

STATE OF OREGON  
COUNTY OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLENN WALTERS NURSERY, INC.  
P.O. BOX 280  
BANKS, OREGON 97106

confirms the right to use the waters of A WELL in the COUNCIL CREEK BASIN for AGRICULTURAL USE AND IRRIGATION OF 55.6 ACRES.

This right was perfected under Permit G-11803. The date of priority is MAY 28, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.71 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 SE 1/4, AS PROJECTED WITHIN MULKEY DLC 53, SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M.; 2000 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 23.

The amount of water used for AGRICULTURAL USE 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 AGRICULTURAL USE may be made at anytime, during the period of allowed use specified above, 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. The period of allowed use for irrigation is March 1 through October 31 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:

NE 1/4 SE 1/4 9.4 ACRES  
SE 1/4 SE 1/4 1.9 ACRES  
BOTH AS PROJECTED WITHIN W. MULKEY DLC 53  
SECTION 23

NE 1/4 SW 1/4 7.7 ACRES  
NW 1/4 SW 1/4 26.9 ACRES  
SW 1/4 SW 1/4 9.7 ACRES  
ALL AS PROJECTED WITHIN W. MULKEY DLC 53  
SECTION 24  
TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or measuring device 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 water user shall report a March static water level in the well to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water right examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board, licensed land surveyor or the water user/appropriator. Measurements and calculations shall be provided to the Department on forms provided by the Department and shall be certified as to their accuracy by the individual making the measurements.

Use of water from the well shall not be allowed if the well displays an (A) average water level decline of three or more feet per year for five consecutive years, or (B) a water level decline of fifteen or more feet in fewer than five consecutive years, or (C) a water level decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well are those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

The Director may require pump test results every ten years.

Failure to comply with any of the provision of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

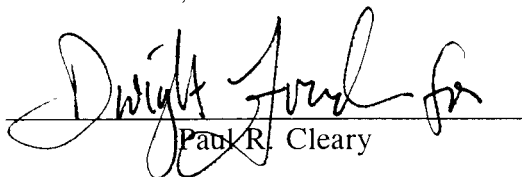
The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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 shall be limited when it interferes with any prior surface or ground water rights.

The Director the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

WITNESS the signature of the Water Resources Director, affixed NOVEMBER 30, 2000.



Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76642.