

STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DBA DON MARJAMA NURSERY CO. INC.  
DON AND LE'ANN MARJAMA  
11641 SE BLUFF RD  
SANDY OR 97055

confirms the right to the use of water perfected under the terms of Permit G-17710. 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: G-12505

SOURCE OF WATER: THREE WELLS IN SANDY RIVER BASIN

PURPOSE or USE: SUPPLEMENTAL IRRIGATION AND SUPPLEMENTAL AGRICULTURE USE ON 78.5 ACRES

MAXIMUM RATE: 1.38 CUBIC FEET PER SECOND (CFS), BEING 0.27 CFS FROM WELL #4, 0.82 CFS FROM WELL #5 AND 0.45 CFS FROM WELL #6, OR IN ANY COMBINATION NOT TOTALING MORE THAN 1.38 CFS

PERIOD OF USE: YEAR ROUND FOR AGRICULTURE USE AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION USE

DATE OF PRIORITY: APRIL 25, 1991

The wells are located as follows:

| Twp | Rng | Mer | Sec | Q-Q   | Measured Distances   |
|-----|-----|-----|-----|-------|--|
| 1 S | 4 E | WM  | 35  | SE NW | WELL 4 (CLAC 19303) - 360 FEET NORTH AND 1310 FEET WEST FROM C1/4 CORNER, SECTION 35 |
| 1 S | 4 E | WM  | 35  | SE NW | WELL 5 (CLAC 56181) - 830 FEET NORTH AND 1080 FEET WEST FROM C1/4 CORNER, SECTION 35 |
| 1 S | 4 E | WM  | 35  | SE NW | WELL 6 (CLAC 73474) 30 FEET NORTH AND 1300 FEET WEST FROM C1/4 CORNER, SECTION 35    |

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 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 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   | Acres |
|-----|-----|-----|-----|-------|-------|
| 1 S | 4 E | WM  | 35  | SW NE | 28.75 |
| 1 S | 4 E | WM  | 35  | SE NW | 29.30 |
| 1 S | 4 E | WM  | 35  | NE SW | 8.85  |
| 1 S | 4 E | WM  | 35  | NW SE | 11.60 |

The combined quantity of water diverted at the new points of appropriation (Well 5 and 6), together with that diverted at the old point of appropriation (Well 4), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1, 2, 3 and 4), as follows:

| Twp | Rng | Mer | Sec | Q-Q   | Measured Distances  |
|-----|-----|-----|-----|-------|---|
| 1 S | 4 E | WM  | 35  | SW NE | WELL 1 - 420 FEET NORTH AND 708 FEET EAST FROM C1/4 CORNER, SECTION 35  |
| 1 S | 4 E | WM  | 35  | SE NW | WELL 2 - 293 FEET NORTH AND 625 FEET WEST FROM C1/4, SECTION 35         |
| 1 S | 4 E | WM  | 35  | SE NW | WELL 4 - 305 FEET NORTH AND 1280 FEET WEST FROM C1/4 CORNER, SECTION 35 |
| 1 S | 4 E | WM  | 35  | NE SW | WELL 3 - 175 FEET SOUTH AND 325 FEET WEST FROM C1/4 CORNER, SECTION 35  |

Measurement, recording, and reporting conditions:

- A. The water user shall maintain, in good working order, a meter or other suitable measuring device, as approved by the Director.
- 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.
- C. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water user measurements to the Department annually or more frequently as may be required 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.

Water shall be acquired from the same aquifer as the original points of appropriations (Wells 2, 3, and 4).

Wells 4, 5, and 6 must be continuously cased and continuously sealed into the deep Troutdale Formation and must produce water from between 260 feet and 600 feet below land surface.

Use of water under authority of this right may be regulated if analysis of data available after the right is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The right should allow groundwater production from no shallower than 260 feet below land surface and only from the Deep Troutdale Aquifer between 260 feet and 600 feet below land surface.

Use of water from the wells, as allowed herein, shall be regulated if the wells 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 install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.

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 an initial static water level in the well has been measured and submitted to the Department.
- (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 15 through April 15.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the water user.
- (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.
- (e) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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

The well(s) 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 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.

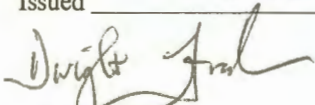
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 plan.

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.

Issued **DEC 08 2023**



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