

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. FRANK SCHMIDT & SON CO.
PO BOX 189
BORING, OR 97009

confirms the right to use the waters of ONE WELL in the NORTH FORK DEEP CREEK BASIN for NURSERY OPERATIONS ON 361.4 ACRES.

This right was perfected under Permit G-11100. The date of priority is APRIL 12, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.09 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	4	SE NW	2720 FEET NORTH AND 2610 FEET EAST FROM THE SW CORNER OF SECTION 4

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 of water 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 is limited to any deficiency in the available supply of any prior right existing for the same land.

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

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	3	NE NE	15.8
2 S	4 E	WM	3	NW NE	7.7
2 S	4 E	WM	3	NE NW	25.6
2 S	4 E	WM	3	NW NW	37.0
2 S	4 E	WM	3	SW NW	37.1
2 S	4 E	WM	3	SE NW	36.9
2 S	4 E	WM	4	SW NE	2.5
2 S	4 E	WM	4	NW NW	25.8
2 S	4 E	WM	4	SW NW	17.2
2 S	4 E	WM	4	SE NW	26.7
2 S	4 E	WM	4	NE SW	36.3
2 S	4 E	WM	4	NW SW	13.8
2 S	4 E	WM	4	SE SW	5.8
2 S	4 E	WM	4	NE SE	8.4

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within 60 days of the date of service.

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	4	NW SE	19.6
2 S	4 E	WM	4	SE SE	21.7
2 S	4 E	WM	5	NE NE	23.5

In the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not exceed the capacity of this well at the time of perfection of this right.

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 elevations in the well at all times.

When required by the department, the water user shall install and maintain a weir, meter or other suitable measuring device and shall keep a complete record of the amount of ground water withdrawn.

The Director may require water level or pump test results 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 any 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 the statewide land-use goals and any local acknowledged land-use plan.

This certificate is issued to correct a scrivener's error in the acreage in the SW NE of Section 4, T2S, R4E described in Certificate 86439. This Certificate supersedes Certificate 86439, and describes the portion of water right Certificate 83664, NOT modified by the provisions of an order of the Water Resources Director entered July 15, 2010, and recorded at Volume 81, Page 425, approving Transfer Application T-9940.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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.

WITNESS the signature of the Water Resources Director, affixed MAR 16 2011


 Dwight French for
 PHILLIP C. WARD, DIRECTOR