

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BUTTER CREEK IRRIGATION DISTRICT
P.O. BOX 110
HERMISTON, OREGON 97838

confirms the right to use the waters of BUTTER CREEK, a tributary of UMATILLA RIVER, for IRRIGATION OF 326.0 ACRES, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Page 250. The date of priority is 1866 FOR 0.216 CUBIC FOOT PER SECOND (CFS), 1870 FOR 0.432 CFS, 1884 FOR 0.216 CFS AND 1896 FOR 5.484 CFS.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 6.348 CFS (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION LOCATED WITHIN THE SE 1/4 SW 1/4, SECTION 11, TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SE 1/4, SECTION 2, TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.; 50 FEET SOUTH AND 350 FEET WEST FROM THE E 1/4 CORNER OF SECTION 2;

SE 1/4 SW 1/4, SECTION 11, TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.; 970 FEET NORTH AND 450 FEET WEST FROM THE S 1/4 CORNER OF SECTION 11;

NE 1/4 NE 1/4, SECTION 2, TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.; 1290 FEET SOUTH AND 80 FEET WEST FROM THE NE CORNER OF SECTION 2; AND

NE 1/4 SE 1/4, SECTION 2, TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.; 2920 FEET SOUTH AND 500 FEET WEST FROM THE NE CORNER OF SECTION 2.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

A description of the place of use to which this right is appurtenant is as follows:

1866

NW 1/4 SW 1/4 2.20 ACRES
SECTION 1
NE 1/4 SE 1/4 8.42 ACRES
NW 1/4 SE 1/4 0.47 ACRE
SECTION 2
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

1870

NW 1/4 SW 1/4 7.31 ACRES
SECTION 1
NW 1/4 SE 1/4 14.87 ACRES
SECTION 2
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

1884

SW 1/4 NW 1/4 0.86 ACRE
NW 1/4 SW 1/4 4.78 ACRES
SECTION 1
NE 1/4 SE 1/4 3.25 ACRES
SE 1/4 NE 1/4 2.20 ACRES
SECTION 2
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

1896

NE 1/4 NE 1/4 18.00 ACRES
NW 1/4 NE 1/4 40.00 ACRES
SW 1/4 NE 1/4 39.00 ACRES
SE 1/4 NE 1/4 5.00 ACRES
SW 1/4 NW 1/4 39.14 ACRES
SE 1/4 NW 1/4 40.00 ACRES
NE 1/4 SW 1/4 40.00 ACRES
NW 1/4 SW 1/4 25.71 ACRES
NW 1/4 SE 1/4 17.00 ACRES
SECTION 1
SE 1/4 NE 1/4 2.80 ACRES
NE 1/4 SE 1/4 9.46 ACRES
NW 1/4 SE 1/4 5.53 ACRES
SECTION 2
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 26, 1997, and supersedes Certificate 53666, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

Issued May 20, 2004.

A handwritten signature in cursive script, appearing to read "Paul R. Cleary", written over a horizontal line.

Paul R. Cleary, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80705.

T-7545.SB