

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BAILEY NURSERIES, INC.
9855 N.W. PIKE ROAD
YAMHILL, OREGON 97148

confirms the right to use the waters of NORTH YAMHILL RIVER, a tributary of YAMHILL RIVER, for IRRIGATION OF 26.5 ACRES.

This right was perfected under Permit 13354. The date of priority is NOVEMBER 15, 1938. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.33 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4, NW 1/4, AS PROJECTED WITHIN DLC 54, SECTION 16, T 3 S, R 4 W,
W.M.; 380 FEET SOUTH AND 2240 FEET WEST FROM THE NE CORNER OF DLC 54.

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

SW 1/4 NW 1/4 6.0 ACRES
NW 1/4 SW 1/4 15.8 ACRES
BOTH AS PROJECTED WITHIN DLC 54
SECTION 16

SE 1/4 NE 1/4 1.4 ACRES
NE 1/4 SE 1/4 3.3 ACRES
BOTH AS PROJECTED WITHIN DLC 54
SECTION 17
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion.

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.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JANUARY 16, 1992, and supersedes Certificate 14205, State Record of Water Right Certificates.

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The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MARCH 27, 1996.

/s/ MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72219.