

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES N SMITH LLC
PO BOX 399
SAINT PAUL OR 97137

confirms the right to the use of water perfected under the terms of Permit S-55030. 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-88235

SOURCE OF WATER: MISSION CREEK RESERVOIR, CONSTRUCTED UNDER R-5248, TRIBUTARY OF CHAMPOEG CREEK

PURPOSE or USE: IRRIGATION OF 190.0

MAXIMUM RATE: 222.28 ACRE-FEET

PERIOD OF USE: MAY 26, 2016

DATE OF PRIORITY: MAY 26, 2016

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	2 W	WM	17	NE NW		67	MULLEN - 1900 FEET NORTH AND 450 FEET WEST FROM SE CORNER, DLC 67
4 S	2 W	WM	17	NW SE	4		SMITH - 2675 FEET NORTH AND 2475 FEET WEST FROM SE CORNER, SECTION 17

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 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:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	POD
4 S	2 W	WM	8	NW SE	9		0.5	MULLEN
4 S	2 W	WM	8	SW SE	8		11.4	MULLEN
4 S	2 W	WM	16	SW NW	1		17.7	SMITH
4 S	2 W	WM	16	SE NW	1		0.4	SMITH
4 S	2 W	WM	16	NE SW	2		0.2	SMITH
4 S	2 W	WM	16	NE SW		99	4.8	SMITH
4 S	2 W	WM	16	NW SW	2		1.4	SMITH
4 S	2 W	WM	16	NW SW		99	38.6	SMITH
4 S	2 W	WM	16	SW SW		99	23.9	SMITH
4 S	2 W	WM	16	SE SW		99	2.7	SMITH
4 S	2 W	WM	17	NE NE	2		7.7	SMITH
4 S	2 W	WM	17	NW NE	3		0.8	MULLEN
4 S	2 W	WM	17	NW NE	3		8.7	SMITH
4 S	2 W	WM	17	SW NE	4		25.3	SMITH
4 S	2 W	WM	17	SE NE	1		39.2	SMITH
4 S	2 W	WM	17	NE SE	9		1.2	SMITH
4 S	2 W	WM	17	NE SE		99	3.0	SMITH
4 S	2 W	WM	17	NW SE	9		0.3	SMITH
4 S	2 W	WM	17	SE SE		99	2.2	SMITH

Measurement devices, and recording/reporting of annual water use conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The water user shall keep a complete record of the volume of water diverted 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.
- D. 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 fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the diversion while passage devices provide adequate upstream and downstream passage for fish.

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.

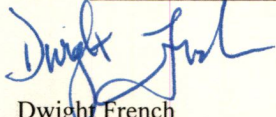
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

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

Issued NOV 06 2020.



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

