

STATE OF OREGON
COUNTIES OF MORROW AND UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. UMATILLA NATIONAL FOREST
2517 SW HAILEY AVENUE
PENDLETON, OREGON 97801

confirms the right to store the waters of THREE UNNAMED STREAMS, tributaries of SILVER CREEK in CUTBANK POND, UPPER SILVER CREEK POND, AND TORRI POND RESERVOIRS, AND to store the waters of SILVER CREEK, A TRIBUTARY OF FIVEMILE CREEK in DIVIDE WELL POND RESERVOIR for LIVESTOCK.

The right to store these waters was perfected under Reservoir Permit R-11495. The date of priority is OCTOBER 10, 1983. The amount of water entitled to be stored each year under this right is not more than 0.64 ACRE-FOOT (AF); BEING 0.142 AF IN CUTBANK POND, 0.051 AF IN UPPER SILVER CREEK POND, 0.105 AF IN DIVIDE WELL POND, AND 0.342 AF IN TORRI POND. The reservoirs are located as follows:

CUTBANK POND
SE 1/4 NE 1/4
SECTION 24

TORRI POND
NE 1/4 NE 1/4
SECTION 25
TOWNSHIP 5 SOUTH, RANGE 29 EAST, W.M.

DIVIDE WELL POND
LOT 4 (SW 1/4 SW 1/4)
SECTION 30

UPPER SILVER CREEK POND
SW 1/4 NW 1/4
SECTION 29
TOWNSHIP 5 SOUTH, RANGE 30 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director.

In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

A regulating device shall be installed pursuant to ORS 540-310.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

When in judgement of the Watermaster it becomes necessary to regulate waters of the stream system, storage of water in the reservoir shall be subject to the installation of suitable devices for measuring all incoming natural flows and outflows from the reservoir or passing all incoming natural flows. The types and plans for such devices shall be approved by the Watermaster and shall be installed under the general supervision of said Watermaster.

Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

This right 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.

The storage allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed November 23, 2001.


Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 78600.
R-67222.GB