

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN K. BOTT
69890 SPARKS STATION RD
PENDLETON, OREGON 97801

confirms the right to use the waters of BIRCH CREEK, a tributary of UMATILLA RIVER, for IRRIGATION OF 5.9 ACRES.

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 127. The date of priority is MARCH 1904.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.07 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS THE FRAZIER DITCH LOCATED WITHIN THE NW 1/4 SE 1/4, SECTION 22, TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.; 1700 FEET NORTH AND 1700 FEET WEST FROM THE SE CORNER OF SECTION 22), 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 9, TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.; 1710 FEET NORTH AND 420 FEET WEST FROM THE SE CORNER OF SECTION 9.

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

NE 1/4 SE 1/4	1.9 ACRES
SE 1/4 SE 1/4	4.0 ACRES
SECTION 9	
TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.	

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled; and

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.

The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in CHANGE IN PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 12, 1978, and together with Certificate 46937, supersedes Certificate 2623, State Record of Water Right Certificates.

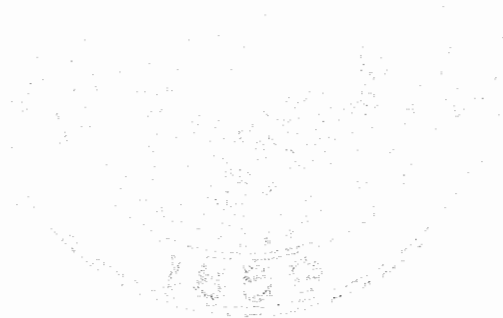
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 July 22, 2004.



Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80802.