

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 9402 submitted by

F. ALLAN ELLIOTT
P.O. BOX 398
DAYTON, OREGON 97114

CARLTON PLANTS LLC
14301 SE WALLACE ROAD
DAYTON, OREGON 97114.

The FIRST right to be modified, as evidenced by a PORTION of Certificate 31650, was perfected under Permit G-1387 with a date of priority of JULY 14, 1959. The right allows the use of A WELL, in the WILLAMETTE RIVER BASIN, for IRRIGATION of 37.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 cubic foot per second, if available at the original well located at: SE¼ SW¼, AS PROJECTED WITHIN COOPER DLC 53, SECTION 9, T 5 S, R 3 W, W.M.; 5 CHAINS SOUTH AND 12 CHAINS EAST FROM SE CORNER, THESSING DLC 51, or its equivalent in case of rotation, measured at the well.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any 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 2½ 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 SECOND right to be modified, as evidenced by a PORTION of Permit G-12827 with a date of priority of MARCH 11, 1993. The right allows the use of TWO WELLS, in the PALMER CREEK BASIN, for SUPPLEMENTAL IRRIGATION of 37.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.11 cubic foot per second, if available at the original wells located at: SE¼ SE¼, SECTION 8; SW¼ SW¼, SECTION 9, T 5 S, R 3 W, W.M.; WELL 1 - 210 FEET NORTH AND 350 FEET WEST; WELL 2 - 60 FEET NORTH AND 60 FEET EAST, BOTH FROM THE NW CORNER OF HEWITT DLC 56, or its equivalent in case of rotation, measured at the wells.

The amount of water used for irrigation, together with the amount secured under any 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 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The THIRD right to be modified, as evidenced by a PORTION of Permit 51610 with a date of priority of MARCH 11, 1993. The right allows the use of the waters of WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, a tributary of the COLUMBIA RIVER, for SUPPLEMENTAL IRRIGATION of 37.9 ACRES. The amount of water to which this right is entitled is limited to not more than 95.0 ACRE-FEET STORED WATER ONLY, if available at the authorized point of diversion: LOT 5 (NW¼ NW¼), SECTION 10, T 5 S, R 3 W, W.M.; 430 FEET NORTH AND 80 FEET EAST

FROM THE SW CORNER OF LOT 5, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 2.5 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use is April 1 through September 30.

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

This right limited to any deficiency in the available supply of any prior right existing for the same land.

The authorized place of use for Certificate 31650, Permit G-12827 and Permit 51610 is located as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 21.4 ACRES (PRIMARY & SUPP)
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES (PRIMARY & SUPP)
BOTH AS PROJECTED WITHIN GAINES DLC 50
SECTION 8

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.2 ACRES (PRIMARY & SUPP)
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.3 ACRES (PRIMARY & SUPP)
BOTH AS PROJECTED WITHIN GAINES DLC 50
SECTION 17
TOWNSHIP 5 SOUTH, RANGE 3 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 **temporarily** change the place of use for Certificate 31650, Permit G-12827 and Permit 51610 to:

NE¼ SW¼	1.0 ACRE	(PRIMARY & SUPP)
NW¼ SE¼	26.9 ACRES	(PRIMARY & SUPP)
SW¼ NE¼	9.8 ACRES	(PRIMARY & SUPP)
SE¼ NW¼	0.2 ACRE	(PRIMARY & SUPP)

ALL AS PROJECTED WITHIN THESSING DLC 51
SECTION 8
TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.


THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change is temporary. The change shall be effective upon issuance of this order.
2. The former place of use **shall not** be irrigated as part of this water right during the 2003 irrigation season.
3. The water right evidenced by Transfer 7190 (Permit 28613) appurtenant to the proposed place of use, **shall not** be used during the 2003 irrigation season.
4. The use shall revert to the authorized place of use at the end of the 2003 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

7. The use of the remaining water right described by Certificate 31650, Permit G-12827 and Permit 51610 shall continue to be in accordance with the terms and conditions of Certificate 31650, Permit G-12827 and Permit 51610.

WITNESS the signature of the Water Resources

Director, affixed **MAY 13 2003** .


for Paul R. Cleary, Director