

This is a final 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.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CARLTON PLANTS
P.O. BOX 398
DAYTON, OREGON 97114-0398

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 32.0 ACRES, BEING SUPPLEMENTAL IRRIGATION OF 32.0 ACRES AND AGRICULTURAL USE.

This right was perfected under a portion of 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 0.49 CUBIC FOOT PER SECOND FROM LIVE FLOW, AND 80.0 ACRE FEET PER YEAR STORED WATER ONLY, if available at the original point of diversion: POD 1 - LOT 5 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 10, T 4 S, R 3 W, W.M.; 430 FEET NORTH AND 80 FEET EAST FROM THE SE CORNER OF DLC 52, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LAMBERT SLOUGH: LOT 2 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 34, T 5 S, R 3 W, W.M.; 1600 FEET SOUTH AND 510 FEET EAST FROM NE CORNER, MATHENY DLC 38.

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

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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.

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

SE 1/4 SW 1/4	13.9 ACRES
SW 1/4 SE 1/4	8.0 ACRES
SE 1/4 SE 1/4	10.1 ACRES
AS PROJECTED WITHIN MATHENY DLC 38	
SECTION 28	
TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.	

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

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 of 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.

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.

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alternation of the appropriation facility associated with the 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.

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.

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.

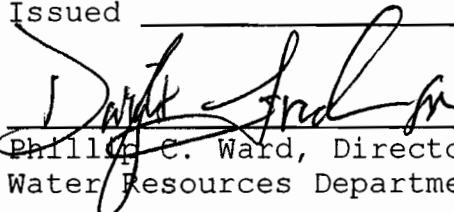
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

This certificate is issued to confirm a CHANGE IN PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered May 8, 2002, approving Transfer Application 8741, and together with Certificate 79468, confirms the rights perfected under Permit 51918.

AUG 24 2007

Issued _____


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83485 .

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