

STATE OF OREGON

COUNTY OF WASHINGTON

ORDER APPROVING A CHANGE IN USE AND PLACE OF USE

AND CANCELING A PORTION OF A WATER RIGHT

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 6485 submitted by

HARDROCK ENTERPRISES  
21880 SW FARMINGTON ROAD  
BEAVERTON, OREGON 97007.

The right to be modified, as evidenced by a PORTION of Certificate 28972, was perfected under Permit G-798 with a date of priority of MARCH 26, 1958. The right allows the use of A WELL, a tributary of TUALATIN RIVER, for IRRIGATION OF 10.0 ACRES. The right is limited to 0.12 cubic foot per second and 10 ACRE FEET OF GROUND WATER, if available at the original well; SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 26, T 1 S, R 2 W, W.M.; 9 $\frac{1}{2}$  CHAINS EAST OF THE NE CORNER OF JOHNSON DLC 55, or its equivalent in case of rotation, measured at the well.

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 $\frac{1}{2}$  acre-feet for each acre irrigated 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:

LOT 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ )	1.5 ACRES
LOT 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ )	8.5 ACRES
SECTION 27	
TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.	

The applicant proposes to change use of 10 Acre Feet of ground water from irrigation of 10 acres to NURSERY USE ON 5 ACRES.

NURSERY USE is defined as use of water for a commercial nursery which may include temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, and watering within greenhouses. The use of water within plant nursery operation constitutes a different use from field irrigation, although that may be a part of nursery use. If used for field irrigation for nursery stock, such use is not restricted to the defined agricultural irrigation season.

The applicant has submitted an affidavit abandoning and authorizing cancellation of the remaining right of 15 Acre feet for this land.

The abandoned water right is a PORTION of the right described by Certificate 28972, State Record of Water Right Certificates. The abandoned water right is for the use of 15 Acre Feet of ground water from A WELL, a tributary of TUALATIN RIVER. The date of priority is MARCH 26, 1958. The abandoned water right is for a portion of the duty for irrigation of 10 acres.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

The applicant also proposes to change the place of use to:

SE $\frac{1}{4}$  NW $\frac{1}{4}$  5.0 ACRES  
SECTION 26  
TOWNSHIP 1 SOUTH, RANGE 2 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.

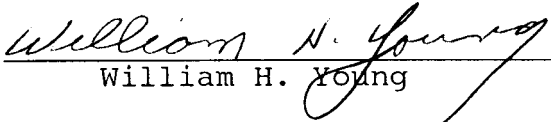
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1992.
2. The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.
3. The former place of use shall no longer be irrigated as part of this water right.

It is ORDERED that the portion of the water right described herein requested to be cancelled is cancelled.

Certificate 28972 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer and cancellation proceeding. 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 10, 1992.

  
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William H. Young

Recorded in Special Order Records at Volume 46, Page 4.

T-6485.LHN