

STATE OF OREGON
 COUNTY OF YAMHILL
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KCK FARMS
 C/O KEVIN COLEMAN
 11483 SE AMITY DAYTON HWY
 DAYTON, OR 97114

confirms the right to the use of water perfected under the terms of Permit G-13597. 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(s) of appropriation from the source. The specific limits and conditions of the use are listed below.

SOURCE: THREE WELLS, IN PALMER CREEK BASIN

USE: IRRIGATION AND AGRICULTURAL USE FOR NURSERY OPERATIONS OF 114.98 ACRES

RATE: 3.02 CUBIC FEET PER SECOND (CFS), BEING 0.49 CFS FROM WELL 1, 1.34 CFS FROM WELL 3 AND 1.19 CFS FROM WELL 4 AS MEASURED AT THE WELL

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

PRIORITY DATE: JANUARY 12, 1998

The points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	4 W	WM	36	SW SE		91	(ORIGINAL) WELL 1 - 495 FEET NORTH AND 625 FEET WEST FROM THE SE CORNER, DLC 91
4 S	4 W	WM	36	NE SW		91	(NEW) WELL 5 - 1395 FEET NORTH AND 1925 FEET WEST FROM THE SE CORNER, DLC 91
4 S	4 W	WM	36	NW SW	3		(ORIGINAL) WELL 4 - 1100 FEET NORTH AND 3200 FEET WEST FROM THE SE CORNER, DLC 91

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic feet per second. 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 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 that the use is beneficial. For the irrigation of any other crop, the amount 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 183.482. 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:

IRRIGATION AND AGRICULTURAL USE FOR NURSERY OPERATIONS							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	35	NE SE	1		0.03
4 S	4 W	WM	35	SE SE	1		1.52
4 S	4 W	WM	36	SW NE		91	0.85
4 S	4 W	WM	36	SW NW	2		0.29
4 S	4 W	WM	36	SW NW		91	0.20
4 S	4 W	WM	36	SE NW		91	1.54
4 S	4 W	WM	36	NE SW		91	29.90
4 S	4 W	WM	36	NW SW		91	4.93
4 S	4 W	WM	36	NW SW	3		27.69
4 S	4 W	WM	36	SW SW		91	2.02
4 S	4 W	WM	36	SW SW	10		14.74
4 S	4 W	WM	36	SE SW		91	16.05
4 S	4 W	WM	36	NW SE		91	15.22

The quantity of water diverted at the new point of appropriation (1.34 cfs) shall not exceed the quantity of water lawfully available at the original point of appropriation Well No. 3

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4S	4W	WM	36	NE SW	91	WELL 3 – 1429 FEET NORTH AND 1828 FEET WEST FROM SE CORNER DLC 91

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.

Water shall be acquired from the same aquifer (water source) as the original point of appropriation, Well No. 3.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on the right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interference.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

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.

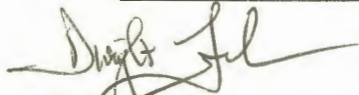
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 shall be limited when it interferes with any prior surface or ground water rights.

This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director entered January 19, 2018, at Special Order Volume 107, Page 463, approving Transfer Application T-12601, supersedes Certificate 87998, State record of Water Right Certificates.

Issued **APR 28 2023**



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department