

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 use the waters of FIDEL BROTHERS IRRIGATION RESERVOIR, CONSTRUCTED UNDER PERMIT R-5378, A TRIBUTARY OF SALT CREEK, for IRRIGATION of 55.4 ACRES AND AGRICULTURAL USE ON 5.0 ACRES FOR NURSERY OPERATIONS.

This right was perfected under Permit S-53123. The date of priority is JULY 23, 1996. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 64.0 ACRE-FEET EACH YEAR or its equivalent in case of rotation, measured at the point of diversion.

The period of use is JULY 1 THROUGH SEPTEMBER 30.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	4 W	WM	31	SE NE	55	RESERVOIR (POD A) - 220 FEET NORTH AND 1380 FEET WEST FROM SE CORNER, DLC 55
2 S	4 W	WM	31	SE SE	54	SALT CREEK (POD B) - 660 FEET NORTH AND 2780 FEET WEST FROM NE CORNER, DLC 81

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.

A description of the place of use is as follows:

AGRICULTURE USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	6	NE NE	81	3.0
3 S	4 W	WM	6	NW NE	81	2.0

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.

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	31	SW SE	61	0.1
2 S	4 W	WM	31	SE SE	61	8.7
2 S	4 W	WM	32	SW SW	61	2.6
3 S	4 W	WM	5	NW NW	81	10.2
3 S	4 W	WM	6	NE NE	81	31.6
3 S	4 W	WM	6	NW NE	81	2.2

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.

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.

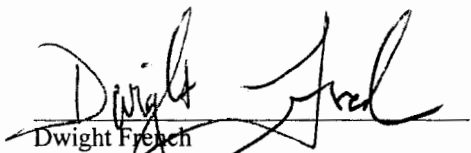
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 place of use described.

APR 10 2015

Issued _____.


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