

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

VFO INDEPENDENCE LLC
C/O JASON BRADFORD
8930 SUVER RD
MONMOUTH OR 97361

confirms the right to the use of water perfected under the terms of Permit S-54819. 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-87894

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363

PURPOSE or USE: IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 278.5 ACRES

MAXIMUM RATE: 278.5 ACRE-FEET

DATE OF PRIORITY: APRIL 30, 2013

PERIOD OF USE:

Use	Period
IRRIGATION	AUGUST 1 – OCTOBER 31
SUPPLEMENTAL IRRIGATION	MARCH 1 – JULY 31

The point of diversion and re-diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	26	SW NW	WILLAMETTE POD - 1650 FEET SOUTH AND 1000 FEET EAST FROM NW CORNER, SECTION 26
10 S	4 W	WM	3	NE NW	POINT OF RE-DIVERSION - 238 FEET SOUTH AND 663 FEET WEST FROM NE CORNER, DLC 53

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.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	4 W	WM	4	NW NE	67	11.0
10 S	4 W	WM	4	SW NE	67	19.4
10 S	4 W	WM	4	NE NW	67	37.0
10 S	4 W	WM	4	NW NW	67	41.1
10 S	4 W	WM	4	SW NW	67	40.3
10 S	4 W	WM	4	SE NW	67	40.7
10 S	4 W	WM	4	NE SW	67	8.8
10 S	4 W	WM	4	NW SW	67	30.4
10 S	4 W	WM	4	SW SW	67	3.3
10 S	4 W	WM	4	NW SE	67	4.1
10 S	4 W	WM	5	NE NE	67	15.4
10 S	4 W	WM	5	SE NE	67	19.6
10 S	4 W	WM	5	NE SE	67	7.4

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter in good working order at each point of diversion and at each point of re-diversion. The water user 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; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The water user shall maintain and operate the existing fish screens at the diversion from the Willamette River (Willamette POD) and at the re-diversion from the Luckiamute River (Point of Re-Diversion) consistent with Oregon Department of Fish and Wildlife (ODFW) standards.

The use of water under this right is subject to the terms and conditions of contract No. 139E101794, or a satisfactory replacement, between the Bureau of Reclamation and the water user, a copy of which must be on file in the records of the Water Resources Department.

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.

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 such agreement.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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