

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

F. JOHN RISSBERGER  
22120 BUTTEVILLE RD NE  
AURORA OR 97002

confirms the right to use the waters of WELL 2 (MARI 53183) for NURSERY USE on 40.0 ACRES.

This right was perfected under Permit G-16412. The date of priority is NOVEMBER 16, 2007. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.774 CUBIC FOOT PER SECOND, measured at the well. This right in combination with Certificate 85952 shall not exceed a total instantaneous diversion of 0.774 cfs from WELL 2 (MARI 53183).

The period of allowed use is year round.

The well is located as follows:

<u>Twp</u>	<u>Rng</u>	<u>Mer</u>	<u>Sec</u>	<u>Q-Q</u>	<u>DLC</u>	<u>Measured Distances</u>
4 S	1 W	WM	8	SE NW	42	590 FEET NORTH AND 2030 FEET EAST FROM W1/4 CORNER, SECTION 8

The amount of water used for NURSERY USE is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second 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 and 2.5 acre feet per acre per year. The use of water for NURSERY USE 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 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 USES						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	8	SW NE	42	20.0
4 S	1 W	WM	8	SE NE	42	6.1
4 S	1 W	WM	8	SE NW	42	9.9
4 S	1 W	WM	8	NE SW	42	2.7
4 S	1 W	WM	8	NW SE	42	1.3

Measurement, recording and reporting conditions:

- A. The water user shall maintain a totalizing flow meter or other suitable measuring device, as approved by the Director at each point of appropriation, in good working order. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

To monitor the effect of water use from the well authorized under this right, the Department requires the water user to obtain, from a qualified individual (see below) and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well if any of the following events occur:

- (A) Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- (B) Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) Annual water level measurements reveal a water level decline of 25 or more feet; or
- (D) Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The reference level against which any future measurements will be compared is 46.97 feet below land surface.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the water right application or required by the water right conditions, this right may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interference.

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 elevation in the well at all times.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

The Director may require water-level or pump-test data every ten years.

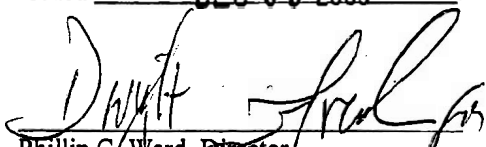
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Issued DEC 09 2009

  
Phillip C. Ward, Director  
Water Resources Department