

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount diverted is 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 is 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 of the year 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.

Sources: WELLS NW3 AND NW5, in the TUALATIN RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	2 W	WM	7	NE SE	68	WELL NW3 - 1870 FEET NORTH AND 360 FEET WEST FROM THE SW CORNER OF SECTION 8
1 S	2 W	WM	7	NE SE	68	WELL NW5 - 2440 FEET NORTH AND 330 FEET WEST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	2 W	WM	7	NE SE	68	5.2
1 S	2 W	WM	8	NW SW	68	4.8

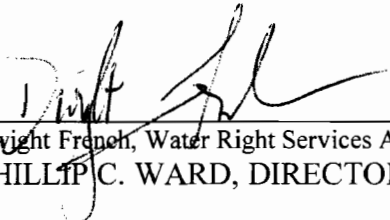
- Transfer Application T-10882 proposes to change the character of use of 10.0 acres to INDUSTRIAL.
- Transfer Application T-10882 also proposes to change the place of use of the right to:

INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
1S	2W	WM	7	SW NE
1S	2W	WM	7	SE NE
1S	2W	WM	7	NE SE
1S	2W	WM	7	NW SE
1S	2W	WM	7	SW SE
1S	2W	WM	7	SE SE
1S	2W	WM	8	NW SW
1S	2W	WM	8	SW SW
1S	2W	WM	18	NE NE
1S	2W	WM	18	NW NE
1S	2W	WM	18	SW NE
1S	2W	WM	18	NE NW
1S	2W	WM	18	SE NW

Now, therefore, it is ORDERED:

1. The changes in place of use and character of use proposed in Transfer Application T-10882 are approved.
2. The right to the 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 85423 and any related decree.
3. Water right certificate 85423 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. The maximum rate of diversion for industrial use shall be limited to 0.36 cubic foot per second and further limited to a total volume diverted of 50 acre feet per year.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 26 day of March, 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: MAR 29 2012

6. Notice of the application for transfer was published on May 26, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. The application maps did not initially show the same breakdown of acreage by quarter-quarter section as the final proof maps. This discrepancy was resolved by revision of the application maps.
8. On December 23, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10882 to the applicant. The draft Preliminary Determination set forth a deadline of December 23, 2009, for the applicant to respond. The applicant requested the Department extend the deadline several times in order to obtain consent to the transfer from the landholder.
9. On January 11, 2012, applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On January 12, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10882 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on January 17, 2012, and in The Hillsboro Argus newspaper on February 10, 17 and 24, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

11. Water has been used within the last five years prior to the submittal of Transfer Application T-10882 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610
12. Pumps, pipelines, and a sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10882.
13. The proposed change in character of use would not result in enlargement of the right provided the rate of diversion for industrial use is limited to a maximum of 0.36 cubic foot per second and further limited to a total volume diverted of 50 acre feet per year.
14. The proposed changes, as conditioned, would not result in injury to other water rights.

Conclusions of Law

The change in place of use and change in character of use proposed in Transfer Application T-10882 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.