

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ISELI NURSERY INC.
30590 SE KELSO RD
BORING OR 97009

confirms the right to store the waters of an unnamed drainage when available with any deficiency in the available supply at the unnamed drainage to be made up by appropriation from Tickle Creek, a tributary of Deep Creek, in RESERVOIR 4, appropriated under Permit 50048, for containerized nursery stock.

The right to store these waters was perfected under Reservoir Permit R-10837. The date of priority is June 30, 1987. The amount of water entitled to be stored each year under this right is not more than 52.0 acre-feet annually during the non-irrigation season or when excess water is otherwise available.

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

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Unnamed Drainage	2 S	4 E	WM	8	NW SW	1490 FEET NORTH & 900 FEET EAST FROM SW CORNER, SECTION 8
Tickle Creek	2 S	4 E	WM	8	SE SW	645 FEET NORTH & 1345 FEET EAST FROM SW CORNER, SECTION 8

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
2 S	4 E	WM	8	NW SW			NONE GIVEN

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
2 S	4 E	WM	8	NW SW		

The structure shall be operated and maintained in accordance with the approved plans and specifications and with the design intent.

The outlet gate shall be cycled at least once each year in order to assure smooth operation.

The embankment and spillway channel shall be kept clear of trees and brush.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

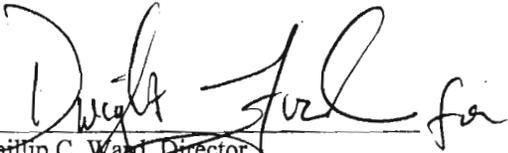
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review 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 embankment shall be kept free of burrowing animals.

The right to store and use the water for the above purpose is restricted to beneficial use at the 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 JUN 16 2009


Phillip C. Ward, Director
Water Resources Department