

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 store the waters of McFEE CREEK, a tributary of TUALATIN RIVER, in MIDWAY NURSERY RESERVOIR ORIGINALLY CONSTRUCTED UNDER PERMIT R-11266 ENLARGED UNDER PERMIT R-11425, appropriated under Permit 51677, for IRRIGATION, SUPPLEMENTAL IRRIGATION AND AGRICULTURAL USE.

The right to store these waters was perfected under Reservoir Permit R-11569. The date of priority is MAY 26, 1993. The amount of water entitled to be stored each year under this right is not more than 42.0 acre-feet. The storage of water from direct flow is limited to the period from November 1 through June 30 of each year. The quantity of water allowed herein, together with any amount secured under any prior right is limited to the capacity of the reservoir at the time of perfection of this right.

The point of diversion from the stream is located as follows:

SE 1/4 SW 1/4, SECTION 8, TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.; 1140 FEET NORTH AND 2335 FEET EAST FROM THE SW CORNER OF SECTION 8.

The reservoir is located as follows:

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

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 install, 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. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

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.

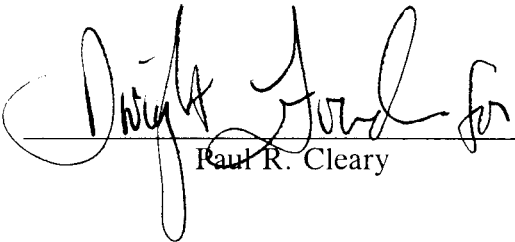
The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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.

The Director of the Water Resources Department finds 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 76650.