

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J AND L NURSERY  
6551 SCISM RD NE  
SILVERTON OR 97381

confirms the right to use the waters of SILVER CREEK, a tributary of PUDDING RIVER, for NURSERY OPERATIONS ON 90.00 ACRES.

This right was perfected under Permit 51400. The date of priority is AUGUST 20, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.12 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

Use is limited to the period of December 1 through April 30 of each year.

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

POD	Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
3	6 S	1 W	WM	33	SW NE	45	400 FEET SOUTH & 330 FEET WEST FROM NE CORNER, DLC 45
2	6 S	1 W	WM	33	SE NE	46	100 FEET SOUTH & 550 FEET EAST FROM NW CORNER, DLC 46
1	6 S	1 W	WM	34	SW NW	44	1870 FEET SOUTH & 200 FEET EAST FROM NW CORNER, SECTION 34

The amount of water used for nursery operations (OAR 690-11-010(14)) is limited to a diversion of 0.15 cubic foot per second per acre. For 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 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 any time of the year that the use is beneficial. For 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:

NURSERY OPERATIONS							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	1 W	WM	33	SW NE		45	1.0
6 S	1 W	WM	33	SW NE		46	0.2
6 S	1 W	WM	33	SE NE		46	13.1
6 S	1 W	WM	33	SE NE		44	5.2
6 S	1 W	WM	33	NE SE		46	32.0
6 S	1 W	WM	33	NW SE		46	3.2
6 S	1 W	WM	33	NW SE		45	12.0
6 S	1 W	WM	33	SE SE		46	0.5
6 S	1 W	WM	34	SW NW		46	3.7
6 S	1 W	WM	34	SW NW		44	2.3
6 S	1 W	WM	34	NW SW		46	16.8

Diversion screening or fish passage facilities shall be operated to Oregon Department of Fish and Wildlife specifications.

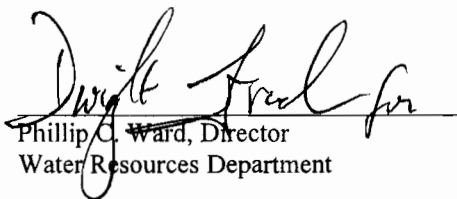
Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

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 FEB 27 2009

  
Phillip C. Ward, Director  
Water Resources Department