

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RAYMON J. NEUSCHWANDER  
6097 S WHISKEY HILL RD  
HUBBARD OR 97032

WARREN BEAN  
BERNICE S. BEAN  
29362 S MERDIAN RD  
HUBBARD OR 97032

NORTHWEST FARM CREDIT SERVICE  
650 HAWTHORNE AVE SE STE 210  
SALEM OR 97301

confirms the right to the use of water perfected under the terms of Permit S-54976. 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-80803

SOURCE OF WATER: AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-80804, PERMIT R-11955, A TRIBUTARY OF THE PUDDING RIVER

PURPOSE or USE: AGRICULTURAL USE AND IRRIGATION OF 41.1 ACRES (NURSERY OPERATIONS)

MAXIMUM RATE/VOLUME ALLOWED: 164.78 ACRE-FEET

PERIOD OF USE: IRRIGATION FROM MARCH 1 THROUGH OCTOBER 31 WITH AGRICULTURAL USE YEAR ROUND

DATE OF PRIORITY: JANUARY 3, 1996

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	31	NW SW	570 FEET SOUTH AND 830 FEET EAST FROM W1/4 CORNER, SECTION 31

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) 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.



A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Owner
4 S	1 E	WM	31	NE NW	5.8	BEAN
4 S	1 E	WM	31	NW NW	9.0	BEAN
4 S	1 E	WM	31	SW NW	12.3	BEAN
4 S	1 E	WM	31	SW NW	1.3	NEUSCHWANDER
4 S	1 E	WM	31	SE NW	3.8	BEAN
4 S	1 E	WM	31	SE NW	1.4	NEUSCHWANDER
4 S	1 E	WM	31	NW SW	4.7	NEUSCHWANDER
4 S	1 E	WM	31	SW SW	2.8	NEUSCHWANDER

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion, as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	31	SW NW	1220 FEET SOUTH AND 1050 FEET EAST FROM W1/4 CORNER, SECTION 31

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.

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 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 **FEB 05 2021**



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