

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CARLTON NURSERY CO, LLC
PO BOX 398
DAYTON OR 97114

**SUPERSEDED BY
CERT. NO 86019**

confirms the right to use the waters of TWO WELLS in the PALMER CREEK BASIN for AGRICULTURE USE (NURSERY OPERATIONS) ON 5.9 ACRES AND IRRIGATION (DEFICIENCY IN RATE) of 114.5 ACRES.

This right was perfected under Permit G-12827. The date of priority is MARCH 11, 1993. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.35 CUBIC FOOT PER SECOND (CFS) TOTAL, FURTHER LIMITED TO 0.33 CFS FOR DEFICIENCY IN RATE FOR IRRIGATION AND 0.15 CFS FOR AGRICULTURAL USE, IN ANY COMBINATION, or its equivalent in case of rotation, measured at the well.

The period of allowed use is March 1 through October 31 for irrigation; year round for agricultural use (nursery operations).

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
No. 2	5 S	3 W	WM	8	SE SE			210 FEET NORTH & 360 FEET WEST FROM NW CORNER, HEWITT DLC 56
No. 1	5 S	3 W	WM	9	SW SW			60 FEET NORTH & 60 FEET EAST FROM NW CORNER, HEWITT DLC 56

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 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:

AGRICULTURE USE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	3 W	WM	9	SW SW	2		2.40
5 S	3 W	WM	16	NW NW	3		3.20
5 S	3 W	WM	17	NE NE		50	0.30

IRRIGATION (DEFICIENCY IN RATE)							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	3 W	WM	8	SW SE		50	21.40
5 S	3 W	WM	8	SE SE		50	27.60
5 S	3 W	WM	9	SW SW	2		20.00
5 S	3 W	WM	9	SE SW	1		0.80
5 S	3 W	WM	9	SE SW		53	16.50
5 S	3 W	WM	9	SW SE		53	9.90
5 S	3 W	WM	16	NW NE		53	2.80
5 S	3 W	WM	16	NE NW		53	4.60
5 S	3 W	WM	16	NW NW	3		1.30
5 S	3 W	WM	17	NE NE		50	5.30
5 S	3 W	WM	17	NW NE		50	4.30

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order.
- 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.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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 wells 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 Director may require water level or pump test results every ten years.

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

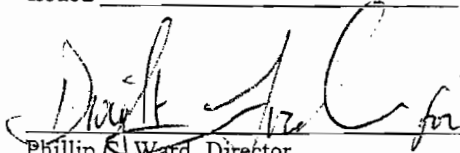
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Issued **DEC 28 2009**


Phillip S. Ward, Director
Water Resources Department

