

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

In the Matter of Water Rights Application)
S-87220, Benton County)

FINAL ORDER
APPROVING THE USE OF
STORED WATER

Authority

ORS 537.147 establishes the process by which an application to use stored water exclusively may be submitted. OAR Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water.

Findings of Fact

1. On July 9, 2008, Greenberry Irrigation District submitted an application for a water-use permit pursuant to ORS 537.147. The Department provided public notice of the application in the Department's weekly public notice on September 9, 2008. A 30-day comment period followed.
2. The Department has evaluated the application and any comments received, and finds that no public interest in ORS 537.170(8) would be affected adversely by the proposed use.

Conclusions of Law

Application S-87220 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

Now Therefore, it is Ordered:

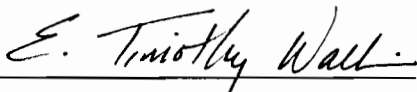
Application S-87220 is approved pursuant to ORS 537.147.

Upon cancellation of permits S-53779 and S-53780, Application S-87220 shall be approved as proposed by the attached draft permit.

The request for cancellation of permits S-53779 and S-53780 is due no later than 60 days from the date of this Final Order. Failure to submit the required cancellation within 60 days from the date of this Final Order may result in the proposed rejection of Application S-87220.

If you need to request additional time to submit the required information, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

Dated at Salem, Oregon on APRIL 3 , 2009.



for Phillip C. Ward, Director

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This order was produced by Brook Geffen. If you have any questions about any of the statements contained in this document, I am probably the best person to answer your questions. You may reach me at 503-986-0808 or Brook.A.Geffen@wrд.state.or.us.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF BENTON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO:

GREENBERRY IRRIGATION DISTRICT
 30742 VENELL PLACE
 CORVALLIS OR 97333

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-87220

SOURCE OF WATER: WINKLE LAKE, APPROVED UNDER PERMIT R-13201 AND WHITAKER LAKE, APPROVED UNDER PERMIT R-13202

PURPOSE OR USE: IRRIGATION WITHIN DESIGNATED 12388.4 ACRES, NOT TO EXCEED 1254.0 ACRES

MAXIMUM VOLUME: 313.5 ACRE FEET (AF), BEING 199.5 AF FOR WINKLE LAKE AND 114.0 AF FOR WHITAKER LAKE

DATE OF PRIORITY: JULY 9, 2008

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

USE: IRRIGATION USE

Authorized Points of Diversion Winkle Lake:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	5 W	WM	23	NE NW	690 FEET SOUTH AND 3090 FEET WEST FROM NE CORNER, SECTION 23
13 S	5 W	WM	23	NE NW	550 FEET SOUTH AND 3250 FEET WEST FROM NE CORNER, SECTION 23
13 S	5 W	WM	23	SE NW	1940 FEET SOUTH AND 3600 FEET WEST FROM NE CORNER, SECTION 23
13 S	5 W	WM	23	SE NW	1680 FEET NORTH AND 2530 FEET EAST FROM SE CORNER, IRWIN DLC 51
13 S	5 W	WM	23	NW SW	1450 FEET NORTH AND 890 FEET WEST FROM SW CORNER, SECTION 23
13 S	5 W	WM	23	NW SW	1850 FEET NORTH AND 580 FEET EAST FROM SW CORNER, SECTION 23
13 S	5 W	WM	26	NW NW	1260 FEET NORTH AND 1760 FEET EAST FROM SW CORNER, WINKLE DLC
13 S	5 W	WM	26	NW NW	1260 FEET NORTH AND 1760 FEET EAST FROM SW CORNER, WINKLE DLC 48
13 S	5 W	WM	26	NW NW	385 FEET SOUTH AND 740 FEET EAST FROM NW CORNER, SECTION 26
13 S	5 W	WM	26	SW NW	130 FEET NORTH AND 1530 FEET EAST FROM SW CORNER, WINKLE DLC 48

