

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF PENDLETON
500 SW DORION AVE
PENDLETON OR 97801

confirms the right to use the waters of UMATILLA RIVER, tributary to the COLUMBIA RIVER, for MUNICIPAL 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 127. The date of priority is 1890.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.5 CUBIC FOOT PER SECOND (CFS), subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree, or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is year round.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
2 N	32 E	WM	12	NW NE			297 FEET SOUTH AND 679 FEET EAST OF THE N¼ CORNER, SECTION 12

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

MUNICIPAL USE						
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
2 N	32 E	WM	1	S½		
2 N	32 E	WM	2	S½ NW¼		
2 N	32 E	WM	2	SW¼		
2 N	32 E	WM	2	NE¼ SE¼		
2 N	32 E	WM	2	S½ SE¼		
2 N	32 E	WM	3	S½ NE¼		
2 N	32 E	WM	3	SE¼ NW¼		
2 N	32 E	WM	3	S½		
2 N	32 E	WM	4	S½ SW¼		
2 N	32 E	WM	4	SE¼		
2 N	32 E	WM	5	NW¼ NE¼		
2 N	32 E	WM	5	S½ NE ¼		
2 N	32 E	WM	5	NW¼		

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.

MUNICIPAL USE					
2 N	32 E	WM	5	S½	
2 N	32 E	WM	6	NE¼ NE¼	
2 N	32 E	WM	6	SE¼ NE¼	
2 N	32 E	WM	6	SE¼ SE¼	
2 N	32 E	WM	7	NE¼ NE¼	
2 N	32 E	WM	7	S½ NE¼	
2 N	32 E	WM	8	N½	
2 N	32 E	WM	9	N½	
2 N	32 E	WM	9	N½ SW¼	
2 N	32 E	WM	9	SE¼ SW¼	
2 N	32 E	WM	9	SE¼	
2 N	32 E	WM	10	ALL	
2 N	32 E	WM	11	N½	
2 N	32 E	WM	11	SW¼	
2 N	32 E	WM	11	W½ SE¼	
2 N	32 E	WM	12	N½ N½	
2 N	32 E	WM	14	W½ SW¼	
2 N	32 E	WM	15	N½	
2 N	32 E	WM	15	N½ SW¼	
2 N	32 E	WM	15	SW¼ SW¼	
2 N	32 E	WM	15	SE¼	
2 N	32 E	WM	16	N½	
2 N	32 E	WM	16	SW¼	
2 N	32 E	WM	16	N½ SE¼	
2 N	32 E	WM	16	SW¼ SE¼	
2 N	32 E	WM	17	NE¼ SE¼	
2 N	32 E	WM	17	SE¼ SE¼	
2 N	32 E	WM	20	NE¼ NE¼	
2 N	32 E	WM	20	SE¼ NE¼	
2 N	32 E	WM	21	NW¼ NE¼	
2 N	32 E	WM	21	NW¼	
3 N	32 E	WM	31	SE¼ SE¼	
3 N	32 E	WM	32	S½ SW¼	
3 N	32 E	WM	32	SW¼ SE¼	

When the flow of the Umatilla River at Pendleton gage is 250 cfs or below, the City is allowed to continue the diversion of up to 2.0 cfs with a 1885 priority date and up to 0.5 cfs with a 1890 priority date provided the flow in the Umatilla River is sufficient to honor these priority dates.

The City shall maintain a headgate and in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. By December 31 of each year, the City will file with the District 5 watermaster a copy of its annual water use report for the previous water year and shall provide daily diversion information and access to the measuring device at the request of the watermaster. The report will identify those days during which the flow was 250 cfs or below and the daily maximum rate diverted on each of those days.

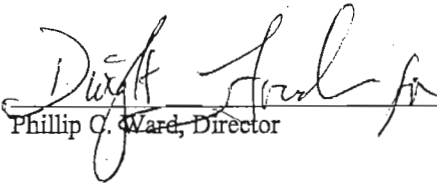
The city shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the point of diversion.

This certificate is issued to confirm a change in POINT OF DIVERSION, PLACE OF USE, AND CHARACTER OF USE approved by an order of the Water Resources Director entered MAY 4, 2004, at Special Order Volume 60, Page 1, approving Transfer Application 8721; supercedes Certificate 2582, 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 said decree.

Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued OCT 02 2009.


Phillip C. Ward, Director

