

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF DAYTON  
 PO BOX 339  
 DAYTON OR 97114-0339

confirms the right to use the waters of TWO WELLS in the WEST FORK PALMER CREEK BASIN for NURSERY USE on 39.74 ACRES.

This right was perfected under Permit G-17039. The date of priority is APRIL 18, 2000. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.90 CUBIC FEET 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	DLC	Measured Distances
4 S	3 W	WM	19	NW SE	48	WELL 4 (YAMH 5447) - 545 FEET SOUTH AND 1840 FEET WEST FROM THE EAST 1/4 CORNER, SECTION 19
4 S	3 W	WM	19	SE NE	48	WELL 3 - (YAMH 52469) - 220 FEET NORTH AND 880 FEET WEST FROM THE EAST 1/4 CORNER, SECTION 19

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For 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 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 any time, during the period of allowed use specified above, that the use is beneficial. For 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 USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	19	NW NE	48	3.76
4 S	3 W	WM	19	SW NE	48	25.91
4 S	3 W	WM	19	SE NW	48	0.31
4 S	3 W	WM	19	NW SE	48	9.76

**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.

The combined quantity of water diverted at Wells 3 and 4 shall not exceed the quantity of water available from the original point of appropriation, Well 5.

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	19	SW NE	48	1760 FEET SOUTH AND 90 FEET EAST FROM THE N 1/4 CORNER, SECTION 19

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meters or measuring devices in good working order. The water user 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; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Water shall be acquired from the same aquifer as the original point of appropriation, Well 5.

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

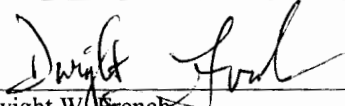
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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

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