Authorized Points of Diversion from Whitaker Lake:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	5 W	WM	14	NE SW	460 FEET SOUTH AND 2440 FEET WEST FROM NE CORNER, DLC 47
13 S	5 W	WM	14	NE SW	2180 FEET NORTH AND 3760 FEET WEST FROM NE CORNER, SECTION 23
13 S	5 W	WM	14	NW NE	1200 FEET SOUTH AND 1250 FEET EAST, N ¼ CORNER, SECION 14
13 S	5 W	WM	14	NW NE	2550 FEET SOUTH AND 780 FEET WEST, N ¼ CORNER, SECION 14
13 S	5 W	WM	14	SE NE	1410 FEET SOUTH AND 1290 FEET WEST FROM NE CORNER, SECTION 14

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet (AF) per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use:

THE PLACE OF USE IS LIMITED TO 1254.0 ACRES WITHIN THE FOLLOWING 12388.4 ACRES:

Twp	Rng	Sec	Q-Q	Acres
12 S	5 W	15	NE NE	7.40
12 S	5 W	15	NW NE	7.40
12 S	5 W	15	SW NE	38.00
12 S	5 W	15	SE NE	35.00
12 S	5 W	15	NE NW	9.00
12 S	5 W	15	NW NW	8.00
12 S	5 W	15	SW NW	36.00
12 S	5 W	15	SE NW	36.00
12 S	5 W	15	NE SW	33.00
12 S	5 W	15	NW SW	33.00
12 S	5 W	15	SW SW	36.70
12 S	5 W	15	SE SW	34.00
12 S	5 W	15	NE SE	3.00
12 S	5 W	15	NW SE	4.00
12 S	5 W	15	SW SE	34.00
12 S	5 W	15	SE SE	20.00
12 S	5 W	16	SE NE	7.00
12 S	5 W	16	NE SE	7.80
12 S	5 W	16	NW SE	21.50
12 S	5 W	16	SW SE	24.90
12 S	5 W	16	SE SE	24.80
12 S	5 W	19	NE SW	20.10
12 S	5 W	19	SE SW	24.60
12 S	5 W	19	NE SE	18.30
12 S	5 W	19	NW SE	33.50
12 S	5 W	19	SW SE	34.10
12 S	5 W	19	SE SE	32.50
12 S	5 W	20	NE SW	19.00
12 S	5 W	20	NW SW	17.30
12 S	5 W	20	SW SW	24.70
12 S	5 W	20	SE SW	37.30

Twp	Rng	Sec	Q-Q	Acres
12 S	5 W	20	NE SE	3.50
12 S	5 W	20	NW SE	18.00
12 S	5 W	20	SW SE	37.80
12 S	5 W	20	SE SE	16.10
12 S	5 W	21	NE NE	34.80
12 S	5 W	21	NW NE	7.80
12 S	5 W	21	SW NE	34.00
12 S	5 W	21	SE NE	38.00
12 S	5 W	21	SW NW	3.00
12 S	5 W	21	SE NW	15.00
12 S	5 W	21	NE SW	40.00
12 S	5 W	21	NW SW	38.00
12 S	5 W	21	SW SW	37.00
12 S	5 W	21	SE SW	20.00
12 S	5 W	21	NE SE	40.00
12 S	5 W	21	NW SE	38.00
12 S	5 W	21	SW SE	2.00
12 S	5 W	22	NE NE	30.00
12 S	5 W	22	NW NE	40.00
12 S	5 W	22	SW NE	13.00
12 S	5 W	22	SE NE	6.00
12 S	5 W	22	NE NW	38.00
12 S	5 W	22	NW NW	33.80
12 S	5 W	22	SW NW	18.00
12 S	5 W	22	SE NW	15.00
12 S	5 W	22	NE SW	10.00
12 S	5 W	22	NW SW	40.00
12 S	5 W	22	SE SE	16.00
12 S	5 W	23	NE SW	16.00
12 S	5 W	23	SW SW	8.20
12 S	5 W	26	NW NW	5.00
12 S	5 W	26	SW NW	15.00
12 S	5 W	26	NE SW	5.00
12 S	5 W	26	NW SW	39.00
12 S	5 W	26	SW SW	38.60
12 S	5 W	26	SE SW	18.00
12 S	5 W	27	NE NE	20.00
12 S	5 W	27	SE NE	11.00
12 S	5 W	27	NE SE	38.80
12 S	5 W	27	NE SE	10.00
12 S	5 W	27	SE SE	40.00
12 S	5 W	28	NW NW	5.00
12 S	5 W	28	NE SW	8.00
12 S	5 W	28	NW SW	10.00
12 S	5 W	28	SW SW	40.00
12 S	5 W	28	SE SW	30.00
12 S	5 W	29	NE NE	12.00
12 S	5 W	29	NW NE	7.90
12 S	5 W	29	SW NE	39.00
12 S	5 W	29	SE NE	36.60
12 S	5 W	29	NE NW	9.10
12 S	5 W	29	NW NW	40.00

