

STATE OF OREGON

COUNTY OF BENTON

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Pursuant to ORS 537.211, 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, PERMIT AMENDMENT 8104 submitted by

HUBBARD FARMS, INC.  
25711 WEST INGRAM ISLAND ROAD  
MONROE, OREGON 97456.

The permit to be modified is Permit 53304 with a date of priority of JANUARY 15, 1992 for stored water only. The permit allows the use of STORED WATER FROM FERN RIDGE RESERVOIR CONSTRUCTED UNDER PERMIT R-1625, a tributary of the LONG TOM RIVER, for SUPPLEMENTAL IRRIGATION OF 350.7 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 4.38 cubic feet per second, and not to exceed 876.5 acre feet of stored water only, if available at the authorized point of diversion: 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.; LONG TOM NORTH - 50 FEET SOUTH AND 1210 FEET WEST, LONG TOM SOUTH - 740 FEET SOUTH AND 1500 FEET WEST, BOTH 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 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:

SUPPLEMENTAL STORED WATER

NE $\frac{1}{4}$  NW $\frac{1}{4}$  35.0 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  39.7 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  32.4 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  32.7 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  39.8 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  30.6 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  26.7 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  39.8 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  14.4 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  38.8 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  11.7 ACRES  
SECTION 27

NW $\frac{1}{4}$  NE $\frac{1}{4}$  2.3 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  4.5 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  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.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meters or other suitable measuring devices as approved by the director. The permittee shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the right.

- B. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversions. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by the Oregon Department of Fish and Wildlife before diversion of any water.

The use of stored water under this right is subject to the terms and conditions of contract No. 2-07-10-W0886 and 5-07-10-W1035, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

The applicant proposes to add an additional point of diversion for stored water to:

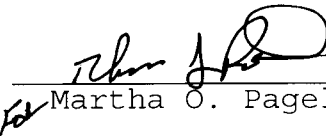
SE¼ NE¼, SECTION 28, T 14 S, R 5 W, W.M.; 2230 FEET SOUTH AND 420 FEET WEST FROM THE NE CORNER OF SECTION 28.

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

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

WITNESS the signature of the Water Resources  
Director, affixed APR 12 1999.

  
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Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filled within 60 days after the date this order is served.