

STATE OF OREGON
 COUNTY OF YAMHILL
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARGARET M. BAILEY, JAMES FRITZ, THOMAS J. CAMPBELL, VIRGINIA K. BARTCH & JONATHON BARTCH, AS COTRUSTEES, GORDON BAILEY REVOCABLE LIVING TRUST DATED NOVEMBER 9, 1989 AS AMENDED (DAVID C. HAUGEBERG, AGENT)
 14301 SE WALLACE ROAD
 DAYTON, OREGON 97114-0399

confirms the right to use the waters of WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, AND LAMBERT SLOUGH, tributaries of the WILLAMETTE RIVER, for NURSERY OPERATIONS ON 163.5 ACRES, BEING PRIMARY IRRIGATION OF 28.1 ACRES, SUPPLEMENTAL IRRIGATION OF 135.4 ACRES AND AGRICULTURAL USE.

This right was perfected under Permit 51918. The date of priority is MARCH 11, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.51 CUBIC FEET PER SECOND FROM LIVE FLOW, AND 409.0 ACRE FEET PER YEAR STORED WATER ONLY, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

POD 1 - LOT 5 (NW 1/4 NW 1/4 SECTION 10, T 5 S, R 3 W, W.M.; 430 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF LOT 5.

POD 2 - LOT 3 (SW 1/4 SW 1/4 SECTION 3, T 5 S, R 3 W, W.M.; 550 FEET SOUTH AND 100 FEET EAST FROM THE SE CORNER OF DLC 52

The amount of water used for NURSERY OPERATIONS 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 NURSERY OPERATIONS may be made at anytime of the year 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 2½ acre feet per acre during the irrigation season of each year. Water from live flow for AGRICULTURAL USE may be appropriated year-round. The use of water for irrigation from live flow is allowed March 1 through June 30 and September 1 through October 31. The use of water for irrigation from stored water is allowed March 1 through October 31 or as may be limited by the Bureau of Reclamation water supply contract.

Measurement, recording and reporting conditions:

- A. The water user shall install meters or other suitable measuring devices as approved by the director. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- 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.

The use of water under this right is subject to the terms and conditions of Water Service Contract No. 5-07-10-W1030 or a satisfactory replacement between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

The water user shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversion. The required screens and by-pass devices are to be in place, functional and approved by the ODFW.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

Failure to comply with any of the provisions 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 the 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 the 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 prior rights for maintaining instream flows.

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

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

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.6 ACRES	13.2 ACRES
AS PROJECTED WITHIN COOPER DLC 53		
SECTION 3		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.5 ACRES	9.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.4 ACRES	2.4 ACRES
BOTH AS PROJECTED WITHIN FORREST DLC 52		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.2 ACRES	2.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.1 ACRES	2.1 ACRES
BOTH AS PROJECTED WITHIN COOPER DLC 53		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		8.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		17.9 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.4 ACRES	14.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.4 ACRES	16.5 ACRES
ALL AS PROJECTED WITHIN COOPER DLC 53		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.1 ACRE	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.6 ACRE	10.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.3 ACRES	3.8 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.2 ACRE	
ALL AS PROJECTED WITHIN THESSING DLC 51		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.3 ACRES	13.9 ACRES
AS PROJECTED WITHIN COOPER DLC 53		
SECTION 9		

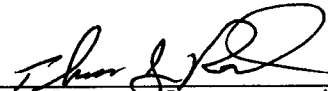
	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW¼ NW¼	0.3 ACRE	1.9 ACRES
AS PROJECTED WITHIN COOPER DLC 53		
LOT 5 (NW¼ NW¼)		0.3 ACRE
SECTION 10		

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

This certificate describes that portion of the water right perfected under Permit 51918 NOT modified by the provisions of an order of the Water Resources Director entered MAY 16 2002, approving Transfer Application 8741.

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 MAY 16 2002.


 Paul R. Cleary, Director



Recorded in State Record of Water Right Certificates numbered 79468.