

STATE OF OREGON

COUNTY OF WASHINGTON

ORDER APPROVING A CHANGE IN PLACE OF USE
AND POINT OF DIVERSION

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 7693 submitted by

GLENN WALTERS NURSERY, INC.
P.O. BOX 280
BANKS, OREGON 97106.

The right to be modified, as evidenced by a portion of Certificate 31394, was perfected under Permit 25136 with a date of priority of MAY 29, 1956. The right allows the use of MCFEE CREEK, a tributary of the TUALATIN RIVER, for IRRIGATION OF 13.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 cubic foot per second, if available at the authorized point of diversion: LOT 9 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 16, T 2 S, R 2 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for 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 2 $\frac{1}{2}$ acre-feet 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 located as follows:

LOT 9 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 13.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.3 ACRE
SECTION 16
TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.

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

The applicant proposes to change the place of use to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.6 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.3 ACRE
SECTION 8
TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 8, T 2 S, R 2 W, W.M.; 1020 FEET
NORTH AND 1475 FEET EAST FROM THE SW CORNER OF SECTION 8.

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, 1999.
2. The quantity of water diverted at the new point of
diversion, together with that diverted at the old point
of diversion, shall not exceed the quantity of water
lawfully available at the original point of diversion.
3. The water user shall install and maintain a headgate, an
in-line flow meter, weir, or other suitable device for
measuring and recording the quantity of water diverted.
The type and plans of the headgate and 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 surface water
source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a
part of this water right.
6. This water right shall be the primary irrigation water
right at the proposed place of use. All other existing
irrigation rights will be diminished to supplemental
irrigation during the irrigation season.

Certificate 31394 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed 6/10/98.



Martha O. Regel, Director