

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EMMEL BROTHERS  
30380 NORTH RIVER ROAD  
PRAIRIE CITY OREGON 97869

confirms the right to store water perfected under the terms of Permit R-9267. 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.

SOURCE: SLAUGHTERHOUSE GULCH, tributary of the John Day River

STORAGE FACILITY: UNNAMED RESERVOIR

PURPOSE or USE: STOCKWATER

MAXIMUM STORAGE VOLUME: 1.7 ACRE FEET

DATE OF PRIORITY: SEPTEMBER 30, 1983

DAM LOCATION:

| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | DLC |
|------|------|-----|-----|-------|------|-----|
| 12 S | 34 E | WM  | 30  | NW NW |      |     |

The area submerged by this reservoir is as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | DLC |
|------|------|-----|-----|-------|------|-----|
| 12 S | 34 E | WM  | 30  | NE NW |      |     |
| 12 S | 34 E | WM  | 30  | NW NW |      |     |

The full storage elevation in the reservoir, under this right, may not be higher than 10.2 feet below the spillway crest elevation, in accordance with the as-built area-capacity curve on file in the Department's records.

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.

This right is for the beneficial use of water without waste.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

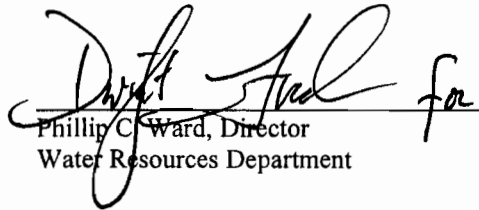
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review 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.

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 and use the water for the above purpose is restricted to beneficial use at the place of use described.

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

Issued JAN 23 2009

  
Phillip C. Ward, Director  
Water Resources Department