

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EDWARD, HENRY, DON & GARY ROSHAK
16997 SW BEEF BEND RD
SHERWOOD, OREGON 97140

confirms the right to use the waters of AN UNNAMED STREAM AND BLUEBERRY RESERVOIR CONSTRUCTED UNDER APPLICATION NO. R-75064, CERTIFICATE 69388, tributaries of TUALATIN RIVER, for PRIMARY IRRIGATION AND AGRICULTURAL USE OF 8.0 ACRES AND SUPPLEMENTAL IRRIGATION AND AGRICULTURAL USE ON 77.6 ACRES.

This right was perfected under Permit 52603. The date of priority is NOVEMBER 30, 1994. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.78 CUBIC FOOT PER SECOND FROM THE UNNAMED STREAM AND 20.0 ACRE-FEET PER YEAR STORED WATER FROM BLUEBERRY RESERVOIR, or its equivalent in case of rotation, measured at the point of diversion from the source. Water may be appropriated from live flow for irrigation during the period March 1 through April 30 and for agricultural use during the period December 1 through April 30 of each year. Stored water may be used at any time throughout the year.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 6, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.; 800 FEET NORTH AND 625 FEET WEST FROM SE CORNER, SECTION 6.

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 from direct flow and storage. 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 from direct flow and storage. 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

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

equivalent) and 2.5 acre feet per acre during the irrigation season of each year from direct flow and storage. 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 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 IRRIGATION AND AGRICULTURAL USE</u>	<u>SUPPLEMENTAL IRRIGATION AND AGRICULTURAL USE</u>
SW 1/4 SW 1/4 SECTION 5		15.2 ACRES
SE 1/4 SE 1/4 SECTION 6	8.0 ACRES	25.0 ACRES
NE 1/4 NE 1/4 SECTION 7		37.4 ACRES
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.		

The water user may be required to 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.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the 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.

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.

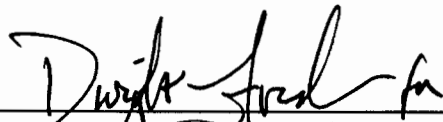
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Issued May 20, 2004.



Paul R. Cleary, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80706.

75063.SB