

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A & A FARMS LLC
 GERALD ASHBECK
 71384 HWY 207
 ECHO, OR 97826

confirms the right to use the waters of BUTTER CREEK, tributary to UMATILLA RIVER for IRRIGATION of 13.8 ACRES, DOMESTIC AND STOCK.

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 1873.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.23 CUBIC FOOT PER SECOND, if available at the original point of diversion located as follows: SE 1/4 SW 1/4, Section 34, T. 2 N., R. 27 E., W.M.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	27 E	WM	27	SW NW	320 FEET NORTH AND 145 FEET EAST FROM THE W1/4 CORNER, SECTION 27.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	27 E	WM	27	NW SW	13.4
2 N	27 E	WM	28	NE SE	0.4

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

The water user shall maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

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.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered November 4, 2005, at Special Order Volume 67, Page 429, approving Transfer Application 9783, and supersedes Certificate 40397, State record of Water Right Certificates.

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 any related decree.

Issued JUL 23 2009


Phillip C. Ward, Director