

STATE OF OREGON

COUNTY OF BENTON

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT 8856 submitted by

HUBBARD FARMS, INC.
27511 WEST INGRAM ISLAND ROAD
MONROE, OREGON 97456.

The permit to be modified is Permit 53304 with a date of priority of AUGUST 7, 1991 FOR AN UNNAMED LAKE AND JANUARY 15, 1992 FOR STORED WATER. The permit allows the use of AN UNNAMED LAKE WITHIN THE LONG TOM RIVER BASIN AND WILLAMETTE BASIN PROJECT RESERVOIR (FERN RIDGE) CONSTRUCTED UNDER PERMIT R-1625, tributaries of THE LONG TOM RIVER, for IRRIGATION OF 225.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 136.3 ACRES, BOTH BEING FROM THE UNNAMED LAKE; AND SUPPLEMENTAL IRRIGATION OF 350.7 ACRES FROM STORED WATER. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 4.51 CUBIC FEET PER SECOND (CFS), BEING 2.81 CFS FOR PRIMARY IRRIGATION AND 1.70 CFS FOR SUPPLEMENTAL IRRIGATION FROM THE UNNAMED LAKE, AND 4.38 CFS NOT TO EXCEED 876.5 ACRE FEET OF STORED WATER ONLY, if available at the authorized points of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33, T 14 S, R 5 W, W.M.; UNNAMED LAKE - 3670 FEET NORTH AND 2700 FEET WEST OF THE SE CORNER OF SECTION 27; LONG TOM POD 3 - 2230 FEET SOUTH AND 420 FEET WEST; LONG TOM

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.

NORTH - 50 FEET SOUTH AND 1210 FEET WEST; LONG TOM SOUTH - 740 FEET SOUTH AND 1500 FEET WEST, ALL FROM THE NE CORNER OF SECTION 33; FERN RIDGE DAM - SECTIONS 3 AND 4, T 17 S, R 5 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 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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL UNNAMED LAKE</u>	<u>SUPPLEMENTAL STORED WATER</u>
NE¼ NW¼		35.0 ACRES	35.0 ACRES
NW¼ NW¼		39.7 ACRES	39.7 ACRES
SW¼ NW¼	22.6 ACRES	10.5 ACRES	32.4 ACRES
SE¼ NW¼	22.7 ACRES	10.0 ACRES	32.7 ACRES
NE¼ SW¼	39.8 ACRES		39.8 ACRES
NW¼ SW¼	30.6 ACRES		30.6 ACRES
SW¼ SW¼	26.7 ACRES		26.7 ACRES
SE¼ SW¼	39.8 ACRES		39.8 ACRES
NE¼ SE¼		0.2 ACRE	
NW¼ SE¼	14.4 ACRES	1.5 ACRES	14.4 ACRES
SW¼ SE¼	19.4 ACRES	20.0 ACRES	38.8 ACRES
SE¼ SE¼		19.4 ACRES	11.7 ACRES
SECTION 27			
NW¼ NE¼	2.3 ACRES		2.3 ACRES
NE¼ NW¼	4.5 ACRES		4.5 ACRES
NW¼ NW¼	2.3 ACRES		2.3 ACRES

SECTION 34

TOWNSHIP 14 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 applicant proposes an additional point of diversion for the unnamed lake located:

SE¼ NW¼, SECTION 27, T 14 S, R 5 W, W.M.; 3670 FEET NORTH AND 2650 FEET WEST OF THE SE CORNER OF SECTION 27.

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

1. The quantity of water diverted from the Unnamed Lake at the new point of diversion, together with that diverted from the lake at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
2. 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.
3. Water shall be acquired from the same surface water source as the original point of diversion.
4. All other terms and conditions of the permit remain the same.
5. 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.

Permit 53304, in the name of HUBBARD FARMS, INC., is amended as described herein.

WITNESS the signature of the Water Resources
Director, affixed NOV 09 2001.



For Paul R. Cleary, Director