

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RAY NEUSCHWANDER
6097 S WHISKEY HILL RD
HUBBARD OR 97032

RAY GANNON
2591 BROOKLAKE RD NE
SALEM OR 97303

confirms the right to the use of water perfected under the terms of Permit G-15646. 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-15567

SOURCE OF WATER: TWO WELLS IN BEAR CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 152.2 ACRES, BEING 54.8 ACRES FROM WELL 1 AND 97.4 ACRES FROM WELL 2

MAXIMUM RATE: 1.19 CUBIC FEET PER SECOND (CFS), BEING FURTHER LIMITED TO 0.70 CFS FROM WELL 1 AND 0.49 CFS FROM WELL 2, NOT TO EXCEED MAXIMUM CUMULATIVE TOTAL OF 1.19 CFS

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JULY 25, 2001

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 S	1 E	WM	32	SE NE	4	WELL 1 - 550 FEET NORTH AND 1250 FEET WEST FROM E1/4 CORNER, SECTION 32
4 S	1 E	WM	32	SE NW	2	WELL 2 - 50 FEET NORTH AND 50 FEET WEST FROM C1/4 CORNER, SECTION 32

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre 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.

Descriptions of the place of use are as follows:

Ray Neuschwander – Well 1						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 S	1 E	WM	32	SW NE	3	26.5
4 S	1 E	WM	32	SE NE	4	25.2
4 S	1 E	WM	32	NW SE		3.1

Ray Neuschwander – Well 2						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 S	1 E	WM	32	SW NE	3	2.7
4 S	1 E	WM	32	SE NW	2	3.9
4 S	1 E	WM	32	NE SW		4.3
4 S	1 E	WM	32	NW SE		21.8
4 S	1 E	WM	32	SW SE		31.6

Ray Gannon – Well 2						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 S	1 E	WM	32	SE NW	2	14.4
4 S	1 E	WM	32	NE SW		18.7

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.

The water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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.

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 well(s) 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.

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.

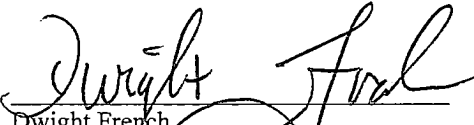
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 22 2017.


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