

STATE OF OREGON  
COUNTY OF YAMHILL  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CARLTON NURSERY CO. LLC  
PO BOX 398  
DAYTON OR 97114

confirms the right to the use of water perfected under the terms of Permit S-51918. 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 points of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, AND LAMBERT SLOUGH, TRIBUTARIES OF THE WILLAMETTE RIVER

PURPOSE OR USE: NURSERY OPERATIONS ON 163.2 ACRES, BEING PRIMARY IRRIGATION OF 28.1 ACRES, SUPPLEMENTAL IRRIGATION OF 135.1 ACRES AND AGRICULTURAL USE

MAXIMUM RATE: 2.505 CUBIC FEET PER SECOND (CFS) AND 408.25 ACRE-FEET (AF)

DATE OF PRIORITY: MARCH 11, 1993

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
5 S	3 W	WM	3	SW SW	8		POD 2 - 520 FEET NORTH AND 1140 FEET EAST FROM SW CORNER, SECTION 3
5 S	3 W	WM	10	NW NW		53	POD 1 - 608 FEET NORTH AND 40 FEET WEST FROM NORTHERLY NW CORNER, DLC 54

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 maybe 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 equivalent) and 2.5 AF per acre during the irrigation season of each year. Water from live flow for AGRICULTURAL USE may be appropriated year-round. The use of water for irrigation from live flow is allowed March 1 through June 30 and September 1 through October 31. The use of water for irrigation from stored water is allowed March 1 through October 31 or as may be limited by the Bureau of Reclamation water supply contract.

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.



A description of the place of use is as follows:

<b>NURSERY USES: IRRIGATION AND AGRICULTURE</b>						
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>DLC</b>	<b>Acres</b>
5 S	3 W	WM	3	SW SW	53	2.6
5 S	3 W	WM	4	NW SE	52	5.9
5 S	3 W	WM	4	SW SE	52	1.0
5 S	3 W	WM	9	SW NE	53	10.4
5 S	3 W	WM	9	NW NW	51	1.4
5 S	3 W	WM	9	SW NW	51	1.5
5 S	3 W	WM	9	SE NW	53	4.0
5 S	3 W	WM	10	NW NW	53	0.3

<b>NURSERY USES: SUPPLEMENTAL IRRIGATION AND AGRICULTURE</b>						
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>DLC</b>	<b>Acres</b>
5 S	3 W	WM	4	NW SE	52	9.8
5 S	3 W	WM	4	SW SE	52	1.3
5 S	3 W	WM	4	SW SE	53	6.3
5 S	3 W	WM	4	SE SE	53	7.4
5 S	3 W	WM	9	NE NE	53	5.5
5 S	3 W	WM	9	NW NE	53	17.9
5 S	3 W	WM	9	SW NE	53	14.2
5 S	3 W	WM	9	NE NW	53	16.5
5 S	3 W	WM	9	NW NW	51	10.6
5 S	3 W	WM	9	NE NW	53	1.0
5 S	3 W	WM	9	SW NW	51	3.8
5 S	3 W	WM	9	SE NW	53	13.9
5 S	3 W	WM	16	NE NW	56	3.3
5 S	3 W	WM	16	NW NW	56	0.6
5 S	3 W	WM	16	SW NW	56	4.7
5 S	3 W	WM	16	SE NW	56	16.8
5 S	3 W	WM	16	NE SW	56	1.9
5 S	3 W	WM	16	NW SW	56	0.6

Measurement, recording and reporting conditions:

- A. The water user shall maintain the 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 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.

The use of water under this right is subject to the terms and conditions of Water Service Contract No. 5-07-10-W1030 or a satisfactory replacement between the Bureau of Reclamation and the water user, a copy of which is on file in the records of the Water Resources Department.

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

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered August 12, 2013, at Special Order Volume 91, Page 164, approving Transfer Application T-11399, and together with Certificate 88724, supercedes Certificate 79468, State record of Water Right Certificates.

Issued NOV 22 2019.



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

