

4. On April 6, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12331 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 April 11, 2017, and in the Hillsboro Tribune newspaper on April 19 and 26, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The first right to be transferred is as follows:

Certificate: 88631 in the name of CASCADIAN NURSERIES INC. (perfected under Permit G-15372)

Use: NURSERY USE on 20.0 ACRES

Priority Date: MAY 17, 2002

Rate: 0.58 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic feet per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per year. For 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 any time, during the period of allowed use specified above, 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 per year.

Period of Use: Year-round

Sources: TWO WELLS within the HOLCOMB CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	2 W	WM	11	NE SE	WELL 3 (WASH 1383) - 2490 FEET NORTH AND 370 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 W	WM	11	NW SE	WELL 2 (WASH 5213) - 1880 FEET NORTH AND 2280 FEET WEST FROM THE SE CORNER OF SECTION 11

Authorized Place of Use:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	2 W	WM	11	SE SW	0.1
1 N	2 W	WM	11	SW SE	6.8
1 N	2 W	WM	11	SE SE	11.6
1 N	2 W	WM	14	NE NE	1.2
1 N	2 W	WM	14	NW NE	0.3

6. Transfer Application T-12331 proposes an additional point of appropriation with approximate distances from the existing points of appropriation as described below:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation
1 N	2 W	WM	11	SW SE	Well 4 (WASH 66930) - 620 FEET NORTH AND 2630 WEST FROM THE SE CORNER OF SECTION 11	WELL 3 (WASH 1383) - 0.6 Mile WELL 2 (WASH 5213) - 0.3 Mile

7. The second right to be transferred is as follows:

Certificate: 89544 in the name of CASCADIAN NURSERIES INC. (perfected under Permit G-11038)

Use: NURSERY OPERATION ON 18.7 ACRES

Priority Dates: AUGUST 25, 1988 FOR 0.40 CUBIC FOOT PER SECOND, OCTOBER 17, 1988 FOR 0.10 CUBIC FOOT PER SECOND

Rate: 0.50 CUBIC FOOT PER SECOND

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 of water 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 any time 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.

USE OF WATER UNDER THIS RIGHT SHALL BE REGULATED IF THE WELL DISPLAYS:

- A. AN AVERAGE WATER LEVEL DECLINE OF THREE (3) OR MORE FEET PER YEAR FOR FIVE CONSECUTIVE YEARS OR,
- B. A WATER LEVEL DECLINE OF FIFTEEN (15) OR MORE FEET IN FEWER THAN FIVE (5) CONSECUTIVE YEARS, OR
- C. A WATER LEVEL DECLINE OF TWENTYFIVE (25) OR MORE FEET, OR
- D. A HYDRAULIC INTERFERENCE DECLINE OF TWENTY-FIVE (25) OR MORE FEET IN ANY NEIGHBORING WELL PROVIDING WATER FOR USES EXEMPT FROM PERMIT REQUIREMENTS OR A WELL COVERED BY PRIOR RIGHTS. THE WATER RESOURCES DEPARTMENT HAS DETERMINED THAT THE INITIAL WATER LEVEL IN WELL 2 (WASH 5213) WAS 92 FEET BELOW LAND SURFACE ON MARCH 2, 1990. THAT IS THE LEVEL FROM WHICH PREVIOUSLY CITED DECLINES WILL BE REFERENCED. AS MUCH AS POSSIBLE, FUTURE LEVELS SHALL REFLECT ANNUAL HIGH LEVELS WHICH ARE USUALLY FOUND IN THE SPRING OF EACH

YEAR. THE REFERENCE LEVEL FOR WELL (WASH 66390) IS 93.95 FEET BELOW LAND SURFACE.

Sources: TWO WELLS within the HOLCOMB CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	2 W	WM	11	NW SE	WELL 2 (WASH 5213) - 1880 FEET NORTH AND 2280 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 W	WM	11	SW SE	WELL 4 (WASH 66930) - 620 FEET NORTH AND 2630 FEET WEST FROM THE SE CORNER OF SECTION 11

Authorized Place of Use:

NURSERY OPERATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 N	2 W	WM	11	NE SW	2	3.0
1 N	2 W	WM	11	NE SE		5.2
1 N	2 W	WM	11	NW SE		10.5

8. Transfer Application T-12331 proposes an additional point of appropriation with approximate distances from the existing points of appropriation as described in the table below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation
1 N	2 W	WM	11	NE SE	WELL 3 (WASH 1383) - 2490 FEET NORTH AND 370 FEET WEST FROM THE SE CORNER OF SECTION 11	WELL 2 (WASH 5213) – 0.4 Mile WELL 4 (WASH 66930) – 0.6 Mile

9. The third right to be transferred is as follows:

Certificate: 89545 in the name of CASCADIAN NURSERIES INC. (perfected under Permit G-15217)

Use: NURSERY OPERATIONS on 13.95 ACRES

Priority Date: JANUARY 16, 2001

Rate: 0.668 CUBIC FOOT PER SECOND

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 of water 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 any time 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.

