

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
 WATER RESOURCES DEPARTMENT

confirms the right to use the waters of WALLA WALLA RIVER, tributary to COLUMBIA RIVER, for instream use for fish and aquatic habitat enhancement.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The date of priority is 1895. The amount of water to which this right is entitled is limited to an amount actually beneficially used, or its equivalent in case of rotation, measured at the point of diversion, and shall not exceed:

	June 8 – June 30	July 1 – July 31	August 1 – August 31	September 1 – September 30
Reach #1	0.70 CFS	0.70 CFS	0.70 CFS	0.70 CFS
Reach #2	0.20 CFS	0.24 CFS	0.20 CFS	0.16 CFS
Reach #3	0.10 CFS	0.10 CFS	0.10 CFS	0.10 CFS

* CFS is cubic foot per second

The description of the stream reach in which flows are to be maintained is as follows:

Reach #1: From the location of the diversion authorized previously under Certificate 12750, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	36 E	WM	20	NE NE	Spence Ditch – 780 feet South and 870 feet West from the NE corner of Section 20

to the east edge of Section 19.

Reach #2: From the east edge of Section 19 to Nursery Bridge, located at approximately River Mile 44.5.

Reach #3: From Nursery Bridge to the Oregon-Washington State Line, located at approximately River Mile 41.5.

The instream flows within Reach #1 will be protected at the rate described unless the Watermaster concludes that diversion of the rate established under the decree for irrigation rights exceeds the amount of water beneficially needed and restricts irrigation users to a lesser rate. If irrigation users are restricted to a lesser rate, then the rate protected instream will be reduced proportionately. However, the rate protected instream within Reach #1 will not be less than the equivalent of 1/40th cfs per acre for 19.0 acres.

Within the specified stream reach #3, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach #3.

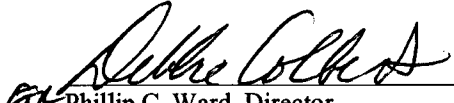
The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

This is a final 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 either 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.

The right is subject to all other terms and conditions of Certificate 12750 and any related decree.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 71, Page 183, approving Transfer 8890, and along with Certificate 83131 supersedes Certificate 12750, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed FEB 12 2007.


Phillip C. Ward, Director