

**STATE OF OREGON**

**COUNTY OF YAMHILL**

**ORDER APPROVING A CHANGE IN CHARACTER OF USE**

Pursuant to ORS 540.510 to 540.530, 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 6354 submitted by

BAILEY NURSERIES, INCORPORATED  
9855 NW PIKE ROAD  
YAMHILL, OREGON 97148.

The first right to be modified, as evidenced by Certificate 28995, was perfected under Permit R-1407 with a date of priority of APRIL 20 1951. The right allows the use of UNNAMED STREAM, a tributary of CHEHALEM CREEK (WILLAMETTE RIVER), for STORAGE FOR IRRIGATION. This right is limited to 60.0 ACRE FEET, if available at the authorized point of diversion: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within BEAN DLC 41, SECTION 2, T 3 S, R 3 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Certificate 28997, was perfected under Permit R-1560 with a date of priority of AUGUST 28, 1953. The right allows the use of UNNAMED STREAM, a tributary of CHEHALEM CREEK, for STORAGE FOR IRRIGATION. This right is limited to 37.0 ACRE FEET, if available at the authorized point of diversion: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within BEAN DLC 41, SECTION 2, T 3 S, R 3 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third right to be modified, as evidenced by Certificate 28999, was perfected under Permit R-1761 with a date of priority of DECEMBER 21, 1954. The right allows the use of UNNAMED STREAM, a tributary of CHEHALEM CREEK, for STORAGE FOR IRRIGATION. This right is limited to 48.0 ACRE FEET, if available at the authorized point of diversion: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within BEAN DLC 41, SECTION 2, T 3 S, R 3 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

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

The reservoir is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$   
N $\frac{1}{2}$  SW $\frac{1}{4}$   
as projected within BEAN DLC 41  
SECTION 2  
TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the character of use from storage for irrigation to storage for nursery use.


THIS CHANGE TO EXISTING WATER RIGHTS 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, 1995.

Certificates 28995, 28997, and 28999 are cancelled. When satisfactory proof of the completed change is received, new certificates confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed November 12, 1993.

  
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 Martha O. Pagel