Twp	Rng	Sec	Q-Q	Acres
12 S	5 W	29	SW NW	5.30
12 S	5 W	29	SE NW	28.50
12 S	5 W	29	SE NW	0.10
12 S	5 W	29	NE SW	40.00
12 S	5 W	29	NW SW	11.80
12 S	5 W	29	SW SW	30.50
12 S	5 W	29	SE SW	40.00
12 S	5 W	29	NE SE	40.00
12 S	5 W	29	NW SE	36.00
12 S	5 W	29	SW SE	40.00
12 S	5 W	29	SE SE	40.00
12 S	5 W	30	NE NE	40.00
12 S	5 W	30	NW NE	27.10
12 S	5 W	30	SE NE	40.00
12 S	5 W	30	NE NW	18.10
12 S	5 W	32	NE NE	40.00
12 S	5 W	32	NW NE	32.00
12 S	5 W	32	SW NE	34.00
12 S	5 W	32	SE NE	40.00
12 S	5 W	32	NE NW	24.00
12 S	5 W	32	NW NW	10.00
12 S	5 W	32	SW NW	40.00
12 S	5 W	32	SE NW	24.00
12 S	5 W	32	NE SW	1.00
12 S	5 W	32	SE SW	5.00
12 S	5 W	32	NE SE	40.00
12 S	5 W	32	NW SE	26.00
12 S	5 W	32	SW SE	17.30
12 S	5 W	32	SE SE	28.00
12 S	5 W	33	NE NW	30.00
12 S	5 W	33	NW NW	40.00
12 S	5 W	33	SW NW	40.00
12 S	5 W	33	SE NW	30.00
12 S	5 W	33	NE SW	40.00
12 S	5 W	33	NW SW	40.00
12 S	5 W	33	SW SW	39.50
12 S	5 W	33	SE SW	39.50
12 S	5 W	33	NE SE	40.00
12 S	5 W	33	NW SE	40.00
12 S	5 W	33	SW SE	29.40
12 S	5 W	33	SE SE	37.30
12 S	5 W	34	NE NE	40.00
12 S	5 W	34	NW NE	5.00
12 S	5 W	34	SW NE	12.00
12 S	5 W	34	SE NE	37.60
12 S	5 W	34	NE SW	40.00
12 S	5 W	34	NW SW	40.00
12 S	5 W	34	SW SW	39.60
12 S	5 W	34	SE SW	39.80
12 S	5 W	34	NE SE	37.70
12 S	5 W	34	NW SE	39.20
12 S	5 W	34	SW SE	33.20

