

STATE OF OREGON  
 COUNTY OF YAMHILL  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BAILEY NURSERIES, INC.  
 1325 BAILEY RD  
 ST PAUL, MN 55119

confirms the right to store water perfected under the terms of Permit R-12495. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-70217

SOURCE: BRYAN CREEK, A TRIBUTARY OF CHEHALEM CREEK

STORAGE FACILITY: ENLARGEMENT TO EXISTING STRUCTURE CONSTRUCTED UNDER PERMITS R-1407, R-1560, & R-1761

PURPOSE or USE: SUPPLEMENTAL AGRICULTURAL (NURSERY OPERATIONS) TO BE APPROPRIATED UNDER PERMIT 53421

MAXIMUM STORAGE VOLUME: 64.0 ACRE-FEET PER YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH JUNE 30 OF EACH YEAR

DATE OF PRIORITY: MARCH 2, 1990

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	3 W	WM	2	NW SW	41	1750 FEET NORTH AND 1240 FEET EAST FROM SW CORNER, SECTION 2

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
3 S	3 W	WM	2	SE NW	41
3 S	3 W	WM	2	NE SW	41
3 S	3 W	WM	2	NW SW	41

**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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device in good working order.
- 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.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

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

The dam shall be operated and maintained according to the approved plans and specifications dated September 25, 1990 and revised by letter on October 23, 1995 on file with the Water Resources Department.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

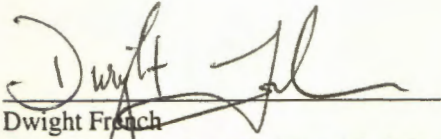
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 plans.

The storage 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 place of use described.

Issued **FEB 06 2015**



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department



