

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOAN HOWARD AND WADE BETTIS
81160 COUSE CREEK ROAD
MILTON-FREEWATER, OREGON 97862

confirms the right to use the waters of COUSE CREEK, tributary to the WALLA WALLA RIVER, for IRRIGATION of 3.7 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 12, at Page 9. The date of priority is 1897.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE AND ONE-HALF MINER'S INCHES per acre, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	Measured distances
5 N	36 E	WM	31	SW NW	770 feet North and 1660 feet West from the Center of Section 31

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

Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	31	SW NW	3.7

Within two years after the date of the order approving Transfer Application T-10413, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of the order. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's required screening and/or by-pass device operational and maintenance standards.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.


This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered October 29, 2008, approving Transfer Application T-10413, and together with Certificate 84976, supersedes Certificate 13182.

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 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 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 said right shall be subject to all other conditions and limitations in said decree.

WITNESS the signature of the Water Resources Director, affixed October 29, 2008.


Phillip C. Ward, Director