

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALTER R. MILLER FOR MILLER FORESTS, INC.  
 PO BOX 12395  
 SALEM OR 97309

confirms the right to the use of water perfected under the terms of Permit S-36132. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the points of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: SMALLMAN CREEK AND NORTH SANTIAM RIVER, A TRIBUTARY OF SANTIAM RIVER

PURPOSE or USE: IRRIGATION OF 132.6 ACRES

MAXIMUM RATE: 1.66 CUBIC FEET PER SECOND (CFS), BEING 0.98 CFS FROM SMALLMAN CREEK AND 0.68 CFS FROM NORTH SANTIAM RIVER

DATE OF PRIORITY: APRIL 12, 1971

The points of diversion and well are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
10 S	2 W	WM	9	SW NE	3		WELL (NEW) - 2750 FEET NORTH AND 1760 FEET WEST FROM SE CORNER, SECTION 9
10 S	2 W	WM	9	SW NE	3		POD 2 (NEW) - 3150 FEET NORTH AND 1540 FEET WEST FROM SE CORNER, SECTION 9
10 S	2 W	WM	9	SW NW	5		POD 1 (AUTHORIZED) - 2780 FEET NORTH AND 4450 FEET WEST FROM SE CORNER, SECTION 9
10 S	2 W	WM	10	NW NW		54	POD 4 (AUTHORIZED) - 4820 FEET NORTH AND 380 FEET EAST FROM SE CORNER, SECTION 9

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

A description of the place of use is as follows:

NORTH SANTIAM RIVER							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
10 S	2 W	WM	9	SW NW	5		1.2
10 S	2 W	WM	9	NE SW		62	0.4
10 S	2 W	WM	9	NE SW	4		6.4
10 S	2 W	WM	9	SW SW		62	19.1
10 S	2 W	WM	9	SE SW		62	10.6
10 S	2 W	WM	9	SE SW	9		16.6

SMALLMAN CREEK							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
10 S	2 W	WM	9	NE NE		54	2.5
10 S	2 W	WM	9	NE NE	1		1.5
10 S	2 W	WM	9	SE NE		54	2.4
10 S	2 W	WM	9	SE NE	2		18.2
10 S	2 W	WM	9	NE SE			31.8
10 S	2 W	WM	9	SE SE			1.0
10 S	2 W	WM	10	NW NW		54	6.0
10 S	2 W	WM	10	NW NW	1		0.5
10 S	2 W	WM	10	SW NW		54	4.8
10 S	2 W	WM	10	SE NW		54	9.6

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion described as follows:

NORTH SANTIAM RIVER							
Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	
10 S	2 W	WM	9	SW NW	5	2690 FEET NORTH AND 4190 FEET WEST FROM SE CORNER, SECTION 9	
10 S	2 W	WM	9	NE SW	4	2510 FEET NORTH AND 3060 FEET WEST FROM SE CORNER, SECTION 9	

SMALLMAN CREEK							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
10 S	2 W	WM	10	NW NW		54	3200 FEET NORTH AND 1360 FEET WEST FROM SE CORNER, SECTION 9
10 S	2 W	WM	10	SW NE	3		4760 FEET NORTH AND 430 FEET EAST FROM SE CORNER, SECTION 9

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted at the well. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.


The water user shall maintain fish screen or fish by-pass device, as appropriate, at the new point of diversion.

The use of confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 80682 and any related decree.

This certificate is issued to confirm a change FROM A SURFACE WATER POINT OF DIVERSION TO A GROUNDWATER APPROPRIATION UNDER T-8845 AND A CHANGE IN POINT OF DIVERSION UNDER T-9922, approved by an order of the Water Resources Director entered August 2, 2006, at Special Order Volume 69, Page 283 and at Special Order Volume 69, Page 274, approving Transfer Application 8845 and Transfer Application 9922, supercedes Certificate 80682, State record of Water Right Certificates.

Issued         'JUN 03 2016        

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