Period of Use: Year Round

Sources: TWO WELLS within the HOLCOMB CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	2 W	WM	11	NW SE	WELL 2 (WASH 5213) – 1880 FEET NORTH AND 2280 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 W	WM	11	SW SE	WELL 4 (WASH 66930) - 620 FEET NORTH AND 2630 FEET WEST FROM THE SE CORNER OF SECTION 11

Authorized Place of Use:

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 N	2 W	WM	11	NE SW	2	2.00
1 N	2 W	WM	11	NE SE		4.40
1 N	2 W	WM	11	NW SE		7.55

10. Transfer Application T-12331 proposes an additional point of appropriation with approximate distances from the existing points of appropriation as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation
1 N	2 W	WM	11	NE SE	WELL 3 (WASH 1383) - 2490 FEET NORTH AND 370 FEET WEST FROM THE SE CORNER OF SECTION 11	WELL 2 (WASH 5213) – 0.4 Mile WELL 4 (WASH 66930) – 0.6 Mile

11. The fourth right to be transferred is as follows:

Certificate: 90310 in the name of ALFRED AND JOHANNA MEISNER and NORTHWEST FARM CREDIT SERVICES, FLCA (perfected under Permit G-13531)

Use: NURSERY OPERATIONS on 20.88 ACRES

Priority Date: OCTOBER 21, 1997

Rate: 0.78 CUBIC FOOT PER SECOND

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 irrigation of containerized nursery plants, the amount of water 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 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 any time of the year that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: Year Round

Source: WELL 2 within the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	2 W	WM	11	NW SE	1870 FEET NORTH AND 2275 FEET WEST FROM THE SE CORNER OF SECTION 11

Authorized Place of Use:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	2 W	WM	11	NE SE	19.21
1 N	2 W	WM	11	NW SE	1.67

12. The Department has received information that better describes the location of the original point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	2 W	WM	11	NW SE	WELL 2 (WASH 5213) 1880 FEET NORTH AND 2280 FEET WEST FROM THE SE CORNER OF SECTION 11

13. Transfer Application T-12331 proposes additional points of appropriation with approximate distances from the existing point of appropriation as described in the table below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation
1 N	2 W	WM	11	NE SE	WELL 3 (WASH 1383) - 2490 FEET NORTH AND 370 FEET WEST FROM THE SE CORNER OF SECTION 11	WELL 2 (WASH 5213) - 0.4 Mile
1 N	2 W	WM	11	NW SE	WELL 4 (WASH 66930) - 620 FEET NORTH AND 2630 FEET WEST FROM THE SE CORNER OF SECTION 11	WELL 2 (WASH 5213) - 0.3 Mile

14. The fifth right to be transferred is as follows:

Certificate: 90311 in the name of CASCADIAN NURSERIES INC.; ALFRED MEISNER; (perfected under Permit G-15334)

Use: NURSERY USE on 18.7 ACRES

Priority Date: DECEMBER 7, 2001

Rate: 0.78 CUBIC FOOT PER SECOND

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 irrigation of containerized nursery plants, the amount of water 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 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 any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: Year Round

Source: A WELL within the HOLCOMB CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	2 W	WM	11	NW SE	1870 FEET NORTH AND 365 FEET EAST FROM THE S1/4 CORNER OF SECTION 11

Authorized Place of Use:

NURSERY USE						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 N	2 W	WM	11	NE SW	2	5.2
1 N	2 W	WM	11	SE SW	3	12.5
1 N	2 W	WM	11	NW SE		0.4
1 N	2 W	WM	11	SW SE		0.6

15. The Department has received information that better describes the location of the original point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	2 W	WM	11	NW SE	WELL 2 (WASH 5213) 1880 FEET NORTH AND 2280 FEET WEST FROM THE SE CORNER OF SECTION 11

16. Transfer Application T-12331 proposes additional points of appropriation with approximate distances from the existing point of appropriation as described in the table below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation
1 N	2 W	WM	11	NE SE	WELL 3 (WASH 1383) - 2490 FEET NORTH AND 370 FEET WEST FROM THE SE CORNER OF SECTION 11	WELL 2 (WASH 5213) - 0.4 Mile
1 N	2 W	WM	11	NW SE	WELL 4 (WASH 66930) - 620 FEET NORTH AND 2630 FEET WEST FROM THE SE CORNER OF SECTION 11	WELL 2 (WASH 5213) - 0.3 Mile

Transfer Review Criteria (OAR 690-380-4010)

17. Water has been used according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12231.
19. The proposed change would not result in enlargement of the rights.
20. The proposed change would not result in injury to other water rights.

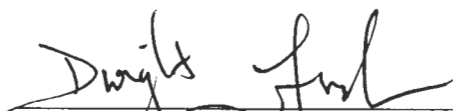
Conclusion of Law

The additional points of appropriation proposed in Transfer Application T-12331 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-12331 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 Certificates 88631, 89544, 89545, 90310, and 90311 and any related decree.
3. Water right Certificates 88631, 89544, 89545, 90310, and 90311 are cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install **totalizing flow meters**, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 20 day of July, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: 'JUL 26 2017