

STATE OF OREGON  
COUNTY OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Glen Walters Nursery, Inc.  
P. O. Box 280  
Banks, Oregon 97106

Bernard and Darlene Seus  
RT 3  
Hillsboro Oregon 97123

confirms the right to use the waters of DAIRY CREEK AND RESERVOIR CONSTRUCTED UNDER PERMIT R-1854, a tributary of the TUALATIN RIVER, for IRRIGATION OF 65.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 8.8 ACRES.

This right was perfected under Permit S-24161. The date of priority is AUGUST 1, 1955. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.646 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 N	3 W	WM	27	NE SE	50
1 N	3 W	WM	27	SE SE	50

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow of Dairy Creek and storage of reservoir constructed under Permit R-1854 on lands described as primary, and to the use of stored water only on the lands described as supplemental.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 N	3 W	WM	26	SW NW	50	16.2
1 N	3 W	WM	26	NW SW	50	9.0
1 N	3 W	WM	27	SE NE	50	20.9
1 N	3 W	WM	27	NE SE	50	19.3
1 N	3 W	WM	27	SE SE	50	0.1

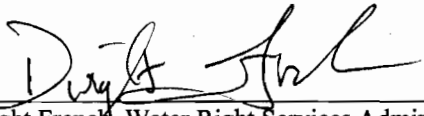
SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 N	3 W	WM	26	NW SW	50	1.3
1 N	3 W	WM	26	SW SW	50	5.4
1 N	3 W	WM	27	NE SE	50	0.3
1 N	3 W	WM	27	SE SE	50	1.8

This certificate is issued to correct a scrivener's error in the description of the authorized amount of water to be diverted. This certificate supersedes Certificate 81922 and describes that portion of the water right NOT modified by the provisions of an order of the Water Resources Director entered September 14, 2006, approving Transfer Application 8919.

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 July 30 2012.

  
A handwritten signature in dark ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

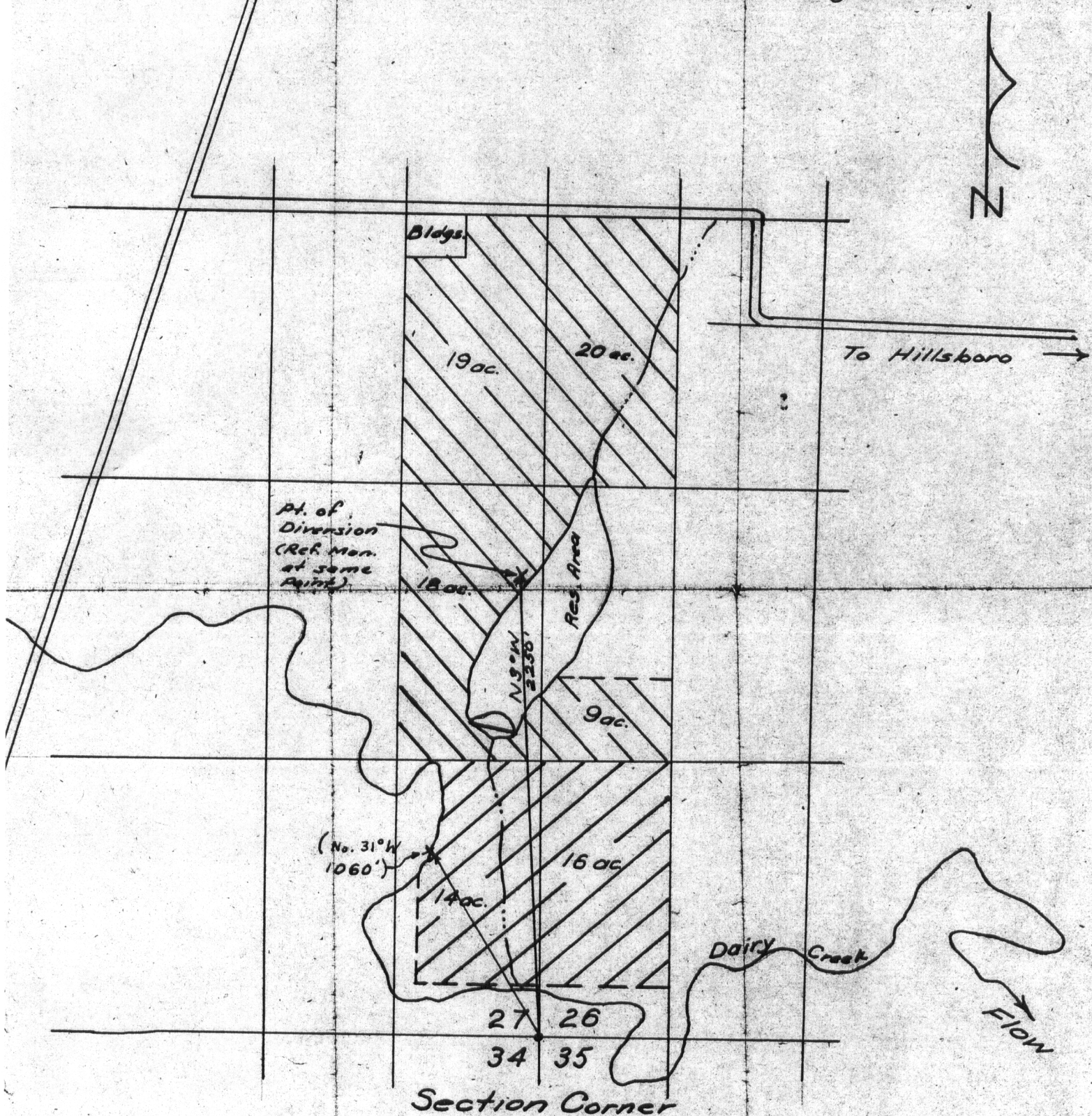
# Bernard Seus Water Right & Reservoir Map

Rte 3, Hillsboro, Oregon

in Sections 26 & 27, T1N, R3W, W.M.

