

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CASCADIAN NURSERIES INC.
8900 NW DICK RD
HILLSBORO OR 97124-8512

confirms the right to use the waters of TWO WELLS in the ROCK CREEK BASIN for NURSERY OPERATION on 18.7 ACRES.

This right was perfected under Permit G-11038. The date of priority is AUGUST 25, 1988 – FOR 0.40 CUBIC FOOT PER SECOND (CFS), AND OCTOBER 17, 1988 – FOR 0.10 CUBIC FOOT PER SECOND. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.50 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|--|
| 1 N | 2 W | WM | 11 | NW SE | WELL 2 (WASH 5213) - 1880 FEET NORTH AND 2280 FEET WEST FROM SE CORNER, SECTION 11 |
| 1 N | 2 W | WM | 11 | SW SE | WELL 4 (WASH 66930) - 620 FEET NORTH AND 2630 FEET WEST FROM SE CORNER, SECTION 11 |

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 any time 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.

USE OF WATER UNDER THIS RIGHT SHALL BE REGULATED IF THE WELL DISPLAYS:

- A. AN AVERAGE WATER LEVEL DECLINE OF THREE (3) OR MORE FEET PER YEAR FOR FIVE CONSECUTIVE YEARS, OR
- B. A WATER LEVEL DECLINE OF FIFTEEN (15) OR MORE FEET IN FEWER THAN FIVE (5) CONSECUTIVE YEARS, OR
- C. A WATER LEVEL DECLINE OF TWENTY-FIVE (25) OR MORE FEET, OR
- D. AN HYDRAULIC INTERFERENCE DECLINE OF TWENTY-FIVE (25) OR MORE FEET IN ANY NEIGHBORING WELL PROVIDING WATER FOR USES EXEMPT FROM PERMIT REQUIREMENTS OR A WELL COVERED BY PRIOR RIGHTS.

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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

THE WATER RESOURCES DEPARTMENT HAS DETERMINED THAT THE INITIAL WATER LEVEL IN WELL 2 (WASH 5213) WAS 92 FEET BELOW LAND SURFACE ON MARCH 2, 1990. THAT IS THE LEVEL FROM WHICH PREVIOUSLY CITED DECLINES WILL BE REFERENCED. AS MUCH AS POSSIBLE, FUTURE LEVELS SHALL REFLECT ANNUAL HIGH LEVELS WHICH ARE USUALLY FOUND IN THE SPRING OF EACH YEAR. THE REFERENCE LEVEL FOR WELL 4 (WASH 66390) IS 93.95 FEET BELOW LAND SURFACE.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

| NURSERY OPERATION | | | | | | |
|-------------------|-----|-----|-----|-------|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Glots | Acres |
| 1 N | 2 W | WM | 11 | NE SW | 2 | 3.0 |
| 1 N | 2 W | WM | 11 | NE SE | | 5.2 |
| 1 N | 2 W | WM | 11 | NW SE | | 10.5 |

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device for Well 2 (WASH 5213) 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.

The water user shall maintain and operate, for Well 4 (WASH 66930), the in-line flow meter or other suitable measuring device as required by the Department.

Water shall be acquired from the same aquifer as the original point of appropriation. (Well 2 WASH 5213)

The quantity of water diverted at the new point of appropriation Well 4 (WASH 66930), together with that diverted at the original point of appropriation Well 2 (WASH 5213), shall not exceed the quantity of water available from the original point of appropriation Well 2 (WASH 5213).

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|--|
| 1 N | 2 W | WM | 11 | NW SE | Well 2 (WASH 5213) - 1880 FEET NORTH AND 2280 FEET WEST FROM SE CORNER, SECTION 11 |

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior right, including rights for maintaining instream flows.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.


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.

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.

This certificate is issued to confirm an ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered May 16, 2008, at Special Order Volume 74, Page 902, approving Transfer Application T-10434, and supersedes Certificate 68714, State Record of Water Right Certificates.

Issued SEP 30 2014



Dwight French
Water Right Services Administrator, *for*
Director
Oregon Water Resources Department