

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MIDWAY NURSERY, INC.
14900 HILLSBORO HWY
HILLSBORO, OREGON 97123

confirms the right to ENLARGE MIDWAY NURSERY RESERVOIR, ORIGINALLY CONSTRUCTED UNDER PERMIT R-11266 and to store the waters of AN UNNAMED STREAM, a tributary of McFEE CREEK, in MIDWAY NURSERY RESERVOIR, appropriated under Permit 51390, for NURSERY OPERATIONS.

The right to store these waters was perfected under Reservoir Permit R-11425. The date of priority is JUNE 17, 1991. The amount of water entitled to be stored each year under this right is not more than 10.0 acre-feet. The storage of water from direct flow is limited to the period from November 1 through April 30 of each year.

The reservoir is located as follows:

E ½ SW 1/4
SECTION 8
TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.

The construction, operation and maintenance of the reservoir is subject to the following conditions:

- 1) The structure shall be operated and maintained in accordance with the approved plans and specifications on file with the Water Resources Department;
- 2) The outlet gate shall be cycled at least one each year in order to assure smooth operation;
- 3) The embankment and spillway shall be kept clear of trees, brush and other debris; and
- 4) The embankment shall be kept free of burrowing animals.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

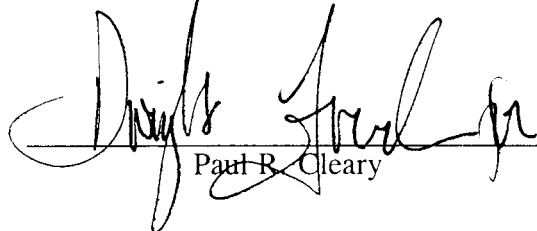
Failure to comply with any of the provision of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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

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


Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76648.

R-71698.SB