

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

FRANK AND MANUEL SILVA  
HC #82 BOX 230  
KIMBERLY, OREGON 97848

confirms the right to use the waters of CUPPER CREEK, a tributary of NORTH FORK JOHN DAY RIVER, with any deficiency in the available supply from CUPPER CREEK to be made up by appropriation from the NORTH FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 7.9 ACRES.

This right was perfected under Permit 49482. The date of priority is APRIL 4, 1985 from CUPPER CREEK and JULY 15, 1985 from the NORTH FORK JOHN DAY. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.2 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

POD 1 (CUPPER CREEK): NE 1/4 SW 1/4, SECTION 5, T 9 S, R 27 E, W.M.; 1750 FEET NORTH & 800 FEET WEST FROM THE S 1/4 CORNER, SECTION 5.

POD 2 (NORTH FORK JOHN DAY): NW 1/4 NE 1/4, SECTION 8, T 9 S, R 27 E, W.M.; 1000 FEET SOUTH & 120 FEET EAST FROM THE N 1/4 CORNER, SECTION 8.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

NE 1/4 SW 1/4      5.0 ACRES  
SE 1/4 SW 1/4      2.9 ACRES  
SECTION 5  
TOWNSHIP 9 SOUTH, RANGE 27 EAST, W.M.

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 **OCT 27 2006**

  
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Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82397.