

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Permit Amendment  
T-9912, Yamhill County

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FINAL ORDER  
APPROVING A CHANGE IN POINT OF  
APPROPRIATION AND ADDITIONAL  
POINT OF APPROPRIATION

**Authority**

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

Oregon Pride Nurseries, Inc.  
5380 SE Booth Bend Road  
McMinnville, Oregon 97128

**Findings of Fact**

1. On April 21, 2005, Oregon Pride Nurseries, Inc., filed an application to change the point of appropriation for Well 2 and an additional point of appropriation for Well 2 under Permit G-13847. The Department assigned the application number T-9912.
2. On August 2, 2007, the completion date for Permit G-13847 was extended from October 1, 2004 to October 1, 2009.
3. The permit to be amended is as follows:

**Permit:** G-13847, in the name of Oregon Pride Nurseries, Inc.;

**Use:** Nursery operations

**Priority Date:** July 7, 1999

**Quantity:** 0.468 cubic foot per second (cfs); being 0.134 cfs from Well 1 and 0.334 cfs from Well 2

**Rate/Duty:** 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

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or 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.

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 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.

**Acres:** 56.3 acres  
**Source:** Two wells, in the South Yamhill River Basin.  
**Date of Complete Application of Water:** October 1, 2009

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	4 W	WM	33	NW NE	73	Well 1 - 410 feet South and 1550 feet West from the SE Corner of Section 28
4 S	4 W	WM	28	SW SE	73	Well 2 - 450 feet North and 1750 feet West from the SE Corner of Section 28

**Authorized Place of Use:**

NURSERY USES						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	28	NE SW	73	3.2
4 S	4 W	WM	28	SE SW	73	6.0
4 S	4 W	WM	28	NW SE	73	12.3
4 S	4 W	WM	28	SW SE	73	26.5
4 S	4 W	WM	33	NW NE	73	6.2
4 S	4 W	WM	33	NE NW	73	2.1

4. Application T-9912 proposes to change the point of appropriation of Well 2 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	4 W	WM	28	NW NE	73	Well 2 - 480 feet North and 2035 feet West from the SE Corner of Section 28

5. Application T-9912 proposes an additional point of appropriation for Well 2 located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	4 W	WM	28	NW NE	73	Well 3 - 1150 feet West from the SE Corner of Section 28

6. Notice of the application for the permit amendment was published in the Department's weekly notice on May 17, 2005, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

**Conclusions of Law**

The changes in point of appropriation of Well 2 and additional point of appropriation for Well 2 proposed by Permit Amendment Application T-9912 are consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

The change and subsequent use of water shall be subject to the following conditions:


1. The quantity of water diverted at the new point of appropriation (well) for Well 2, shall not exceed the rate allowed for Well 2 under Permit G-13847.
2. The combined quantity of water diverted at the proposed additional point of appropriation (Well 3), together with that diverted at Well 2, shall not exceed the rate allowed for Well 2 under Permit G-13847.
3. Prior to water use from the proposed points of appropriation, the permittee shall install a meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order.

The permittee shall allow the watermaster access to the meter(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) are located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. All other terms and conditions of Permit G-13847 remain the same.
6. Permit G-13847, in the name of Oregon Pride Nurseries, Inc., is amended as described herein.

Dated at Salem, Oregon this 17<sup>th</sup> day of August, 2007.

  
Phillip C. Ward,  
Director

Mailing Date: AUG 22 2007