Twp	Rng	Sec	Q-Q	Acres
12 S	5 W	34	SE SE	27.60
12 S	5 W	35	NE NW	1.80
12 S	5 W	35	NW NW	10.00
12 S	5 W	35	SW NW	3.00
12 S	5 W	35	NE SW	36.00
12 S	5 W	35	NW SW	37.80
12 S	5 W	35	SW SW	39.60
12 S	5 W	35	SE SW	40.00
12 S	5 W	35	NE SE	8.00
12 S	5 W	35	NW SE	34.80
12 S	5 W	35	SW SE	28.00
12 S	5 W	35	SE SE	35.00
13 S	5 W	2	NE NE	9.40
13 S	5 W	2	NW NE	6.00
13 S	5 W	2	SW NE	13.50
13 S	5 W	2	NE NW	18.00
13 S	5 W	2	NW NW	36.60
13 S	5 W	2	SW NW	40.00
13 S	5 W	2	SE NW	35.00
13 S	5 W	2	NE SW	40.00
13 S	5 W	2	NW SW	39.40
13 S	5 W	2	SW SW	40.00
13 S	5 W	2	SE SW	40.00
13 S	5 W	2	NE SE	2.30
13 S	5 W	2	NW SE	32.30
13 S	5 W	2	SW SE	22.00
13 S	5 W	2	SE SE	3.70
13 S	5 W	3	NE NE	15.30
13 S	5 W	3	NW NE	24.30
13 S	5 W	3	SW NE	38.50
13 S	5 W	3	SE NE	39.00
13 S	5 W	3	NE NW	40.00
13 S	5 W	3	NW NW	40.00
13 S	5 W	3	SW NW	40.00
13 S	5 W	3	SE NW	40.00
13 S	5 W	3	NE SW	40.00
13 S	5 W	3	NW SW	40.00
13 S	5 W	3	SW SW	40.00
13 S	5 W	3	SE SW	40.00
13 S	5 W	3	NE SE	39.00
13 S	5 W	3	NW SE	38.50
13 S	5 W	3	SW SE	38.20
13 S	5 W	3	SE SE	37.90
13 S	5 W	4	NE NE	40.00
13 S	5 W	4	NW NE	40.00
13 S	5 W	4	SW NE	40.00
13 S	5 W	4	SE NE	40.00
13 S	5 W	4	NE NW	40.00
13 S	5 W	4	NW NW	40.00
13 S	5 W	4	SW NW	39.00
13 S	5 W	4	SE NW	40.00
13 S	5 W	4	NE SW	40.00

Twp	Rng	Sec	Q-Q	Acres
13 S	5 W	4	NW SW	21.80
13 S	5 W	4	SW SW	5.20
13 S	5 W	4	SE SW	40.00
13 S	5 W	4	NE SE	40.00
13 S	5 W	4	NW SE	40.00
13 S	5 W	4	SW SE	39.40
13 S	5 W	4	SE SE	40.00
13 S	5 W	5	NE NE	26.20
13 S	5 W	5	NW NE	14.80
13 S	5 W	5	NW NE	6.00
13 S	5 W	5	SW NE	14.30
13 S	5 W	5	SE NE	8.40
13 S	5 W	5	NE NW	12.60
13 S	5 W	5	SE NW	6.90
13 S	5 W	5	NE SW	23.10
13 S	5 W	5	SE SW	22.30
13 S	5 W	5	NE SE	17.00
13 S	5 W	5	NW SE	37.60
13 S	5 W	5	SW SE	32.20
13 S	5 W	5	SE SE	22.00
13 S	5 W	8	NE NE	15.00
13 S	5 W	8	NW NE	38.00
13 S	5 W	8	SW NE	29.20
13 S	5 W	8	SE NE	9.00
13 S	5 W	8	NE NW	16.00
13 S	5 W	8	SW NW	5.80
13 S	5 W	8	SE NW	16.50
13 S	5 W	8	NE SW	40.00
13 S	5 W	8	NW SW	11.20
13 S	5 W	8	SW SW	10.00
13 S	5 W	8	SE SW	30.00
13 S	5 W	8	NE SE	28.70
13 S	5 W	8	NW SE	40.00
13 S	5 W	8	SW SE	28.00
13 S	5 W	8	SE SE	14.60
13 S	5 W	9	NE NE	29.30
13 S	5 W	9	NW NE	40.00
13 S	5 W	9	SW NE	38.00
13 S	5 W	9	SE NE	32.00
13 S	5 W	9	NE NW	40.00
13 S	5 W	9	NW NW	28.00
13 S	5 W	9	SW NW	38.00
13 S	5 W	9	SE NW	38.00
13 S	5 W	9	NE SW	40.00
13 S	5 W	9	NW SW	38.00
13 S	5 W	9	SW SW	32.00
13 S	5 W	9	SE SW	40.00
13 S	5 W	9	NE SE	40.00
13 S	5 W	9	NW SE	40.00
13 S	5 W	9	SW SE	40.00
13 S	5 W	9	SE SE	40.00
13 S	5 W	10	NE NE	37.80

