

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID VAN ESSEN
39161 RIVER RD
LEBANON OR 97355

confirms the right to the use of water perfected under the terms of Permit S-53869. 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 FILE NUMBER: S-84994

SOURCE OF WATER: SOUTH SANTIAM RIVER, A TRIBUTARY OF SANTIAM RIVER

PURPOSE OR USE: NURSERY USE ON 47.3 ACRES

MAXIMUM RATE: 1.61 CUBIC FEET PER SECOND (CFS), BEING 0.92 CFS FROM POD 1 AND 0.69 CFS FROM POD 2

PERIOD OF USE: OCTOBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JANUARY 7, 2002

The points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|--|
| 12 S | 1 W | WM | 19 | NE SE | 39 | POD 1 - 420 FEET SOUTH AND 1320 FEET EAST FROM NW CORNER, DLC 39 |
| 12 S | 1 W | WM | 19 | SE SE | 39 | POD 2 - 1100 FEET NORTH AND 300 FEET WEST FROM SE 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 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, 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.

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:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
|------|-----|-----|-----|-------|-----|-------|
| 12 S | 1 W | WM | 19 | NE SE | 39 | 0.1 |
| 12 S | 1 W | WM | 19 | SE SE | 39 | 18.8 |
| 12 S | 1 W | WM | 30 | NE NE | 39 | 16.1 |
| 12 S | 1 W | WM | 30 | NW NE | 39 | 9.4 |
| 12 S | 1 W | WM | 30 | SW NE | 39 | 2.8 |
| 12 S | 1 W | WM | 30 | SE NE | 39 | 0.1 |

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or other suitable measuring device, as approved by the director, 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; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall maintain and operate fish screening and fishway devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or 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.

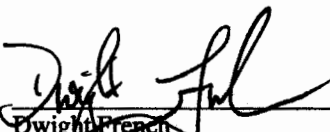
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 place of use described.

Issued APR 06 2016


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