

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 HOLCOMB CREEK BASIN for NURSERY OPERATIONS on 13.95 ACRES.

This right was perfected under Permit G-15217. The date of priority is JANUARY 16, 2001. The maximum rate is 0.668 CUBIC FOOT PER SECOND measured at the wells.

The period of use is year round.

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, during the period of allowed use specified above, 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.

The place of use is located as follows:

Nursery Operations						
Twp	Rng	Mer	Sec	Q-Q	Glots	Acres
1 N	2 W	WM	11	NE SW	2	2.0
1 N	2 W	WM	11	NE SE		4.4
1 N	2 W	WM	11	NW SE		7.55

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.

Measurement, recording and reporting conditions:

- A. The water user shall operate and maintain the flow meters or other suitable measuring devices 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.
- (1) 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 total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
 - (2) The water user shall submit an annual report of water used to the Department by December 1 of each year.
 - (3) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) The reference water level for Well 2 (WASH 5213) right shall be 92 feet below ground surface as specified in Certificate XXXXX, which confirms the transfer of Certificate 68714 (Permit #G-11038, Application #G-11845). The reference water level for Well 4 (WASH 66930) is 93.95 feet below ground surface.
 - (b) A water level measurement shall be made each year during the period March 1 through March 31.
 - (c) 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 constructor, licensed pump installer, or the water user.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of 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.
 - (e) 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 section (3).

Water shall be acquired from the same aquifer (water source) 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

If substantial interference with a senior water right occurs due to withdrawal of water from any wells listed on this right, then use of water from the wells 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 wells 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.

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 right to the use of the water is restricted to beneficial use at the 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 83329, State Record of Water Right Certificates.

SEP 30 2014

Issued _____


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