

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS H DEARMOND
11463 BROADACRES RD NE
HUBBARD OR 97032

confirms the right to the use of water perfected under the terms of Permit G-12536. 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 wells. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: THREE WELLS IN SENECALE CREEK BASIN

PURPOSE OR USE: IRRIGATION ON 50.15 ACRES AND NURSERY USE ON 53.4 ACRES

MAXIMUM RATE: NOT TO EXCEED 1.29 CUBIC FOOT PER SECOND (CFS); BEING 0.67 CFS FOR NURSERY USE AND 0.62 CFS FOR IRRIGATION, IN ANY COMBINATION; FURTHER LIMITED TO 0.45 CFS FROM WELL #1 AND 1.09 CFS FROM WELL 2 AND WELL 3.

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: FEBRUARY 20, 1991 FOR 0.67 CFS FOR NURSERY USE AND 0.44 CFS FOR IRRIGATION AND SEPTEMBER 2, 1992 FOR 0.18 CFS FOR IRRIGATION.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	30	SE SE	59	OWRE WELL #2 (ORIGINAL) - 1000 FEET NORTH AND 50 FEET WEST FROM SE CORNER, SECTION 30
4 S	1 W	WM	31	NE NE	59	OWRE WELL #3 (ADDITIONAL) - 220 FEET NORTH AND 400 FEET WEST FROM SE CORNER, DLC 59
4 S	1 W	WM	31	NE NE	59	OWRE WELL #1 (ORIGINAL) - 607 FEET NORTH AND 812 FEET WEST FROM SE CORNER, DLC 59

A description of the place of use is as follows:

NURSERY USE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	NE SW		58	2.3
4 S	1 W	WM	29	NW SW		59	0.3
4 S	1 W	WM	29	NW SW		58	23.1
4 S	1 W	WM	29	SW SW		59	0.7
4 S	1 W	WM	29	SW SW	3		6.2
4 S	1 W	WM	29	SW SW		58	6.9
4 S	1 W	WM	30	NE SE		59	4.0
4 S	1 W	WM	30	NE SE		58	1.4
4 S	1 W	WM	30	SE SE		59	8.5

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.

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	SW SW		59	0.8
4 S	1 W	WM	29	SW SW	3		5.4
4 S	1 W	WM	30	SW SE		59	4.6
4 S	1 W	WM	30	SE SE		59	27.0
4 S	1 W	WM	31	NW NE		59	10.65
4 S	1 W	WM	32	NW NW	2		1.7

The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the in-line flow meter or other suitable device for measuring and recording the quantity of water diverted at the new point of appropriation and maintain the meter or other suitable measuring device approved by the Director at the original point of appropriation 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 nursery use shall be further limited to 0.67 CFS (priority date February 20, 1991), with an annual duty of 2.5 acre-feet per acre (a total of 133.5 acre-feet) over the course of the authorized season of use.

Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

To monitor the effect of water use from the well(s) authorized under this right, the Department requires 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.

Measurements must be made according to the following schedule:

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional 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(s) 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 Water Resources Department has determined that the initial water level in Well #1 is 24.0 feet below ground surface and in Well #2 is 20.0 feet below ground surface. That is the level from which the cited declines in (A), (B), and (C) above will be referenced.

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 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.

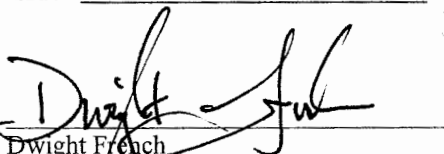
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 place of use described.

This certificate is issued to confirm a change in CHARACTER OF USE AND AN ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered February 10, 2009, at Special Order Volume 77, Page 219, approving Transfer Application 10535, supercedes Certificate 83086, State record of Water Right Certificates.

Issued DEC 16 2016


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