Twp	Rng	Sec	Q-Q	Acres
13 S	5 W	10	NW NE	34.20
13 S	5 W	10	SW NE	22.60
13 S	5 W	10	SE NE	35.20
13 S	5 W	10	NE NW	40.00
13 S	5 W	10	NW NW	40.00
13 S	5 W	10	SW NW	35.00
13 S	5 W	10	SE NW	39.90
13 S	5 W	10	NE SW	37.00
13 S	5 W	10	NW SW	40.00
13 S	5 W	10	SW SW	40.00
13 S	5 W	10	SE SW	35.60
13 S	5 W	10	NE SE	37.80
13 S	5 W	10	NW SE	37.20
13 S	5 W	10	SW SE	40.00
13 S	5 W	10	SE SE	34.00
13 S	5 W	11	NE NE	39.00
13 S	5 W	11	NW NE	31.20
13 S	5 W	11	SW NE	30.00
13 S	5 W	11	SE NE	30.00
13 S	5 W	11	NE NW	40.00
13 S	5 W	11	NW NW	40.00
13 S	5 W	11	SW NW	40.00
13 S	5 W	11	SE NW	40.00
13 S	5 W	11	NE SW	38.00
13 S	5 W	11	NW SW	40.00
13 S	5 W	11	SW SW	40.00
13 S	5 W	11	SE SW	40.00
13 S	5 W	11	NE SE	14.00
13 S	5 W	11	NW SE	17.40
13 S	5 W	11	SW SE	12.00
13 S	5 W	11	SE SE	10.00
13 S	5 W	12	NW NW	30.00
13 S	5 W	12	SW NW	30.00
13 S	5 W	13	NW NW	27.00
13 S	5 W	13	SW NW	25.60
13 S	5 W	13	NW SW	37.20
13 S	5 W	13	SW SW	16.70
13 S	5 W	14	NE NE	33.80
13 S	5 W	14	NW NE	25.60
13 S	5 W	14	SW NE	27.60
13 S	5 W	14	SE NE	37.20
13 S	5 W	14	NE NW	39.40
13 S	5 W	14	NW NW	38.00
13 S	5 W	14	SW NW	40.00
13 S	5 W	14	SE NW	32.20
13 S	5 W	14	NE SW	32.00
13 S	5 W	14	NW SW	38.40
13 S	5 W	14	SW SW	36.80
13 S	5 W	14	SE SW	37.90
13 S	5 W	14	NE SE	22.90
13 S	5 W	14	NW SE	39.10
13 S	5 W	14	SW SE	40.00

