



3. The point of appropriation and place of use in Certificate 27867 were incorrectly listed as being in DLC 102. Both locations are in DLC 55.

4. Application T-7241 proposes to change the place of use of a portion of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
5	S	1	W	W.M.	6	NW NW		55	8.3
5	S	1	W	W.M.	6	SW NW		55	2.7 and Greenhouse

5. Application T-7241 proposes to change the character of use of 0.16 cfs; being 0.14 cfs to irrigation of 11.0 acres, and 0.02 cfs to nursery use.

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

7. Water has been used within the five-year period prior to filing of the application according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. A pump, and pipeline system sufficient to use the full amount of water allowed under the existing right is present.

9. The proposed change would not result in enlargement of the right.

10. The proposed change would not result in injury to other water rights.

11. Notice of the Preliminary Determination was published as per ORS 540.520 and OAR 690-380-4020. No protests were filed pursuant to OAR 690-380-4030.

**Conclusion Of Law**

The changes in place of use and character of use proposed in application T-7241 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

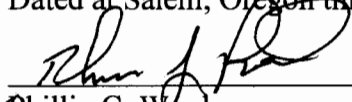
**It is hereby ORDERED:**

1. The changes in place of use and character of use proposed in application T-7241 are approved.

2. Water right certificate 27867 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.

3. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 27867 and any related decree.
4. Irrigation use shall be limited to a rate of not to exceed 1/80 of one cubic foot per acre and further limited to 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.
5. The amount of water used for NURSERY OPERATIONS shall be 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 shall be 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 shall be 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 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.
6. The proposed change shall be completed on or before October 1, 2006.
7. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
8. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed change is received, a new certificate confirming the transferred portion of the water right shall be issued.

Dated at Salem, Oregon this 25<sup>th</sup> day of OCTOBER, 2004.

  
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Phillip C. Ward  
Acting Director

Mailing date: NOV 05 2004