

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
4	S	1	W	W.M.	31	NE	NE		56	0.5
4	S	1	W	W.M.	31	SE	NE		56	15.0

3. Application T-9117 proposes to move the authorized point of appropriation approximately 2140 feet from the existing point of appropriation in the Mill Creek basin to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
4	S	1	W	W.M.	31	SE	NE		56	100 feet North and 150 feet West from the W¼ Corner of Section 32.

4. Application T-9117 proposes to change the character of use to nursery use.
5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in point of appropriation and character of use proposed in application T-9117 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 changes in point of appropriation and character of use proposed in application T-9117 are approved.
2. Water right certificate 80715 is cancelled.


3. The right to 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 80715 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The proposed change shall be completed on or before October 1, 2006.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
7. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
8. The use of water for nursery use shall be limited to 0.19 cubic foot per second and shall not exceed 38.75 acre feet during the period March 1 to October 31 of each year.
9. Prior to water use from the proposed point of appropriation, the water user shall install a meter or other suitable measuring device as approved by the Director. The water shall maintain the meter or measuring device in good working order.

The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

10. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 27th day of DECEMBER, 2004.



Phillip C. Ward
Director

Mailing date: DEC 30 2004