

STATE OF OREGON  
 COUNTY OF CLACKAMAS  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROSEMARY A PARK REVOCABLE LIVING TRUST  
 ATTN: ROSEMARY PARK  
 9395 SW ASPEN  
 BEAVERTON OR 97005-4259

confirms the right to the use of water perfected under the terms of Permit G-12291. 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 wells. The specific limits and conditions of the use are listed below.

SOURCE: THREE WELLS IN JOHNSON CREEK BASIN

USE: NURSERY OPERATIONS ON 14.0 ACRES

RATE: 66.0 GALLOONS PER MINUTE (GPM), BEING 54.1 GPM FROM WELL 1 (ADDITIONAL WELL) AND 11.9 GPM FROM WELL 2 (ALLOWED WELL 1)

PERIOD OF USE: YEAR ROUND

PRIORITY DATE: DECEMBER 18, 1990

**The wells are located as follows:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	29	NE SE	WELL 2 (ORIGINAL) - 1670 FEET NORTH AND 355 FEET WEST FROM SE CORNER, SECTION 29
1 S	4 E	WM	29	NE SE	WELL 3 (ADDITIONAL) - 1750 FEET NORTH AND 900 FEET WEST FROM SE CORNER, SECTION 29
1 S	4 E	WM	29	SE SE	WELL 1 (ORIGINAL) - 410 FEET SOUTH AND 670 FEET WEST FROM NE CORNER, SESE, SECTION 29

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 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 it 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:**

Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	29	NE SE	14.0

**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 183.482. 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.

Measurement, recording and reporting conditions for Well 2 (OLD WELL 1) & WELL 3 (ADDITIONAL)

- a) The water user shall maintain a totalizing flow meter, or other suitable measuring device as approved by the Director, in good working order at each new point of appropriation.
- b) The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are 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.

The new point of appropriation shall obtain groundwater from only the Deep Troutdale aquifer, consistent with the proposed well construction details provided with the application.

#### **Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well authorized under this right, the Director may require the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement. The measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department of forms provided by the department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the department.

The water users shall discontinue use of, or reduce the rate or volume of withdrawal from, the well if annual water level measurements reveal any of the following events;

- A. An average water level decline of three or more feet per year for five consecutive years; or
- B. A water level decline of 15 or more feet in fewer than five consecutive years; or
- C. A water level decline of 25 or more feet; or
- D. Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority

The reference level against which any future measurements will be compared is 248.85 feet below land surface for Well 1 (New Well 1)

The reference level against which any future measurements will be compared for use of water from Well 2 (Old Well) is 81.70 feet below land surface as measured at Old Well #2 (CLAC 974)

Use of water from the well, as allowed herein, shall be regulated if the well displays:

- a) An average water level decline of three or more feet per year for five consecutive years; or
- b) A total water level decline of fifteen or more feet; or
- c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt

uses or wells covered by prior rights.

The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well:

- a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
- b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
- c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologist, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
- d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resources or senior water rights. The water user shall in no instance allow the excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

The wells shall be maintained in accordance with the General Standards of the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a useable access port, and may also include an air line and 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 plans.

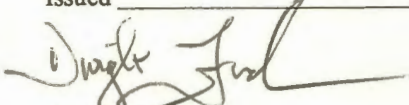
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 AN ADDITIONAL POINTS OF APPROPRIATION approved by an order of the Water Resources Director entered November 28, 2018, at Special Order Volume 109, Page 1090, approving Transfer Application T-12948, and together with Certificate 94176, supersedes Certificate 91569, State record of Water Right Certificates.

**OCT 06 2023**

Issued \_\_\_\_\_.



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