

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 use the waters of MIDWAY NURSERY RESERVOIR STORED UNDER PERMIT R-11569, a tributary of McFEE CREEK, for IRRIGATION OF 5.0 ACRES, SUPPLEMENTAL IRRIGATION OF 103.3 ACRES AND AGRICULTURAL USE.

This right was perfected under Permit 51677. The date of priority is MAY 26, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 42.0 ACRE-FEET (AF) STORED WATER ONLY, BEING 15.0 AF FOR AGRICULTURAL USE AND 27.0 AF FOR IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion from the source. The use of stored water for irrigation is limited to March 1 through October 31 of each year. The use of stored water for agricultural use may be made at any time of the year the use is beneficial.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 8, TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.; 1140 FEET NORTH AND 2325 FEET EAST FROM THE SW CORNER OF SECTION 8.

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 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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NE 1/4		27.4 ACRES
SE 1/4 NW 1/4		18.8 ACRES
NE 1/4 SW 1/4		35.0 ACRES
NW 1/4 SW 1/4	5.0 ACRES	9.1 ACRES
SE 1/4 SW 1/4		13.0 ACRES
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 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.

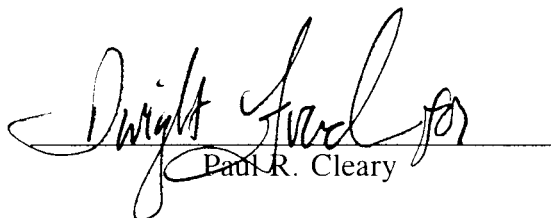
The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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 use 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 76651.