

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

REARDON NURSERY INC.; MICHAEL REARDON
10050 SE 282nd AVE
BORING OR 97009

confirms the right to use the waters of TWO WELLS in the Johnson Creek Basin for NURSERY USES of 76.59 ACRES.

This right was perfected under Permit G-15260. The date of priority is FEBRUARY 8, 2001. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.44 CUBIC FOOT PER SECOND (CFS) being a maximum of 0.40 CFS from WELL 3 AND 0.43 CFS from WELL 4, or its equivalent in case of rotation, measured at the point of appropriation (POA) or its equivalent in case of rotation, measured at the well.

The well is located as follows:

POA	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 4 (Office Well)	1 S	4 E	WM	30	SW SW	NORTH 27 DEGREES 33 MINUTES 29 SECONDS, EAST 1397.1 FEET FROM SW CORNER, SECTION 30
Well 3 (Eyman Well)	1 S	4 E	WM	31	NW NW	SOUTH 24 DEGREES 44 MINUTES 15 SECONDS, EAST 536.5 FEET FROM NW CORNER, SECTION 31

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.

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

NURSERY USES					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	30	SW SW	25.04
1 S	4 E	WM	30	SE SW	4.40
1 S	4 E	WM	31	NE NW	27.78
1 S	4 E	WM	31	NW NW	19.37

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.

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.

The well(s) shall produce groundwater from the Troutdale Sandstone groundwater reservoir between approximately 300 feet and 500 feet below land surface.

The use of water under terms of this certificate is subject to regulation of a senior water right competing for water from the same source aquifer when regulation is the result of water level declines that exceed limits specified in the senior right.

(1) The use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet; or
- (C) A hydraulic interference decline of 15 or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

The reference levels against which any future measurements will be compared are:

POA	Feet Below Land Surface
Well 4	221.25
Well 3	149.83

(2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well(s):

- (A) A water level measurement shall be made each year during the period March 1 through March 31.
- (B) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well drillers, licensed pump installer, or the water user.
- (C) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of the well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (D) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in Section (1) are evidenced by the well measurement required in this section.

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 Director may require water level or pump tests every ten years.

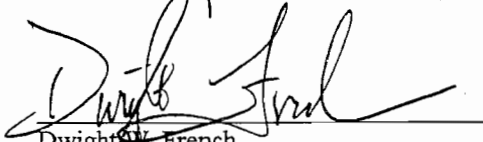
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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 plans.

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

Issued September 30, 2010



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