

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALTER R. MILLER FOR MILLER FORESTS, INC.  
 PO BOX 12395  
 SALEM OR 97309

confirms the right to the use of water perfected under the terms of Permit S-52770. 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 points of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: NORTH SANTIAM RIVER AND DETROIT RESERVOIR CONSTRUCTED UNDER PERMIT R-1625, A TRIBUTARY OF SANTIAM RIVER

PURPOSE or USE: IRRIGATION OF 32.4 ACRES

MAXIMUM RATE: 0.405 CUBIC FOOT PER SECOND AND 32.4 ACRE-FEET STORED WATER ONLY

PERIOD OF USE: DIRECT FLOW FROM NORTH SANTIAM RIVER IS LIMITED TO MARCH 1 THROUGH JUNE 30 OF EACH YEAR. THE USE OF WATER FROM DETROIT RESERVOIR IS LIMITED TO MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR

DATE OF PRIORITY: MARCH 2, 1995

The points of diversion and well are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
10 S	5 E	WM	7	SW NW			DETROIT RESERVOIR
10 S	2 W	WM	9	SW NE	3		WELL (NEW) - 2750 FEET NORTH AND 1760 FEET WEST FROM SE CORNER, SECTION 9
10 S	2 W	WM	9	SW NE	3		POD 2 (NEW) - 3150 FEET NORTH AND 1540 FEET WEST FROM SE CORNER, SECTION 9
10 S	2 W	WM	9	SW NW	5		POD 1 (AUTHORIZED) - 2780 FEET NORTH AND 4450 FEET WEST FROM SE CORNER, SECTION 9
10 S	2 W	WM	10	NW NW		54	POD 4 (AUTHORIZED) - 4820 FEET NORTH AND 380 FEET EAST FROM SE CORNER, SECTION 9

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
10 S	2 W	WM	9	NE NE		54	4.8
10 S	2 W	WM	9	SE NE		54	1.0
10 S	2 W	WM	9	SE NE	2		2.0
10 S	2 W	WM	9	NW SW		62	1.8
10 S	2 W	WM	9	SW NW	5		5.4
10 S	2 W	WM	9	SW SW		62	7.4
10 S	2 W	WM	9	SE SW		62	2.8
10 S	2 W	WM	9	SE SW	9		0.7
10 S	2 W	WM	16	NE NW		62	1.4
10 S	2 W	WM	16	NE NW	1		0.2
10 S	2 W	WM	16	NW NW		62	4.9

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or 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.

The use of water may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

The use of water under this right is subject to the terms and conditions of contract No. 6-07-10-W1112, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted at the well. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

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

The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 80806 and any related decree.

This certificate is issued to confirm a change FROM A SURFACE WATER POINT OF DIVERSION TO A GROUNDWATER APPROPRIATION UNDER T-8845 AND A CHANGE IN POINT OF DIVERSION UNDER T-9922, approved by an order of the Water Resources Director entered August 2, 2006, at Special Order Volume 69, Page 283 and at Special Order Volume 69, Page 274, approving Transfer Application 8845 and Transfer Application 9922, supercedes Certificate 80806, State record of Water Right Certificates.

Issued         JUN 03 2016        

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