

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RANDAL F. AEBI
PO BOX 762
MCMINNVILLE OR 97128

confirms the right to the use of water perfected under the terms of Permit S-54446. 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: S-86913

SOURCE OF WATER: POVERTY RESERVOIR (PERMIT R-14431), AND UNNAMED STREAM, TRIBUTARIES OF NORTH FORK YAMHILL RIVER

PURPOSE OR USE: IRRIGATION USE ON 80.4 ACRES, AND POND MAINTENANCE

MAXIMUM VOLUME: 5.75 ACRE FEET EACH YEAR FOR IRRIGATION; 0.31 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FOR IRRIGATION AND 0.09 CFS FOR POND MAINTENANCE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION FROM POVERTY RESERVOIR; MARCH 1 THROUGH APRIL 30 FOR IRRIGATION FROM UNNAMED STREAM; AND MARCH 1 THROUGH MAY 31 FOR POND MAINTENANCE FROM UNNAMED STREAM

DATE OF PRIORITY: JUNE 26, 2007

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	4 W	WM	3	SE SE	44	21 FEET NORTH AND 121 FEET EAST FROM ANGLE CORNER, TUSTIN DLC 45

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 and 2.5 acre-feet 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:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	3	SW NE	45	6.5
4 S	4 W	WM	3	SE NE	45	9.5
4 S	4 W	WM	3	SE NE	44	0.6
4 S	4 W	WM	3	NE SE	44	14.3
4 S	4 W	WM	3	NE SE	45	21.7
4 S	4 W	WM	3	NW SE	45	13.3
4 S	4 W	WM	3	SW SE	45	8.5
4 S	4 W	WM	3	SE SE	45	4.5
4 S	4 W	WM	3	SE SE	44	1.5

POND MAINTENANCE					
Twp	Rng	Mer	Sec	Q-Q	DLC
4 S	4 W	WM	3	SE SE	44

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter in good working order at each point of appropriation, 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(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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.

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.

This right does not allow unauthorized inundation of property not under the ownership of the water user.

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

Issued MAY 4 2018 .



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