

STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BEN J FRANKLIN  
LISA MARIE HOPKINS  
BEN FRANKLIN NURSERY  
35674 SE TUMALA MOUNTAIN RD  
ESTACADA OR 97023

confirms the right to use WATER LEGALLY STORED UNDER APPLICATION R-83334, PERMIT R-12512 AND APPLICATION R-83625, PERMIT R-12514, TRIBUTARIES OF CLACKAMAS RIVER for NURSERY OPERATIONS ON 8.0 ACRES.

This right was perfected under Permit S-53443. The date of priority is MARCH 26, 1997. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.0 ACRE-FEET (AF), BEING 2.0 AF FROM EACH OF RESERVOIRS 1 AND 2.

The period of use is year round.

The points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q   | Measured Distances                                                         |
|-----|-----|-----|-----|-------|----------------------------------------------------------------------------|
| 3 S | 4 E | WM  | 27  | NW NE | RESERVOIR 1 - 150 FEET SOUTH AND 1690 FEET WEST FROM NE CORNER, SECTION 27 |
| 3 S | 4 E | WM  | 27  | NW NE | RESERVOIR 2 - 205 FEET SOUTH AND 1880 FEET WEST FROM NE CORNER, SECTION 27 |

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:

| NURSERY USES |     |     |     |       |       |
|--------------|-----|-----|-----|-------|-------|
| Twp          | Rng | Mer | Sec | Q-Q   | Acres |
| 3 S          | 4 E | WM  | 22  | SW SE | 6.9   |
| 3 S          | 4 E | WM  | 27  | NW NE | 1.1   |

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. 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.

The use may be restricted if the quality of the source stream decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

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.

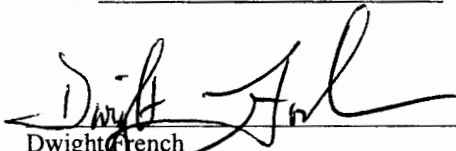
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 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 lands or place of use described.

Issued MAR 13 2015



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