

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J R SIMPLOT CO.
PO BOX 27
BOISE ID 83707-0027

confirms the right to store water perfected under the terms of Permit R-14763. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-87015

SOURCE OF WATER: UMATILLA RIVER, A TRIBUTARY OF COLUMBIA RIVER

STORAGE FACILITY: BUTTER CREEK RESERVOIR (CONSTRUCTED UNDER PERMIT R-12130) AND SPARKS RESERVOIR (CONSTRUCTED UNDER PERMIT R-13872)

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED FOR STORAGE FOR IRRIGATION USE

MAXIMUM STORAGE VOLUME: 888.0 ACRE-FEET (AF), BEING 535.0 AF IN BUTTER CREEK RESERVOIR AND 353.0 AF IN SPARKS RESERVOIR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: OCTOBER 19, 2007

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	27	SE SE	POD 1 - 140 FEET NORTH AND 710 FEET WEST FROM SE CORNER, SECTION 27
4 N	28 E	WM	34	NE NW	POD 2 - 650 FEET SOUTH AND 1600 FEET EAST FROM NW CORNER, SECTION 34

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	RES
3 N	28 E	WM	5	SE SE	BUTTER CREEK
3 N	28 E	WM	34	NE NW	SPARKS
3 N	28 E	WM	34	SE NW	SPARKS

NOTICE OF RIGHT TO PETITION FOR 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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device approved by the Director in good working order at each point of diversion, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The water user shall pass all live flow outside the storage season described above.

The Director may require the water user to measure outflow to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The right does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir purposes, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

The water user shall maintain and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the diversion while by-pass devices provide adequate upstream and downstream passage for fish.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to repair defective equipment determined necessary for its safe operation.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam or any appurtenant structures.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.


The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued APR 04 2025.



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

