BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF)
FISHER FARMS FOR APPROVAL OF A   )   ORDER APPROVING
CHANGE IN PLACE OF USE OF WATER   )   TRANSFER 6065

On December 10, 1987, an application was filed in the office of the Water Resources Director by Fisher Farms for approval of a change in place of use of water from Unnamed Stream #1 and Unnamed Stream #2, both tributary of Tualatin River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 8881, Volume 8, State Record of Water Right Certificates, in the name of W. A. Harris, describes a right which includes the use of not to exceed 0.002 cubic foot per second from an Unnamed Creek, for irrigation of 0.15 acre in the NW1/4 SW1/4 of Section 30, Township 1 South, Range 3 West, WM, with a date of priority of July 17, 1926.

Water for the said right is diverted from unnamed stream #1 at a point located 925 feet North and 2040 feet West from the South Quarter Corner of Section 30, being within the SW1/4 SW1/4 of Section 30, Township 1 South, Range 3 West, WM.

The applicant herein, owner of the lands above described, proposes to transfer the right therefrom to a certain 0.15 acre in NE1/4 SW1/4 of Section 30, Township 1 South, Range 3 West, WM.

The certificate recorded at page 8884, Volume 8, State Record of Water Right Certificates, in the name of W. A. Harris, describes a right which includes the use of not to exceed 0.016 cubic foot per second from an Unnamed Creek, for irrigation of 0.20 acre in NW1/4 SW1/4 and 0.87 acre in NE1/4 SW1/4, Section 30, Township 1 South, Range 3 West, WM, with a priority of August 20, 1926.

Water for the said right is diverted from a point located 2325 feet North and 1030 feet West from the South Quarter Corner of Section 30, being within the NE1/4 SW1/4 of Section 30, Township 1 South, Range 3 West, WM.

The applicant herein, owner of the lands above described, proposed to transfer the right therefrom to a certain 1.07 acres in NE1/4 SW1/4 of Section 30, Township 1 South, Range 3 West, WM. Clayton J. Gardner, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made with injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the Watermaster it becomes necessary to install headgates and measuring devices:
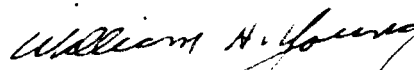
> That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

> That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water rights are hereby severed from the place of use described in Certificates 8881 and 8884, and shall be beneficially used as authorized by this order on or before October 1, 1990.

It is FURTHER ORDERED that the certificates recorded at pages 8881 and 8884, Volume 8, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 21st day of October, 1988.

William H. Young

WILLIAM H. YOUNG
Director

NOTE: Approval of the water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.