

STATE OF OREGON

COUNTY OF MULTNOMAH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARQUAM FARMS CORP.
6095 SW OLD SCHOLLS FERRY RD
PORTLAND OR 97223

confirms the right to use the waters of MULTNOMAH CHANNEL DRAINAGE WATERS, TRIBUTARY TO THE COLUMBIA RIVER, for IRRIGATION of 56.0 ACRES, SUPPLEMENTAL IRRIGATION of 174.0 ACRES, AND WILDLIFE.

This right was perfected under Permit 52168. The date of priority is OCTOBER 9, 1995. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed a total of 2.875 CUBIC FEET PER SECOND (CFS), BEING 1.56 CFS FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION; AND 2.875 CFS FOR WILDLIFE or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is March 1 through October 31 for both irrigation and supplemental irrigation and October 1 through January 1 for wildlife.

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

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	1 W	WM	3	NW NE	INTAKE D: 300 FEET SOUTH & 3750 FEET EAST FROM NW CORNER, SECTION 3
2 N	1 W	WM	3	NW NE	INTAKE E: 275 FEET SOUTH & 3750 FEET EAST FROM NW CORNER, SECTION 3
2 N	1 W	WM	3	NE NW	INTAKE C: 200 FEET SOUTH & 2500 FEET EAST FROM NW CORNER, SECTION 3
2 N	1 W	WM	3	SW NW	INTAKE A: 1375 FEET SOUTH & 650 FEET EAST FROM NW CORNER, SECTION 3
2 N	1 W	WM	3	SE NW	INTAKE B: 1375 FEET SOUTH & 2500 FEET EAST FROM NW CORNER, SECTION 3

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 for each acre irrigated 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:

IRRIGATION & WILDLIFE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
2 N	1 W	WM	3	SW NE			1.0
2 N	1 W	WM	3	NE NW			21.7
2 N	1 W	WM	3	NW NW			26.0
2 N	1 W	WM	3	SW NW			1.0
2 N	1 W	WM	3	SE NW			1.0
3 N	1 W	WM	34	SW SW			5.3

SUPPLEMENTAL IRRIGATION & WILDLIFE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
2 N	1 W	WM	3	NE NE			5.2
2 N	1 W	WM	3	NW NE			39.0
2 N	1 W	WM	3	NE NW			18.3
3 N	1 W	WM	34	SE SW			23.9
3 N	1 W	WM	34	NE SE			2.0
3 N	1 W	WM	34	NW SE			6.5
3 N	1 W	WM	34	SW SE			40.0
3 N	1 W	WM	34	SE SE			34.0
3 N	1 W	WM	35	SW SW			5.1

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, 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.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion.

The water user may be required in the future to install and maintain fish screening as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversions.

The use may be restricted if the quality of the source stream, namely the Columbia River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flow.

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 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.

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Dwight W. French
Administrator Water Right and Adjudications, for
Phillip C. Ward, Director
Oregon Water Resources Department