

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLEAR CREEK NURSERY
21939 S CLEAR CREEK RD
ESTACADA OR 97023

confirms the right to use the waters of TENNYS CREEK AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER PERMIT R-7735, BOTH TRIBUTARIES OF CLEAR CREEK for SUPPLEMENTAL IRRIGATION of 12.1 ACRES.

This right was perfected under Permit S-43638. The date of priority is JULY 11, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.15 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
3	3 S	3 E	WM	23	SW SE	50	950 FEET NORTH AND 1400 FEET WEST FROM SE CORNER, SECTION 23
4	3 S	3 E	WM	23	SW SE	50	520 FEET NORTH AND 1600 FEET WEST FROM SE CORNER, SECTION 23
RESERVOIR	3 S	3 E	WM	23	SW SE	50	520 FEET NORTH AND 1550 FEET WEST FROM SE CORNER, SECTION 23

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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 period from April 1 to September 30. 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.

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

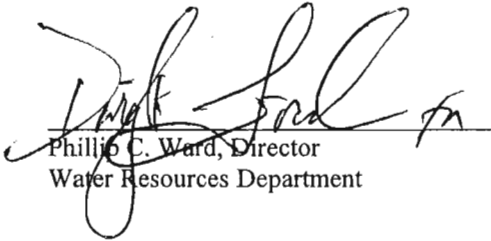
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Source
3 S	3 E	WM	23	SW SE	50	0.8	Reservoir only
3 S	3 E	WM	23	SW SE	50	3.7	Tennys Creek and Reservoir
3 S	3 E	WM	23	SE SE	50	7.6	Tennys Creek and Reservoir

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

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.

WITNESS the signature of the Water Resources Director, affixed MAR 16 2007.



Phillip C. Ward, Director
Water Resources Department