

STATE OF OREGON
 COUNTY OF YAMHILL
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
 BAILEY NURSERIES, INC.
 1325 BAILEY RD
 SAINT PAUL, MN 55119

confirms the right to use the waters of SALT CREEK AND FIDEL BROTHERS RESERVOIR, tributary TO THE NORTH YAMHILL RIVER, for AGRICULTURAL USE (NURSERY OPERATIONS) on 248.0 ACRES.

This right was perfected under Permit S-51934. The date of priority is MARCH 2, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.13 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The period of allowed use is NOVEMBER THROUGH APRIL 30 FROM LIVE FLOW AND STORED WATER; MAY 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT A - 1265 FEET NORTH AND 1360 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT B - 1255 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT C - 675 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT D - 220 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE SE	54	DIVERSION POINT E - 660 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF DLC 61

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 any time of the year 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 to which this right is appurtenant is as follows:

AGRICULTURAL USES (NURSERY OPERATIONS)						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	29	SW SW	53	3.3
2 S	4 W	WM	29	SW SW	55	9.5
2 S	4 W	WM	30	SE SE	55	8.8
2 S	4 W	WM	31	NE NE	55	19.6
2 S	4 W	WM	31	SE NE	55	7.9
2 S	4 W	WM	31	NE SW	54	1.1
2 S	4 W	WM	31	SE SW	54	3.0
2 S	4 W	WM	31	NE SE	54	7.5
2 S	4 W	WM	31	NW SE	54	12.2
2 S	4 W	WM	31	SW SE	54	21.3
2 S	4 W	WM	31	SE SE	54	21.2
2 S	4 W	WM	32	NW NW	53	9.3
2 S	4 W	WM	32	NW NW	55	29.2
2 S	4 W	WM	32	SW NW	53	4.1
2 S	4 W	WM	32	SW NW	55	23.0
2 S	4 W	WM	32	NW SW	54	36.8
2 S	4 W	WM	32	SW SW	54	30.2
Total:						248.0

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device 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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quality of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

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

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.

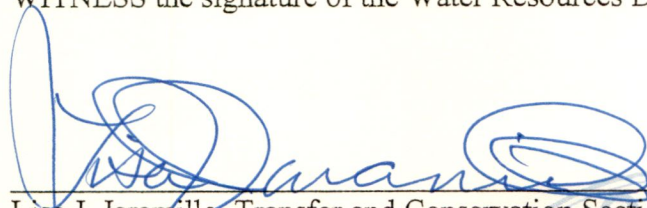
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This certificate describes that portion of water right Certificate 90079, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered **JUN 08 2022**, approving Transfer Application T-13455.

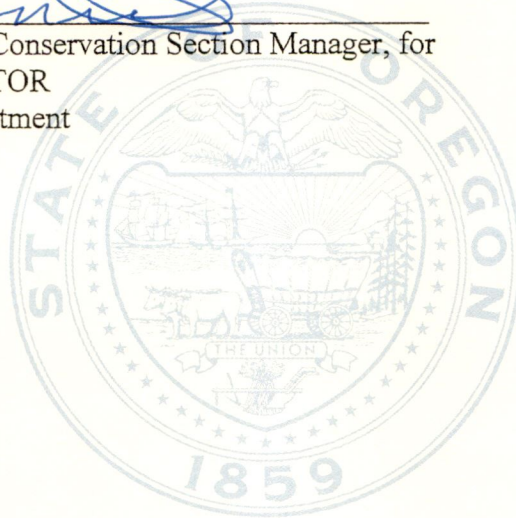
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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.

WITNESS the signature of the Water Resources Director, affixed **JUN 08 2022**.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department



1885 - 1886

1885 - 1886

