

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PORTER NURSERY
45545 SE HWY 26
SANDY OR 97055

confirms the right to use the waters of FIVE WELLS in CEDAR CREEK BASIN for NURSERY OPERATIONS ON 24.75 ACRES.

This right was perfected under Permit G-11251. The date of priority is JANUARY 2, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.334 CUBIC FOOT PER SECOND (CFS), further limited to 0.019 CFS from Well 1, 0.021 CFS from Well 2, 0.047 CFS from Well 3, 0.149 CFS from Well 4, and 0.27 CFS from Well 5, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	5 E	WM	28	NW NE	WELL 1 – SOUTH 88 DEGREES EAST, 733 FEET FROM N1/4 CORNER, SECTION 28
2 S	5 E	WM	21	SW SE	WELL 2 – NORTH 62 DEGREES 30 MINUTES EAST, 632 FEET FROM S1/4 CORNER, SECTION 21
2 S	5 E	WM	21	SW SE	WELL 3 – NORTH 49 DEGREES EAST, 713 FEET FROM S1/4 CORNER, SECTION 21
2 S	5 E	WM	28	NW NE	WELL 4 – SOUTH 82 DEGREES EAST 756 FEET FROM N1/4 CORNER, SECTION 28
2 S	5 E	WM	21	SE SE	WELL 5 – NORTH 81 DEGREES 30 MINUTES EAST FROM S1/4 CORNER, SECTION 21

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.

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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	5 E	WM	21	NW SE	0.53
2 S	5 E	WM	21	SW SE	23.71
2 S	5 E	WM	21	SE SE	0.51

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

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.

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.

When required by the Department, the permittee 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 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 to determine the water level elevation in the well at all times.

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

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

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Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ware, Director
Oregon Water Resources Department