Twp	Rng	Sec	Q-Q	Acres
13 S	5 W	14	SE SE	31.40
13 S	5 W	15	NE NE	38.00
13 S	5 W	15	NW NE	40.00
13 S	5 W	15	SW NE	38.00
13 S	5 W	15	SE NE	36.90
13 S	5 W	15	NE NW	38.00
13 S	5 W	15	NW NW	40.00
13 S	5 W	15	SW NW	40.00
13 S	5 W	15	SE NW	10.50
13 S	5 W	15	NE SW	38.00
13 S	5 W	15	NW SW	40.00
13 S	5 W	15	SW SW	40.00
13 S	5 W	15	SE SW	37.70
13 S	5 W	15	NE SE	38.10
13 S	5 W	15	NW SE	40.00
13 S	5 W	15	SW SE	39.00
13 S	5 W	15	SE SE	38.90
13 S	5 W	16	NE NE	40.00
13 S	5 W	16	NW NE	40.00
13 S	5 W	16	SW NE	40.00
13 S	5 W	16	SE NE	40.00
13 S	5 W	16	NE NW	40.00
13 S	5 W	16	NW NW	31.00
13 S	5 W	16	SW NW	36.00
13 S	5 W	16	SE NW	39.00
13 S	5 W	16	NE SW	40.00
13 S	5 W	16	NW SW	35.00
13 S	5 W	16	SW SW	9.30
13 S	5 W	16	SE SW	40.00
13 S	5 W	16	NE SE	40.00
13 S	5 W	16	NW SE	40.00
13 S	5 W	16	SW SE	40.00
13 S	5 W	16	SE SE	40.00
13 S	5 W	17	NE NE	0.30
13 S	5 W	17	NE NE	38.50
13 S	5 W	17	NW NE	20.00
13 S	5 W	17	SW NE	28.00
13 S	5 W	17	SE NE	39.00
13 S	5 W	17	SW NW	9.40
13 S	5 W	17	SE NW	16.10
13 S	5 W	17	NE SW	35.80
13 S	5 W	17	NW SW	12.90
13 S	5 W	17	SW SW	12.10
13 S	5 W	17	SE SW	20.50
13 S	5 W	17	NE SE	14.90
13 S	5 W	17	NW SE	21.00
13 S	5 W	17	SW SE	13.00
13 S	5 W	17	SE SE	10.00
13 S	5 W	20	NW NE	18.00
13 S	5 W	20	NE NW	11.10
13 S	5 W	20	NW NW	23.20
13 S	5 W	21	NW NE	30.00

Twp	Rng	Sec	Q-Q	Acres
13 S	5 W	21	SW NE	37.00
13 S	5 W	21	SE NE	35.00
13 S	5 W	21	NE NW	40.00
13 S	5 W	21	NW NW	18.00
13 S	5 W	21	SW NW	4.60
13 S	5 W	21	SE NW	13.00
13 S	5 W	21	NE SE	18.00
13 S	5 W	21	NW SE	18.00
13 S	5 W	22	NE NE	11.40
13 S	5 W	22	NW NE	33.60
13 S	5 W	22	SW NE	36.20
13 S	5 W	22	SE NE	37.00
13 S	5 W	22	NE NW	38.00
13 S	5 W	22	NW NW	36.40
13 S	5 W	22	SW NW	39.00
13 S	5 W	22	SE NW	38.00
13 S	5 W	22	NE SW	35.00
13 S	5 W	22	NW SW	12.00
13 S	5 W	22	SE SW	34.00
13 S	5 W	22	NE SE	40.00
13 S	5 W	22	NW SE	38.00
13 S	5 W	22	SW SE	38.00
13 S	5 W	22	SE SE	40.00
13 S	5 W	23	NE NE	36.30
13 S	5 W	23	NW NE	40.00
13 S	5 W	23	SW NE	40.00
13 S	5 W	23	SE NE	30.70
13 S	5 W	23	NE NW	20.00
13 S	5 W	23	NW NW	15.00
13 S	5 W	23	SW NW	23.00
13 S	5 W	23	SE NW	31.80
13 S	5 W	23	NE SW	8.00
13 S	5 W	23	NW SW	19.80
13 S	5 W	23	SW SW	8.30
13 S	5 W	23	NE SE	30.00
13 S	5 W	23	NW SE	9.20
13 S	5 W	24	NW NW	28.80
13 S	5 W	24	SW NW	20.50
13 S	5 W	24	NW SW	18.40
13 S	5 W	26	SW NE	27.30
13 S	5 W	26	SE NE	29.40
13 S	5 W	26	NE NW	16.60
13 S	5 W	26	NE NW	34.20
13 S	5 W	26	NW NW	25.30
13 S	5 W	26	SW NW	31.40
13 S	5 W	26	NE SW	33.90
13 S	5 W	26	NE SW	9.00
13 S	5 W	26	NW SW	37.10
13 S	5 W	26	SW SW	40.00
13 S	5 W	26	SE SW	38.20
13 S	5 W	26	NE SE	29.90
13 S	5 W	26	NW SE	40.00

