

STATE OF OREGON  
COUNTY OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON GARDEN PRODUCTS INC.  
3150 SE MINTER BRIDGE RD  
HILLSBORO OR 97123

confirms the right to use the waters of GALES CREEK, CARPENTER CREEK, AND KNIGHTEN CREEK, AND STORED WATER IN RITCHEY FARM RESERVOIR CONSTRUCTED UNDER PERMITS R-8808 AND R-11262, TRIBUTARIES OF TUALATIN RIVER, for NURSERY OPERATIONS ON 546.3 ACRES.

This right was perfected under Permit S-51132. The date of priority is NOVEMBER 16, 1989. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 13.70 CUBIC FEET PER SECOND (CFS), BEING 1.56 CFS FROM GALES CREEK DIVERSION 1, 4.48 CFS FROM GALES CREEK DIVERSION 2, 5.12 CFS FROM CARPENTER CREEK, AND 2.54 CFS FROM KNIGHTEN CREEK, or its equivalent in case of rotation, measured at the point of diversion.

THE USE OF NATURAL FLOW WATERS FOR NURSERY OPERATIONS IS LIMITED TO NOVEMBER 1 THROUGH APRIL 30, AND FOR TEMPERATURE CONTROL ONLY FROM MAY 1 THROUGH JUNE 1 OF EACH YEAR.

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

POD	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
Gales Creek 1	1 N	4 W	WM	34	NW NE		47	625 FEET SOUTH & 850 FEET EAST FROM N1/4 CORNER, SECTION 34
Gales Creek 2	1 N	4 W	WM	35	SE SW		46	125 FEET NORTH & 625 FEET WEST FROM S1/4 CORNER, SECTION 35
Carpenter Creek 3	1 S	4 W	WM	1	NW SW		37	1670 FEET NORTH & 100 FEET EAST FROM SE CORNER, DLC 37
Knighnten 4	1 S	4 W	WM	1	NW SW		37	1900 FEET SOUTH & 140 FEET EAST FROM SE CORNER, SECTION 2
Reservoir	1 S	4 W	WM	2	NE SE		37	PUMP HOUSE 2
Reservoir	1 S	4 W	WM	2	NE SE	3		PUMP HOUSE 1

**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.

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.

This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

The water user shall maintain to the satisfaction of the Watermaster, weirs or other suitable devices for measuring and recording the quantities of water in Carpenter Creek, both where it enters and leaves the user's property.

Diversion screening or fish passage facilities for Carpenter Creek shall be operated to Oregon Department of Fish and Wildlife specifications.

The water user shall maintain a riparian restoration program for Carpenter Creek.

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

NURSERY OPERATIONS FROM GALES CREEK DIVERSION 1							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 N	4 W	WM	34	NW NE		47	12.4
1 N	4 W	WM	34	SW NE		47	2.7
1 N	4 W	WM	34	NE NW		47	6.4
1 N	4 W	WM	34	SE NW		47	17.9

NURSERY OPERATIONS FROM GALES CREEK DIVERSION 2, CARPENTER CREEK AND KNIGHTEN CREEK							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 N	4 W	WM	35	SE SW		46	0.3
1 N	4 W	WM	35	SE SW		45	0.6
1 N	4 W	WM	35	SW SE		45	2.6
1 S	4 W	WM	1	NW NW		37	9.2
1 S	4 W	WM	1	SW NW		37	33.5
1 S	4 W	WM	1	NW SW		37	34.6
1 S	4 W	WM	1	SW SW		37	0.3
1 S	4 W	WM	1	SW SW	1		0.1
1 S	4 W	WM	2	NW NE	10		10.1
1 S	4 W	WM	2	NW NE		38	18.1
1 S	4 W	WM	2	SW NE	9		28.1
1 S	4 W	WM	2	SW NE		38	0.9
1 S	4 W	WM	2	SE NE		37	3.9
1 S	4 W	WM	2	NE NW		38	23.9
1 S	4 W	WM	2	NW NW		38	12.6
1 S	4 W	WM	2	SW NW		38	18.4
1 S	4 W	WM	2	SE NW		38	33.0
1 S	4 W	WM	2	SE NW	8		7.7
1 S	4 W	WM	2	NE SW	7		29.4
1 S	4 W	WM	2	NE SW		38	6.5

**NURSERY OPERATIONS FROM GALES CREEK DIVERSION 2,  
CARPENTER CREEK AND KNIGHTEN CREEK**

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	4 W	WM	2	NW SW		38	1.9
1 S	4 W	WM	2	SW SW		38	4.6
1 S	4 W	WM	2	SW SW		39	15.0
1 S	4 W	WM	2	SE SW		39	9.4
1 S	4 W	WM	2	SE SW		40	5.9
1 S	4 W	WM	2	SE SW	6		9.6
1 S	4 W	WM	2	NE SE	3		8.4
1 S	4 W	WM	2	NE SE		37	1.5
1 S	4 W	WM	2	NW SE			33.4
1 S	4 W	WM	2	SW SE	5		12.2
1 S	4 W	WM	2	SW SE		40	24.8
1 S	4 W	WM	2	SE SE	4		21.1
1 S	4 W	WM	2	SE SE		40	17.8
1 S	4 W	WM	3	NE NE		38	5.0
1 S	4 W	WM	3	SE NE		38	1.3
1 S	4 W	WM	3	SE SE		38	2.3
1 S	4 W	WM	3	SE SE		39	5.2
1 S	4 W	WM	10	NE NE		39	8.3
1 S	4 W	WM	11	NE NE		40	3.3
1 S	4 W	WM	11	NW NE		40	3.0
1 S	4 W	WM	11	NE NW		39	12.5
1 S	4 W	WM	11	NW NW		39	26.6

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 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.

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.

Issued     JAN 28 2011    

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