORED WATER FROM KRAEMER FARMS RESERVOIR, FOR SUPPLEMENTAL IRRIGATION OF 466.0 ACRES or its equivalent in case of rotation, measured at the point of diversion.

The period of use is NOVEMBER 1 THROUGH APRIL 30 FOR WILDLIFE HABITAT FROM BOTH ZOLLNER CREEK AND KRAEMER FARMS RESERVOIR; MARCH 1 THROUGH OCTOBER 31 FOR SUPPLEMENTAL IRRIGATION OF 466.0 ACRES FROM KRAEMER FARMS RESERVOIR

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
6 S	1 W	WM	3	NE NE		DAM LOCATION – 250 FEET SOUTH AND 1750 FEET EAST FROM N1/4 CORNER, SECTION 3
6 S	1 W	WM	3	NE NE		PUMP – 520 FEET SOUTH AND 1950 FEET EAST FROM N1/4 CORNER, SECTION 3
6 S	1 W	WM	2	NW NW	4	PUMP –1210 FEET SOUTH AND 3370 FEET EAST FROM N1/4 CORNER, SECTION 3

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 irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
5 S	1 W	WM	34	SW SW		34.0
5 S	1 W	WM	34	SE SW		28.2
6 S	1 W	WM	2	NE NW	3	7.0
6 S	1 W	WM	2	NW NW	4	20.7
6 S	1 W	WM	2	SW NW		11.9
6 S	1 W	WM	2	SE NW		10.5
6 S	1 W	WM	3	NE NE		19.2
6 S	1 W	WM	3	NW NE		20.2
6 S	1 W	WM	3	SW NE		14.5
6 S	1 W	WM	3	SE NE		40.0
6 S	1 W	WM	3	NE NW		35.9
6 S	1 W	WM	3	NW NW		19.0
6 S	1 W	WM	3	SW NW		27.5
6 S	1 W	WM	3	SE NW		39.9
6 S	1 W	WM	3	NE SW		20.0
6 S	1 W	WM	3	NE SE		40.0
6 S	1 W	WM	3	NW SE		1.3
6 S	1 W	WM	3	SE SE		22.3
6 S	1 W	WM	4	NE NE	1	15.1
6 S	1 W	WM	4	SE NE		36.5
6 S	1 W	WM	4	NE SE		2.3

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.

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

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.

If the conditions of the Agreement (dated August 1, 1994) made between the Oregon Department of Fish and Wildlife (ODFW) and the applicant, Harold Kraemer of Kraemer Farms, are not met to ODFW specifications, fish passage facilities will be necessary. The Agreement is on file with the 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 OCT 23 2015



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