Twp	Rng	Sec	Q-Q	Acres
13 S	5 W	26	SW SE	40.00
13 S	5 W	26	SE SE	30.90
13 S	5 W	27	NE NE	33.00
13 S	5 W	27	NW NE	24.00
13 S	5 W	27	SW NE	36.00
13 S	5 W	27	SE NE	38.50
13 S	5 W	27	NE NW	38.00
13 S	5 W	27	SW NW	1.00
13 S	5 W	27	SE NW	40.00
13 S	5 W	27	NE SW	40.00
13 S	5 W	27	NW SW	3.00
13 S	5 W	27	SW SW	5.00
13 S	5 W	27	SE SW	38.00
13 S	5 W	27	NE SE	40.00
13 S	5 W	27	NW SE	38.00
13 S	5 W	27	SW SE	37.10
13 S	5 W	27	SE SE	40.00
13 S	5 W	34	NE NE	40.00
13 S	5 W	34	NW NE	38.00
13 S	5 W	34	SW NE	22.00
13 S	5 W	34	SE NE	22.00
13 S	5 W	34	NE NW	40.00
13 S	5 W	34	NW NW	9.00
13 S	5 W	34	SW NW	7.00
13 S	5 W	34	SE NW	28.20
13 S	5 W	35	NE NE	10.30
13 S	5 W	35	NW NE	11.40
13 S	5 W	35	NE NW	10.80
13 S	5 W	35	NW NW	24.80
13 S	5 W	35	SW NW	10.00
13 S	5 W	36	NW NW	27.30
13 S	5 W	36	SW NW	18.40
14 S	5 W	3	SW NW	27.40
14 S	5 W	3	NW SW	21.80
14 S	5 W	3	SW SW	6.00
14 S	5 W	4	SE NE	7.00
14 S	5 W	4	SW SW	30.00
14 S	5 W	4	SE SW	15.00
14 S	5 W	4	NE SE	13.00
14 S	5 W	4	SW SE	7.00
14 S	5 W	4	SE SE	4.00
14 S	5 W	5	SE SE	26.00
14 S	5 W	9	NW NE	1.30
14 S	5 W	9	NE NW	10.90
14 S	5 W	9	NW NW	11.10

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion, and maintain the meter(s) in good working order. The permittee 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 permit.

- B. The permittee shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

There is a base map for this permit that covers 12,388.4 acres. Each year, no later than April 30 or prior to appropriation of water, whichever comes first, the permittee shall submit a map to the Department that demarcates the place of use under this water right. The place of use shall be within the 12,388.4 acres from the base map, and shall not exceed 1254.0 acres.

The annual map shall also show the place of use for irrigation water rights within Greenberry Irrigation District that are Greenberry Irrigation District water rights, as well as non-Greenberry Irrigation District water rights.

The permittee shall appropriate water in increments of $\frac{1}{4}$ AF per acre not to exceed 2.5 AF per acre. The annual map shall show which acres are receiving which increments of water.

The water user shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, 1991 shall be followed.

7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards due to reduced flows.
8. Construction shall be completed and the permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after storage of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued _____, 2009

DRAFT – NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department