

STATE OF OREGON  
 COUNTY OF CLACKAMAS  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS F. FITZPATRICK  
 DONNA V. FITZPATRICK  
 242 NW ALDER ST  
 DUNDEE OR 97115

confirms the right to use the waters of WELL 2 AND WELL 3 in TEASEL CREEK BASIN for IRRIGATION OF 1.17 ACRES AND GROUP DOMESTIC INCLUDING THE IRRIGATION OF LAWN OR NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH HOUSEHOLD.

This right was perfected under Permit G-13527. The date of priority is NOVEMBER 4, 1997. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.1946 CUBIC FOOT PER SECOND (CFS); BEING 0.18 CFS FOR GROUP DOMESTIC INCLUDING THE IRRIGATION OF LAWN OR NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH HOUSEHOLD AND 0.0146 CFS FOR IRRIGATION; FURTHER LIMITED TO 0.15 CFS FROM WELL 2 AND 0.07 CFS FROM WELL 3.

The period of use is March 1 through October 31 for irrigation and year round for domestic including the irrigation of lawn or noncommercial garden not to exceed one-half acre in area for each household.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	2 E	WM	34	NW SE	WELL 2 - 1390 FEET NORTH AND 1985 FEET WEST FROM SE CORNER, SECTION 34
5 S	2 E	WM	34	NW SE	WELL 3 - 1535 FEET NORTH AND 1660 FEET WEST FROM SE CORNER, SECTION 34

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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 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:

GROUP DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Domestic
5 S	2 E	WM	34	SE NE	5
5 S	2 E	WM	34	NE SE	5
5 S	2 E	WM	34	NW SE	45

**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.

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	2 E	WM	34	SE NE	0.05
5 S	2 E	WM	34	NE SE	1.1
5 S	2 E	WM	34	NW SE	0.02

Measurement, recording and reporting conditions:

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

Groundwater for use under this water right shall be produced from the Little Butte Groundwater Reservoir between 150 and 765 feet below land surface.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

To monitor the effect of water use from the well authorized under this right, the Director may require the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement. The measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The reference level against which any future measurements for the wells will be compared is 601.81 feet below surface for Well 2 and 657.65 feet below land surface for Well 3.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well 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 to determine the water level elevation in the well at all times.

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.

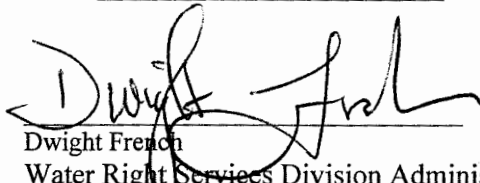
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

Issued DEC 09 2016.



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

