

STATE OF OREGON
 COUNTY OF CLACKAMAS
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ISELI NURSERY INC.
 30590 SE KELSO RD
 SANDY OR 97055

confirms the right to use the waters of TICKLE CREEK AND RESERVOIR 3, CONSTRUCTED UNDER PERMIT R-9901, tributaries of DEEP CREEK, for IRRIGATION, RELATED NURSERY USE AND CONTAINERIZED NURSERY STOCK.

This right was perfected under Permit 48577. The date of priority is MARCH 5, 1984. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.5 CUBIC FEET PER SECOND (CFS), being 0.60 CFS of water from Tickle Creek for irrigation, 0.16 CFS from Tickle Creek for related nursery use, and 5.5 CFS from Tickle Creek and Reservoir 3 for containerized nursery stock or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Source	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Tickle Creek	2 S	4 E	WM	8	SE SW	645 FEET NORTH & 1345 FEET EAST FROM SW CORNER, SECTION 8
Reservoir 3	2 S	4 E	WM	8	SE NW	1255 FEET NORTH & 1160 FEET WEST FROM C¼ CORNER, SECTION 8

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
2 S	4 E	WM	7	NW NE			23.49
2 S	4 E	WM	7	NE NW			18.56
2 S	4 E	WM	7	SE NW			6.26

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.

Source	Twp	Rng	Mer	Sec	Q-Q	Use
Tickle Creek	2 S	4 E	WM	7	NW NE	Related Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SW NE	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	NE NW	Container Nursery
Tickle Creek	2 S	4 E	WM	7	NE NW	Related Nursery
Tickle Creek	2 S	4 E	WM	7	SE NW	Related Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SE NW	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	NE SW	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SE SW	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	NW SE	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SW SE	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SW NE	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NE NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NW NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SW NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SE NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NE SW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NW SW	Container Nursery


The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre from direct flow and storage from reservoir constructed under Permit R-9901, for each acre irrigated during the irrigation season of each year.

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 JUN 16 2009


Phillip C. Ward, Director
Water Resources Department