

STATE OF OREGON

COUNTY OF WASHINGTON

**ORDER APPROVING A CHANGE IN CHARACTER OF USE,
A CHANGE IN PLACE OF USE, AND A CHANGE IN POINT OF APPROPRIATION**

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 8853 submitted by

Baker Rock Resources
21880 SW Farmington Road
Beaverton, Oregon 97007.

The first right to be modified, as evidenced by a portion of Certificate 52093, was perfected under Permit G-1985 with a date of priority of November 9, 1961. The right allows the use of a well, in the Tualatin River Basin, for washing rock. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 cubic foot per second, if available at the original well; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, T 1 S, R 2 W, W.M.; 275 feet North and 1000 feet West from the SE Corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, or its equivalent in case of rotation, measured at the well.

The second right to be modified, as evidenced by a portion of Certificate 28970, was perfected under Permit G-499 with a date of priority of March 29, 1957. The right allows the use of a well, in the Tualatin River Basin, for irrigation of 0.3 acre. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.004 cubic foot per second, if available at the original well; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T 1 S, R 2 W, W.M.; 9.5 chains East from the NE Corner of Johnson DLC 55, or its equivalent in case of rotation, measured at the well.

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 amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to 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 2.5 acre-feet per acre 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 places of use are as follows:

Permit G-1985

Township		Range		Meridian	Sec	¼,¼		Lot	DLC	Acres
1	S	2	W	W.M.	26	SW	NE			

Permit G-499

Township		Range		Meridian	Sec	¼,¼		Lot	DLC	Acres
1	S	2	W	W.M.	26	SW	NW	1		0.3

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

The applicant proposes to change the character of use of both rights to nursery operations.

The applicant proposes to change the place of use to:

Permit G-1985

Township		Range		Meridian	Sec	¼,¼		Lot	DLC	Acres	Proposed Rate (cfs/ac)
1	S	2	W	W.M.	26	SW	NW	1		4.8	1/80
1	S	2	W	W.M.	26	SE	NW			0.6	1/80
1	S	2	W	W.M.	27	SE	NE	1		4.7	1/40

Permit G-499

Township		Range		Meridian	Sec	¼,¼		Lot	DLC	Acres	Proposed Rate (cfs/ac)
1	S	2	W	W.M.	26	SW	NW	1		0.22	1/80
1	S	2	W	W.M.	26	SE	NW			0.08	1/80

The applicant proposes to change the point of appropriation of Permit G-1985 to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
1	S	2	W	W.M.	26	NW	SW			600 feet due East of the NE Corner of H. Johnson DLC 55

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

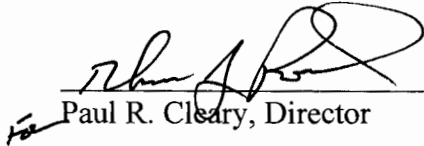
1. The proposed changes shall be completed on or before October 1, 2005.
2. The quantity of water diverted under Permit G-1985 at the proposed point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully authorized under the right.
3. The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used from the proposed well. 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.
4. The use of water for nursery operations under Permit G-1985 on the 4.7 acres in the SE¼ NE¼ of Section 27 shall be limited to 0.12 cubic foot per second and shall not exceed 23.5 acre feet per acre during the calendar year.
5. The use of water for nursery operations under Permit G-1985 on the rest of the proposed place of use shall be limited to 0.07 cubic foot per second and shall not exceed 13.5 acre feet per acre during the calendar year.
6. The use of water for nursery operations under Permit G-499 shall be limited to 0.004 cubic foot per second and shall not exceed 0.075 acre feet per acre during the calendar year.

7. Water shall be acquired from the same aquifer as the original point of appropriation.

Certificates 52093 and 28970 are cancelled. New certificates will be issued to confirm those portions of these rights not involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 04 2004.


Paul R. Cleary, Director