

STATE OF OREGON  
 COUNTY OF WASHINGTON  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ZELENKA WEST, LLC  
 29525 NW CHALMERS LANE  
 CORNELIUS OR 97113

confirms the right to use the waters of ONE WELL in the McKAY CREEK BASIN for NURSERY OPERATIONS on 25.6 ACRES.

This right was perfected under Permit G-11121. The date of priority is MAY 9, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.67 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

| Twp | Rng | Mer | Sec | Q-Q   | GLot | DLC | Survey Coordinates  |
|-----|-----|-----|-----|-------|------|-----|---|
| 1 N | 2 W | WM  | 4   | NW SW |      |     | 1700 FEET NORTH & 900 FEET EAST FROM SW CORNER, SECTION 4 |

The amount of water used for NURSERY OPERATIONS (OAR 690) 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 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.

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

| NURSERY USES |     |     |     |       |      |     |       |
|--------------|-----|-----|-----|-------|------|-----|-------|
| Twp          | Rng | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 1 N          | 2 W | WM  | 4   | NE SW |      |     | 10.6  |
| 1 N          | 2 W | WM  | 4   | NW SW |      |     | 14.3  |
| 1 N          | 2 W | WM  | 5   | NE SE | 3    |     | 0.7   |

**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 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 keep a complete record of the amount of ground water withdrawn.

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, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board. Failure to report this annual measurement shall invalidate use under this right.

Use of water from the well shall not be allowed under this right if the well displays (A) an average water level decline of 3 or more feet per year for 5 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 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well that measured March 1991. That is the level from which previously cited declines will be referenced.

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.

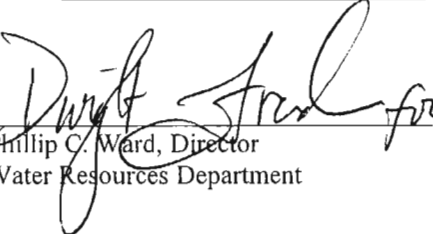
This right is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Issued     **AUG 29 2008**    

  
Phillip C. Ward, Director  
Water Resources Department