

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GUTMANN NURSERIES, INC.  
19131 NW DAIRY CREEK ROAD  
NORTH PLAINS, OR 97113

confirms the right to use the waters of EAST FORK OF DAIRY CREEK, a tributary of DAIRY CREEK, for IRRIGATION OF 6.0 ACRES.

This right was perfected under Permit 11068. The date of priority is SEPTEMBER 20, 1933. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.073 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION BEING WITHIN THE NW 1/4 NE 1/4, SECTION 27, TOWNSHIP 2 NORTH, RANGE 3 WEST, W.M.), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 16, TOWNSHIP 2 NORTH, RANGE 3 WEST, W.M.; 200 FEET NORTH AND 1320 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 16.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated.

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:

SE 1/4 NE 1/4 6.0 ACRES  
SECTION 16  
TOWNSHIP 2 NORTH, RANGE 3 WEST, W.M.

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.

The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

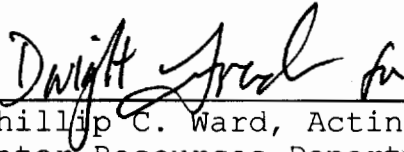
This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered JULY 2, 1997, and together with Certificate 74638, supersedes Certificate 12332, State Record of Water Right Certificates.

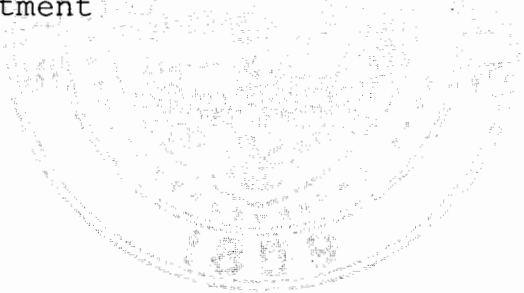
THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE LOCATION OF THE ORIGINAL POINT OF DIVERSION AND SUPERSEDES CERTIFICATE 80709.

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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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.

Issued May 20, 2004.

  
\_\_\_\_\_  
Phillip C. Ward, Acting Director  
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80798.

T-6876.SB