

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A CHANGE IN PLACE OF USE
AND A CHANGE IN 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 9245 submitted by

C.M. MORRIS, JR.
MICHAEL M. MORRIS
18935 SW BELLEVUE HIGHWAY
McMINNVILLE, OREGON 97128.

The right to be modified, as evidenced by a portion of Certificate 79984, was perfected under Permit 46693 with a date of priority of JANUARY 7, 1982. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 60.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.76 cubic foot per second, if available at the authorized point of diversion: LOT 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 32, T 5 S, R 5 W, W.M.; 200 FEET NORTH OF THE NW CORNER OF McCANE DLC 60, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 authorized place of use is located as follows:

NW¼ NW¼ 8.6 ACRES
SW¼ NW¼ 6.5 ACRES
BOTH AS PROJECTED WITHIN McCANE DLC 69
SECTION 5

NE¼ NE¼ 25.4 ACRES
SE¼ NE¼ 20.3 ACRES
BOTH AS PROJECTED WITHIN McCANE DLC 69
SECTION 6

TOWNSHIP 6 SOUTH, RANGE 5 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The applicant proposes to change the place of use to:

NE¼ NW¼ 26.1 ACRES
SE¼ NW¼ 26.9 ACRES
NE¼ SW¼ 7.8 ACRES
ALL AS PROJECTED WITHIN TONEY DLC 56
SECTION 32

TOWNSHIP 5 SOUTH, RANGE 5 WEST, W.M.

The applicant proposes to change the point of diversion to:

NW¼ SE¼, AS PROJECTED WITHIN TONEY DLC 56, SECTION 32,
T 5 S, R 5 W, W.M.; 790 FEET NORTH AND 560 FEET WEST FROM THE SE
CORNER OF TONEY DLC 56.

The receiving landowner is:

ROBINSON NURSERY
P.O. BOX 100
AMITY, OREGON 97101


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

1. The proposed changes shall be completed on or before October 1, 2004.
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. When required by the Department, 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. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 79984 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 JUN 04 2003.



Paul R. Cleary, Director