Scale: 1" = 660 FT.

July 1955



Total Acreage to be Irrigated - 96

Legend:

= Area covered by previous permit.

= Area added to new water right.

Application No. R-30182  
30183  
Permit No. R-1854  
24161

RECEIVED  
JUL 1955

STATE ENGINEER  
SALEM, OREGON

R-30182  
30183

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GLENN WALTERS NURSERY INC  
PO BOX 280  
BANKS, OR 97106

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16456

SOURCE OF WATER: WELL 1 IN DAIRY CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 248.16 ACRES

MAXIMUM RATE: 0.367 CUBIC FOOT PER SECOND (CFS), BEING 0.367 CFS FROM DECEMBER 1 THROUGH MAY 31 AND LIMITED TO 0.10 CFS FROM JUNE 1 THROUGH NOVEMBER 30

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MAY 11, 2005

WELL LOCATION:

WELL 1 - SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 26, T1N, R3W, W.M.; 2040 FEET SOUTH & 1850 FEET WEST FROM N1/4 CORNER, SECTION 26

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second 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 and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  4.04 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  9.21 ACRES  
SECTION 23

THE PLACE OF USE IS LOCATED AS FOLLOWS (continued):

NW ¼ NE ¼ 23.0 ACRES  
 SW ¼ NE ¼ 12.2 ACRES  
 NE ¼ NW ¼ 39.4 ACRES  
 NW ¼ NW ¼ 10.49 ACRES  
 SW ¼ NW ¼ 31.2 ACRES  
 SE ¼ NW ¼ 12.49 ACRES  
 NW ¼ SW ¼ 26.93 ACRES  
 SW ¼ SW ¼ 25.38 ACRES

SECTION 26

NE ¼ NE ¼ 0.51 ACRE  
 SE ¼ NE ¼ 18.92 ACRES  
 NE ¼ SE ¼ 20.2 ACRES  
 SE ¼ SE ¼ 14.19 ACRES

SECTION 27

TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The totalizing flow meter(s) must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee 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 permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- (1) Use of water from the well, as allowed herein, shall be controlled or shut off 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.

- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator 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 1 through March 31.
  - (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 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.
  - (e) The permittee/appropriator 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).

#### STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, 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 interferences.

The well(s) shall be constructed 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 water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit 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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

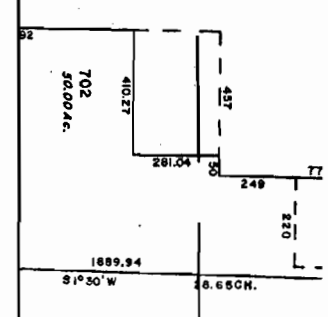
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued April 26, 2007

 *Phillip C. Ward*

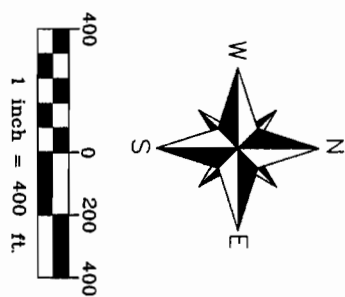
Phillip C. Ward, Director  
Water Resources Department





Certified Master Notary Public  
 No. 135  
 W. Richard Verboom  
 Nov. 19, 1987  
 STATE OF OREGON

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JON OLSON FOR GLENN WALTERS NURSERY INC.  
PO BOX 280  
BANKS, OREGON 97106

(503) 693-1125

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84961

SOURCE OF WATER: AN UNNAMED STREAM AND DAIRY CREEK, TRIBUTARIES OF TUALATIN RIVER

PURPOSE OR USE: AGRICULTURE (NURSERY) USE

MAXIMUM RATE: 5.35 CUBIC FEET PER SECOND (CFS), BEING 3.34 CFS FROM AN UNNAMED DRAINAGE (POD #1), 1.34 CFS FROM WESTERLY DAIRY CREEK (POD #2) AND 0.67 CFS FROM EASTERLY DAIRY CREEK (POD #3)

PERIOD OF USE: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: NOVEMBER 5, 2001

POINTS OF DIVERSION LOCATIONS:

POD #1 NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 27, T1N, R3W, W.M.; 1900 FEET NORTH & 300 FEET WEST FROM SE CORNER, SECTION 27

POD #2 SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 27, T1N, R3W, W.M.; 800 FEET NORTH & 550 FEET WEST FROM SE CORNER, SECTION 27

POD #3 SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 26, T1N, R3W, W.M.; 220 FEET NORTH & 720 FEET EAST FROM SW CORNER, SECTION 26

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, during the period of allowed use specified above, 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  3.9 ACRES

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  9.0 ACRES

SECTION 23

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  21.9 ACRES

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  12.4 ACRES

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  39.1 ACRES

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  10.4 ACRES

SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  28.7 ACRES

SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  12.8 ACRES

NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  26.7 ACRES

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  25.4 ACRES

SECTION 26

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  0.5 ACRES

SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  19.1 ACRES

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  20.0 ACRES

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  14.2 ACRES

SECTION 27

TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device 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 permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

#### **STANDARD CONDITIONS**

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit 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.

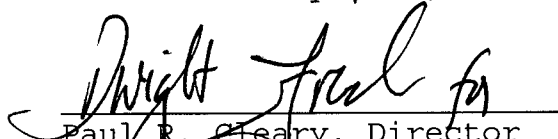
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 16, 2003

  
Paul R. Cleary, Director  
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



