

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves TRANSFER 6353 submitted by

BAILEY NURSERIES, INC.
9855 N.W. PIKE ROAD
YAMHILL, OREGON 97148

to use the waters of the NORTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATING 30.0 ACRES.

The right to be transferred, as evidenced by certificate 14205, was perfected under permit 13354 with a date of priority of November 15, 1938. This right is limited to 0.38 cubic foot per second, or its equivalent in case of rotation, measured at the point of diversion from the source.

The new point of diversion is located as follows:

SW 1/4 NW 1/4, AS PROJECTED WITHIN DLC 54, SECTION 16, T 3 S, R 4 W, W.M.; 380 FEET SOUTH AND 2240 FEET WEST FROM THE NE CORNER OF DLC 54.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the new place of use is as follows:

SW 1/4 NW 1/4 6.0 ACRES
NW 1/4 SW 1/4 19.3 ACRES
BOTH AS PROJECTED WITHIN DLC 54
SECTION 16

NE 1/4 NE 1/4 1.4 ACRES
NE 1/4 SE 1/4 3.3 ACRES
BOTH AS PROJECTED WITHIN DLC 54
SECTION 17
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

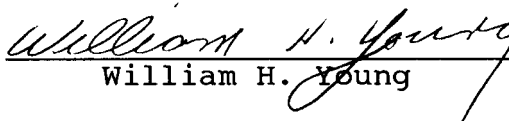
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

1. The proposed change shall be completed on or before October 1, 1992.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Certificate 14205 is hereby canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed
JANUARY 16, 1992.



William H. Young

Recorded in Special Order Records at Volume 46, Page 20.