

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD E. BANISTER
CLIFFORD W. BANISTER
43794 HOEFT RD.
PENDLETON, OR 97801

confirms the right to use the waters of BIRCH CREEK, tributary to UMATILLA RIVER for IRRIGATION OF 48.0 ACRES and STOCK 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 dates of priority are 1867 for 6.0 acres and 1908 for 42.0 acres. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.61 CUBIC FOOT PER SECOND, subject to the provisions of Paragraph 33 of said decree.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	SW SE	670 FEET NORTH AND 768 FEET EAST FROM THE S¼ CORNER OF SECTION 22

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

IRRIGATION and STOCK (1867)					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	22	SW SE	6.0

IRRIGATION and STOCK (1908)					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	22	SE SW	5.0
1 N	32 E	WM	22	SW SE	19.0
1 N	32 E	WM	27	NW NE	10.0
1 N	32 E	WM	27	NE NW	8.0


Prior to use of water under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of diversion. The water user shall maintain the meter or measuring device in good working order. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is/are located within a private structure, the Watermaster shall request access upon reasonable notice.

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 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.

Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary. The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered NOV. 29TH 2013, approving Transfer Application T-11521, this certificate together with Certificate 88997, supersedes Certificate 54769, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed NOV. 29 2013.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR