

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.

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.

STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. FRANK SCHMIDT & SON CO.  
P.O. BOX 189  
BORING, OREGON 97009

confirms the right to use the waters of ONE WELL in the NORTH FORK DEEP CREEK BASIN for NURSERY OPERATIONS ON 365.3 ACRES.

This right was perfected under Permit G-11100. The date of priority is APRIL 12, 1990. This right is limited to 3.12 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 4, T 2 S, R 4 E, W.M.; 2720 FEET NORTH AND 2610 FEET EAST FROM THE SW CORNER OF SECTION 4.

SUPERSEDED BY  
CERT. NO. 88619

Cancelled due to  
T- 9940; Sp. Or.  
Vol 87 P. 425

Superseded by  
Cert. No. 86439

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 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 2.5 acre feet per acre during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$	15.8 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	7.7 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	25.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.1 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	36.9 ACRES

## SECTION 3

SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.7 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	25.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	19.9 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	27.7 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	13.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.8 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.6 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	21.7 ACRES

## SECTION 4

NE $\frac{1}{4}$ NE $\frac{1}{4}$	23.5 ACRES
-----------------------------------	------------

## SECTION 5

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

In the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not exceed the capacity of this well at the time of perfection of this right.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times.

When required by the department, the water user shall install and maintain a weir, meter or other suitable measuring device and shall keep a complete record of the amount of ground water withdrawn.

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.

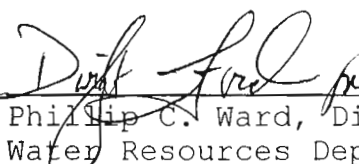
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

WITNESS the signature of the Water Resources Director, affixed

JAN 8 5 2008

  
Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83664.

G-12070.DSM/lhn