

STATE OF OREGON

COUNTY OF BENTON

ORDER APPROVING A CHANGE IN CHARACTER OF USE,  
A CHANGE IN PLACE OF USE, A CHANGE IN POINT OF APPROPRIATION,  
A PARTIAL CANCELLATION OF A WATER RIGHT,  
AND A CANCELLATION 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 8111 submitted by

MORSE BROTHERS, INC.  
32260 HIGHWAY 34  
TANGENT, OREGON 97389.

The right to be modified, as evidenced by a PORTION of Certificate 31024, was perfected under Permit G-1481 with a date of priority of OCTOBER 30, 1959. The right allows the use of WELL 2, in the WILLAMETTE RIVER BASIN, for IRRIGATION OF 43.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.54 cubic foot per second, if available at the original well; NW¼ SE¼, SECTION 12, T 12 S, R 5 W, W.M.; 60 FEET SOUTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12, 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 2½ 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 place of use is as follows:

LOT 1 (NE¼ NE¼) 23.1 ACRES  
LOT 1 (NW¼ NE¼) 3.1 ACRES  
LOT 2 (SW¼ NE¼) 10.4 ACRES  
LOT 2 (SE¼ NE¼) 6.8 ACRES  
SECTION 12

TOWNSHIP 12 SOUTH, RANGE 5 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.

The applicant proposes to change the character of use from IRRIGATION OF 43.4 ACRES to INDUSTRIAL USE.

The applicant proposes to change the place of use to:

W½ NE¼  
NW¼  
SW¼  
W½ SE¼  
SE¼ SE¼  
SECTION 1

SW¼ SW¼  
SECTION 6

NW¼ NW¼  
SECTION 7

NE¼  
SE¼ NW¼  
SW¼  
N½ SE¼  
SECTION 12

NW¼  
N½ SW¼  
SECTION 13

SE¼ SE¼  
SECTION 14

TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

The applicant proposes to change the point of appropriation to:

NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 1, T 12 S, R 5 W, W.M.; 440 FEET SOUTH AND 2500 FEET WEST, 540 FEET SOUTH AND 2600 FEET WEST, BOTH FROM THE E $\frac{1}{4}$  CORNER OF SECTION 1.

Affidavits were received from Morse Brothers, Inc., owner of certain lands and the water right appurtenant to it. A portion of a water right and an entire water right have been abandoned and are requested to be cancelled.

The portion of a water right requested to be cancelled is described by Certificate 31024, State Record of Water Right Certificates. The date of priority is October 30, 1959. The water use was for irrigation of 47.3 acres from Well 2, in the Willamette River Basin. The amount used was 0.19 cubic foot per second.

The entire water right requested to be cancelled is described by Certificate 26196, State Record of Water Right Certificates. The date of priority is November 13, 1956. The water use was for irrigation of 72.0 acres from a well in the Willamette River Basin. The amount used was 0.90 cubic foot per second.

The abandoned portions are located as follows:

CERTIFICATE 31024

SW $\frac{1}{4}$  SE $\frac{1}{4}$  2.6 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  0.1 ACRE  
SECTION 1

LOT 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) 2.5 ACRES  
LOT 1 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) 10.1 ACRES  
LOT 2 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) 20.2 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  0.6 ACRE  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  11.2 ACRES  
SECTION 12

TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

CERTIFICATE 26196

LOT 8 (NE¼ SW¼) 1.8 ACRES  
LOT 7 (SE¼ SW¼) 10.4 ACRES  
LOT 13 (SE¼ SW¼) 3.2 ACRES  
LOT 13 (NW¼ SE¼) 3.8 ACRES  
LOT 8 (NW¼ SE¼) 8.0 ACRES  
LOT 13 (SW¼ SE¼) 18.6 ACRES  
SW¼ SE¼ 2.6 ACRES  
SECTION 1

LOT 13 (NW¼ NE¼) 21.2 ACRES  
LOT 13 (SW¼ NE¼) 1.2 ACRES  
LOT 13 (NE¼ NW¼) 1.2 ACRES  
SECTION 12

TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

ORS 540.610 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 cancelling the water right."

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, 2002.
2. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. 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.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

5. The use of water for industrial use shall be limited to 0.54 cubic foot per second and shall not exceed 108.5 acre feet during the irrigation season of each year, being March 1 to October 31.
6. The former place of use shall no longer be irrigated as part of this water right.


The portion of the water right evidenced by Certificate 31024 and the water right evidenced by Certificate 26196 requested to be cancelled are cancelled.

Certificates 31024 and 26196 are cancelled.

When satisfactory proof of the completed change of that portion of the water right evidenced by Certificate 31024 not cancelled by this order is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAR 21 2001.

  
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Paul R. Cleary, Director