

STATE OF OREGON
 COUNTY OF WASHINGTON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FISHER FARMS LLC
 9650 SW HARDEBECK RD
 GASTON OR 97119

confirms the right to use the waters of AN UNNAMED STREAM, TUALATIN RIVER, RESERVOIR 1 CONSTRUCTED UNDER PERMIT R-6734 AND RESERVOIR 3, CONSTRUCTED UNDER PERMIT R-10907, tributaries of the WILLAMETTE RIVER, for NURSERY OPERATIONS on 18.3 ACRES.

This right was perfected under Permit 51410. The date of priority is OCTOBER 31, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.34 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The use of water during May 1 through November 15 of each year is limited to stored water only.

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

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
River	1 S	4 W	WM	25	SE NW	150 FEET NORTH & 2690 FEET WEST FROM E1/4 CORNER, SECTION 25
Pond 3	1 S	3 W	WM	30	NW SW	275 FEET SOUTH & 125 FEET EAST FROM W1/4 CORNER, SECTION 30
Pond 1	1 S	3 W	WM	30	SW SW	950 FEET NORTH & 670 FEET EAST FROM SW CORNER, SECTION 30

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 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.

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	Acres
1 S	3 W	WM	30	SW SW	18.3

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.

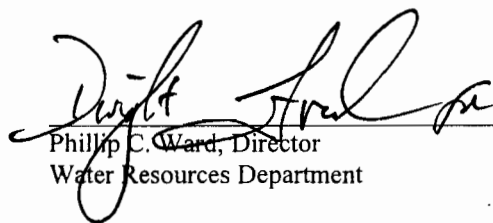
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 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 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 JAN 30 2009



Phillip C. Ward, Director
Water Resources Department