

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 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. 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID H. AND LINDA M. SCOTT
490 STANTON BLVD
ONTARIO, OREGON 97914

confirms the right to use the waters of SOUTH TRAIL CREEK, a tributary of the NORTH FORK JOHN DAY RIVER, for MINING.

This right was perfected under Permit 28365. The date of priority is JULY 30, 1962. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.65 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 24, T 7 S, R 35.5 E, W.M.; DIVERSION BETWEEN POINTS 400 FEET NORTH AND 1300 FEET WEST AND 600 FEET NORTH AND 1550 FEET WEST FROM THE SE CORNER, SECTION 24.

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

SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 24
TOWNSHIP 7 SOUTH, RANGE 35 1/2 EAST, W.M.

S-37874.JWG

Certificate Number 82312

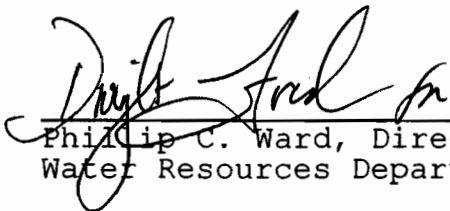
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The water user shall maintain and use adequate treatment facilities to remove the sediment before returning the water to the stream; provided further that the right to use the water is limited to the period when the flow of the John Day River is more than 35.0 CUBIC FEET PER SECOND (CFS) at USGS No. 14-0415, more that 55.0 CFS at USGS No. 14-0460; more that 30 CFS at USGS No. 14-0465 and more than 20.0 CFS at USGS No. 14-0480.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

SEP 22 2006


Philip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82312.

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