

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STAN HERR  
GREG HERR  
9631 SELAH SPRINGS RD NE  
SILVERTON OR 97381

confirms the right to the use of water perfected under the terms of Permit G-16144. 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 point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16539

SOURCE OF WATER: WELL 2 IN PUDDING RIVER BASIN

PURPOSE OR USE: PRIMARY IRRIGATION USE ON 131.1 ACRES AND PRIMARY IRRIGATION USE TO MAKE UP A DEFICIENCY IN RATE ON 96.9 ACRES

MAXIMUM RATE: 0.89 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.54 CFS TO MAKE UP A DEFICIENCY IN RATE ON 96.9 ACRES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 19, 2005

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	2 W	WM	12	SE SW	61	WELL 2 - 138 FEET SOUTH AND 1080 FEET WEST FROM SE CORNER, DLC 60

The amount of water used for irrigation, 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 and 2.5 acre-feet per acre 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:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	2 W	WM	12	NE SW	60	5.7
7 S	2 W	WM	12	NW SW	60	4.9
7 S	2 W	WM	12	SW SW	60	30.3
7 S	2 W	WM	12	SE SW	60	18.2
7 S	2 W	WM	13	SW NE	67	17.5
7 S	2 W	WM	13	SW NW	67	6.0
7 S	2 W	WM	13	SE NW	67	26.7
7 S	2 W	WM	13	NE SW	67	11.1
7 S	2 W	WM	13	NW SW	67	3.9
7 S	2 W	WM	13	NW SE	67	6.8

PRIMARY IRRIGATION TO MAKE UP A DEFICIENCY IN RATE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	2 W	WM	12	SW SW	61	6.3
7 S	2 W	WM	12	SE SW	61	10.7
7 S	2 W	WM	13	NE NW	61	34.4
7 S	2 W	WM	13	NW NW	61	26.2
7 S	2 W	WM	13	SW NW	61	6.8
7 S	2 W	WM	13	SE NW	61	12.5

Measurement, recording and reporting conditions:

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

The well shall produce groundwater from no deeper than 150 feet below land surface.

The well shall produce groundwater only from the alluvial groundwater reservoir.

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 interference.

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

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

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.

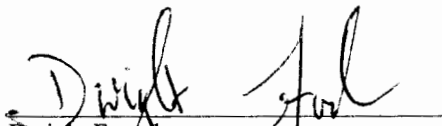
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 FEB 16 2017



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