

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD ROBINSON  
ROBINSON NURSERY LLC  
P.O. BOX 100  
AMITY, OR 97101

confirms the right to use the waters of A WELL in the SALT CREEK BASIN for IRRIGATION OF 45.0 ACRES.

This right was perfected under Permit G-11726. The date of priority is JANUARY 10, 1991. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.35 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NW 1/4, AS PROJECTED WITHIN DLC 80, SECTION 8, TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.; 890 FEET SOUTH AND 1520 FEET EAST FROM THE NE CORNER OF DLC 43.

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 and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The period of use allowed under this right is March 1 through October 31 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:

SW 1/4 NW 1/4 3.0 ACRES  
SE 1/4 NW 1/4 3.0 ACRES  
NE 1/4 SW 1/4 18.0 ACRES  
NW 1/4 SW 1/4 21.0 ACRES  
ALL AS PROJECTED WITHIN J. WATT DLC 80  
SECTION 8  
TOWNSHIP 5 SOUTH, RANGE 4 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 well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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.

The water user shall report a March static water level in the well to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, licensed well constructor, pump installer licensed by the Constructor Contractors Board or professional engineer.

Use of water from the well shall not be allowed if the well displays an (a) average water level decline of 3 or more feet per year for five consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 feet or more feet in any neighboring well with a senior priority which provides water from an authorized use.

The Water Resources Department has determined that the initial water level in the well is 10.9 feet below land surface at the well.

The Director may require water level or pump test results every ten years.

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.

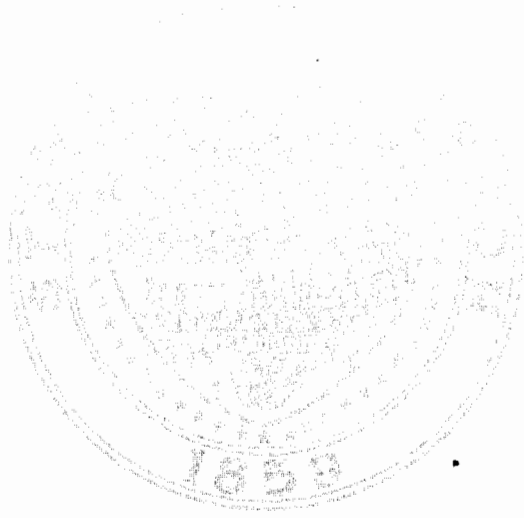
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 December 16, 2004.

  
Phillip C. Ward, Director  
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81063.

G-12381.SB