

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A AND R SPADA FARMS
ANGELO AND JOAN SPADA
PO BOX 171
ST PAUL OR 97137

confirms the right to use the waters of CHAMPOEG CREEK AND A RESERVOIR CONSTRUCTED UNDER PERMIT R-4964, for AGRICULTURE USES (NURSERY OPERATIONS) on 156.4 ACRES.

This right was perfected under Permit 51961. The date of priority is NOVEMBER 25, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 8.12 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion (POD) are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
A	4 S	2 W	WM	23	SW NW		83	1670 FEET NORTH AND 520 FEET WEST FROM THE SW CORNER, DLC 48
B	4 S	2 W	WM	22	SE NE		83	1710 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER, DLC 48
C	4 S	2 W	WM	22	NE SE		83	390 FEET NORTH AND 1205 FEET WEST FROM THE SW CORNER, DLC 48
D	4 S	2 W	WM	22	NE SE		83	470 FEET SOUTH AND 1315 FEET WEST FROM THE SW CORNER, DLC 48

The amount of water used for AGRICULTURE USES (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 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 STORED water for AGRICULTURE USES (NURSERY OPERATIONS) may be made at ANYTIME of the year that the use is beneficial. The use of water from CHAMPOEG CREEK for AGRICULTURE USES (NURSERY OPERATIONS) may be made at anytime from NOVEMBER 1 THROUGH JUNE 30, 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.

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.

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

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	14	SW SW		83	4.6
4 S	2 W	WM	15	SE SE		83	1.7
4 S	2 W	WM	15	SE SE		84	10.8
4 S	2 W	WM	22	NE NE		84	0.9
4 S	2 W	WM	22	NE NE		83	15.5
4 S	2 W	WM	22	SW NE		83	8.5
4 S	2 W	WM	22	SE NE		83	4.5
4 S	2 W	WM	22	SE NW		83	2.8
4 S	2 W	WM	22	NE SW		83	18.6
4 S	2 W	WM	22	NE SE		83	10.3
4 S	2 W	WM	22	NW SE		83	27.5
4 S	2 W	WM	22	SW SE		83	0.8
4 S	2 W	WM	22	SE SE		83	8.2
4 S	2 W	WM	23	NE NW		83	0.5
4 S	2 W	WM	23	NW NW		83	20.7
4 S	2 W	WM	23	SW NW		83	16.2
4 S	2 W	WM	23	NW SW		83	4.3

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or 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.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

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 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.

Issued MAY 09 2008

Dwight Ford for
Phillip C. Ward, Director
Water Resources Department

