

STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JEANNINE BETTENCOURT
FRANK AND JEANNINE BETTENCOURT TRUST
BOX 21
RIVERSIDE OR 97917

confirms the right to use the waters of SOUTH FORK MALHEUR RIVER, tributary to MALHEUR RIVER for IRRIGATION of 194.5 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Malheur County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 228. The date of priority is 1896. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 9.73 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion (POD) are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	37 E	WM	9	NW SE	NEW POD: 3970 FEET SOUTH & 2316 FEET WEST FROM NE CORNER, SECTION 9
24 S	37 E	WM	16	SE NW	ORIGINAL POD 2: 1410 FEET SOUTH & 3490 FEET WEST FROM NE CORNER, SECTION 16
24 S	37 E	WM	29	NW NE	ORIGINAL POD 1: 266 FEET SOUTH FROM N1/4 CORNER, SECTION 29

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-TWENTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and 1.5 acre-feet for each acre irrigated during any 30 day period prior to June 1st, 1 acre-foot per acre in any 30 day period after June 1st, not to exceed 3.0 acre-feet per acre during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	37 E	WM	9	SW NE	8.0
24 S	37 E	WM	9	NE NW	1.2
24 S	37 E	WM	9	NW NW	0.9
24 S	37 E	WM	9	SW NW	12.5
24 S	37 E	WM	9	SE NW	32.3

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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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.

Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	37 E	WM	9	NE SW	34.0
24 S	37 E	WM	9	NW SW	14.0
24 S	37 E	WM	9	SE SW	14.8
24 S	37 E	WM	9	NW SE	19.4
24 S	37 E	WM	9	SW SE	9.7
24 S	37 E	WM	16	NW NE	21.0
24 S	37 E	WM	16	SW NE	0.6
24 S	37 E	WM	16	NE NW	6.6
24 S	37 E	WM	16	SE NW	18.0
24 S	37 E	WM	16	NE SW	1.5

NOTE: This land also uses Trish Hot Springs subject to agreement with H.C. Luce, limited to a diversion of 8.07 cubic feet per second.


The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the original points of diversion.

When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices 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 a change in place of use and an additional point of diversion approved by an order of the Water Resources Director entered July 18, 1991, at Special Order Volume 45, Page 342, approving Transfer Application 6427, and supersedes Certificate 51733, 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.

Issued AUG 10 2012



 Dwight W. French
 Water Right Services Administrator, for
 Phillip C. Ward, Director