

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8287 submitted by

JAMES R. BUSHUE  
9880 SE REVENUE ROAD  
BORING, OREGON 97009.

The permit to be modified is Permit G-12291 with a date of priority of DECEMBER 18, 1990. The permit allows the use of TWO WELLS, in the JOHNSON CREEK BASIN, for NURSERY OPERATIONS ON 73.6 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 335 GALLONS PER MINUTE (GPM) BEING 275 GPM FROM WELL 1 AND 60 GPM FROM WELL 2, if available at the original wells; NE¼ SE¼, SECTION 29, T 1 S, R 4 E, W.M.; WELL 1 - 1670 FEET NORTH AND 370 FEET WEST; WELL 2 - 1770 FEET NORTH AND 70 FEET WEST; BOTH FROM THE SE CORNER OF SECTION 29, or its equivalent in case of rotation, measured at the wells.

**NOTICE:** Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

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 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 use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NW $\frac{1}{4}$  SW $\frac{1}{4}$  3.4 ACRES  
SECTION 28

NE $\frac{1}{4}$  SE $\frac{1}{4}$  34.8 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  18.4 ACRES  
SECTION 29

NE $\frac{1}{4}$  NE $\frac{1}{4}$  17.0 ACRES  
SECTION 32

TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the point of appropriation of WELL 1 to:

SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 29, T 1 S, R 4 E, W.M.; 425 FEET SOUTH AND 624 FEET EAST FROM THE NE CORNER OF THE SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 29.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Water shall be acquired from the same aquifer as the original point of appropriation.
3. All terms and conditions of the permit for WELL 1 shall be applied to the proposed well.
4. All other terms and conditions of the permit remain the same.

Permit G-12291, in the name of JAMES R. BUSHUE is amended as described herein.

WITNESS the signature of the Water Resources

Director, affixed JUL 20 1999.

  
for Martha O. Pagel, Director