

STATE OF OREGON

COUNTY OF

MARION

CERTIFICATE OF WATER RIGHT

This is to certify, That KLUPENGER'S NURSERY AND GREENHOUSES, INC.

of 24075 Klupenger Road NE, Aurora, State of OR 97002, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Wells 1 & 2

a tributary of Willamette River for the purpose of supplemental irrigation of 52.17 acres, related nursery uses, containerized nursery operation, and greenhouse nursery operation under Permit No. G-9846 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from

December 31, 1980 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

2.23 cubic feet per second: being 0.65 cfs for supplemental irrigation, and 2.23 cfs for related nursery uses, containerized nursery operation, and greenhouse nursery operation, provided the total quantity of water diverted* or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SE 1/4 NE 1/4, Section 33, T3S, R1W, WM; Well 1 - 260 feet North and 30 feet West; Well 2 - 150 feet North and 190 feet West both from E 1/4 corner Section 33.

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 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that in the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not exceed the capacity of this well at the time of perfection of this right,** and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

*for all uses shall not exceed 2.23 cfs

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**and shall be further limited to a diversion of not to exceed 1.0 acre-foot per acre for each acre irrigated during the period from October 1 to March 31, provided further that the right allowed herein, together with the amount secured under any other right existing for the same land, shall not exceed 2.5 acre-feet for each acre irrigated in any one year. The use of water during the period from October 1 to March 31 as authorized here in shall not establish priority of right as against future appropriations of ground water for beneficial uses other than similiar rights for irrigation from October 1 to March 31, and shall conform to such reasonable rotation system as may be ordered by the proper state officer. The use allowed for supplemental irrigation may be made any time between October 1 and March 31 when water can be put to beneficial use by irrigation for immediate crop growth.

SUPPLEMENTAL IRRIGATION

30.10 acres SW 1/4 NE 1/4
2.76 acres SE 1/4 NE 1/4
9.71 acres SE 1/4 NW 1/4
Section 33

9.60 acres NW 1/4 SW 1/4
Section 34

CONTAINERIZED NURSERY OPERATION

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SE 1/4 NW 1/4
Section 33

GREENHOUSE NURSERY OPERATION

SW 1/4 NE 1/4
SE 1/4 NE 1/4
Section 33

RELATED NURSERY USE

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SE 1/4 NW 1/4
Section 33

NW 1/4 SW 1/4
Section 34

Township 3 South, Range 1 West, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. April 3, 1987

/s/ William H. Young
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Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51 , page 56069