

STATE OF OREGON

COUNTY OF Jackson

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

BARRY L SHUART  
PO BOX 9  
TRAIL, OR 97541

confirms the right to store the waters of  
A RESERVOIR AND STORE WATERS OF AN UNNAMED SEASONAL STREAM, A TRIBUTARY OF BUTTON CREEK  
for LIVESTOCK, SWIMMING, FISH AND FIRE PROTECTION.

The right to store and use these waters was perfected under Reservoir Application R-80736.  
The date of priority is January 1, 1993. The amount of water entitled to be stored and  
used each year under this right is not more than 9.0 ACRE-FEET

Located as follows:

| Twp  | Rng | Mer | Sec | Q-Q   |
|------|-----|-----|-----|-------|
| 32 S | 2 E | WM  | 21  | SE NW |

ORS 498.351 and ORS 509.605 through 509.625 provides that no person shall construct an artificial obstruction across a waterway in which anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife (ODFW). If the subject pond is in-channel and fish are present, the certificate holder is directed to contact the ODFW Fish Passage Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

If water is to be diverted from an in-channel pond where fish are present, the certificate holder shall install, maintain and operate fish screening and by-pass devices as required by ORS 498.306 through ORS 498.346 and approved by ODFW. Contact the ODFW Fish Screening Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

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

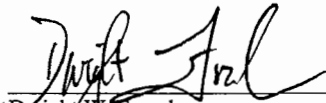
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial 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.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

This certificate is issued to correct an error in the location of the reservoir and supersedes Certificate 72068.

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

Issued DEC 09 2011

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight W. French  
Water Right Services Administrator, for  
Phillip C. Ward, Director  
Water Resources Department