

STATE OF OREGON

COUNTY OF WASHINGTON

ORDER APPROVING A CHANGE IN CHARACTER OF USE
AND A CHANGE IN PLACE OF USE

Pursuant to ORS 537.705, 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, TRANSFER 9196 submitted by

GLENN WALTERS NURSERY, INC.
P.O. BOX 280
BANKS, OREGON 97106.

The first right to be modified, as evidenced by Certificate 45448, was perfected under Permit G-5043 with a date of priority of SEPTEMBER 9, 1970. The right allows the use of A WELL, in the DAIRY CREEK BASIN, for INDUSTRIAL (FRUIT AND JUICE PROCESSING) USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.11 cubic foot per second, if available at the original well; SW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN MONROE DLC 44, SECTION 15, T 1 N, R 3 W, W.M.; 40 FEET NORTH AND 1020 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 15, or its equivalent in case of rotation, measured at the well.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

This is an order in other than a 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.

The second right to be modified, as evidenced by Certificate 53981, was perfected under Permit G-7247 with a date of priority of SEPTEMBER 9, 1976. The right allows the use of CLERMONT WEST WELL 2, in the EAST FORK DAIRY CREEK BASIN, for INDUSTRIAL USES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 cubic foot per second, if available at the original well; NE¼ SE¼, AS PROJECTED WITHIN MONROE DLC 44, SECTION 16, T 1 N, R 3 W, W.M.; 2700 FEET SOUTH AND 2680 FEET WEST FROM THE NE CORNER OF DLC 44, or its equivalent in case of rotation, measured at the well.

The third right to be modified, as evidenced by Certificate 63621, was perfected under Permit G-10786 with a date of priority of JUNE 22, 1987. The right allows the use of A WELL, in the TUALATIN RIVER BASIN, for INDUSTRIAL USES IN THE PROCESSING OF FRESH FRUIT. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 70 gallons per minute, if available at the original well; NW¼ SW¼, AS PROJECTED WITHIN MONROE DLC 44, SECTION 15, T 1 N, R 3 W, W.M.; 2970 FEET SOUTH AND 550 FEET EAST FROM THE NW CORNER OF SECTION 15, or its equivalent in case of rotation, measured at the well.

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

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

The authorized place of use is as follows:

PERMITS G-5043, G-7247, AND G-10786

NW¼ SW¼
AS PROJECTED WITHIN MONROE DLC 44
SECTION 15

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

The applicant proposes to change the character of use of PERMIT G-5043 FROM INDUSTRIAL (FRUIT AND JUICE PROCESSING) USE TO SUPPLEMENTAL IRRIGATION OF 8.8 ACRES AND AGRICULTURAL USE FOR NURSERY CROPS.

The applicant proposes to change the character of use of PERMIT G-7247 FROM INDUSTRIAL USES TO SUPPLEMENTAL IRRIGATION OF 13.6 ACRES AND AGRICULTURAL USE FOR NURSERY CROPS.

The applicant proposes to change the character of use of PERMIT G-5043 FROM INDUSTRIAL USES IN THE PROCESSING OF FRESH FRUIT TO IRRIGATION OF 12.47 ACRES AND AGRICULTURAL USE FOR NURSERY CROPS.

The applicant proposes to change the place of use to:

SUPPLEMENTAL IRRIGATION AND AGRICULTURAL USE FOR NURSERY CROPS

PERMIT G-5043

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.70 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.10 ACRES
BOTH AS PROJECTED WITHIN
MONROE DLC 44
SECTION 15

PERMIT G-7247

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.60 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.76 ACRES
BOTH AS PROJECTED WITHIN
MONROE DLC 44
SECTION 15

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.14 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4.10 ACRES
BOTH AS PROJECTED WITHIN
MONROE DLC 44
SECTION 16

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

PRIMARY IRRIGATION AND AGRICULTURAL USE FOR NURSERY CROPS

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.34 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.13 ACRES
BOTH AS PROJECTED WITHIN MONROE DLC 44
SECTION 15

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

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2005.
2. The use of water for irrigation, together with any other right on the same lands, shall be limited to a rate of diversion not to exceed ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre feet for each acre irrigated during the irrigation season of each year.
3. The use of water for agricultural use for nursery crops shall not exceed the following rates of diversion:
0.11 cubic foot per second (cfs) under Permit G-5043;
0.17 cfs under Permit G-7247; and 70.0 gallons per minute under Permit G-10786.
4. The use of water for agricultural use for nursery crops may be made at any time of the year that the use is beneficial.

Certificates 45448, 53981, and 63621 are cancelled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed OCT 06 2003.


Paul R. Cleary, Director