

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
4	S	1	W	W.M.	8	SE	NW		42	Well 1 – 60 feet North and 2320 feet East from the West ¼ Corner of Section 8
4	S	1	W	W.M.	8	SE	NW		42	Well 2 – 600 feet North and 2180 feet East from the West ¼ Corner of Section 8

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
4	S	1	W	W.M.	8	SW	NE		42	19.7
4	S	1	W	W.M.	8	SE	NE		42	7.5
4	S	1	W	W.M.	8	SE	NW		42	9.8
4	S	1	W	W.M.	8	NE	SW		42	2.1
4	S	1	W	W.M.	8	NW	SE		42	0.9

3. Application T-8988 proposes to change the character of use to nursery use.
4. 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.
5. The application includes a notarized statement from Sheryl A. Rissberger, co-owner of the property, which gives permission for the change to take place.
6. Water has been used within the last five years 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.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

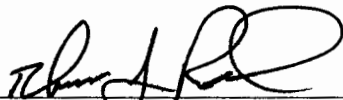
Conclusions of Law

The change in character of use proposed in application T-8988 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in application T-8988 is approved.
2. Water right certificate 76413 is cancelled.
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 76413 and any related decree.
4. The proposed change shall be completed on or before October 1, 2006.
5. 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.
6. The use of water for nursery use shall be limited to 0.5 cubic foot per second and shall not exceed 100.0 acre feet during the irrigation season, March 1 to October 31, of each year.
7. Prior to diverting water for the proposed use, 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.
8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 14th day of April, 2005.



For Phillip C. Ward
Director

Mailing date: APR 20 2005