

STATE OF OREGON  
 COUNTY OF DOUGLAS  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ARDEN DEVELOPMENT  
 PO BOX D  
 RIDDLE OR 97469

confirms the right to the use of water perfected under the terms of Permit S-21988. 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 points of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: RAIL CREEK (ALSO KNOWN AS RAIL GULCH), TRIBUTARY TO COW CREEK

PURPOSE OR USE: RIDDLE SMELTER (FIRE PROTECTION, DOMESTIC, MILLING AND SMELTING ORE);  
 USED FOR GENERAL INDUSTRIAL USE

MAXIMUM RATE: 3.3 CUBIC FEET PER SECOND

DATE OF PRIORITY: APRIL 30, 1952

The points of diversion are located as follows:

TwP	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	6 W	WM	21	SW NW	POD #7 (ADDITIONAL) - 1989 FEET SOUTH AND 295 FEET EAST FROM NW CORNER, SECTION 21
30 S	6 W	WM	21	SW NW	POD #9 (ADDITIONAL) - 1387 FEET SOUTH AND 876 FEET EAST FROM NW CORNER, SECTION 21
30 S	6 W	WM	29	NW NE	POD #2 (ORIGINAL) - 349 FEET SOUTH AND 1426 FEET WEST FROM NE CORNER, SECTION 29

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

TwP	Rng	Mer	Sec	Q-Q
30 S	6 W	WM	28	NW NW
30 S	6 W	WM	28	SW NW
30 S	6 W	WM	28	NW SW
30 S	6 W	WM	29	NE NE
30 S	6 W	WM	29	SE NE
30 S	6 W	WM	29	NE SE

**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 quantity of water diverted at the additional points of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	6 W	WM	17	SW SE	POD #6 – 520 FEET NORTH AND 1220 FEET EAST FROM S1/4 CORNER, SECTION 17
30 S	6 W	WM	21	NW NW	POD #5 – 850 FEET SOUTH AND 880 FEET EAST FROM NW CORNER, SECTION 21

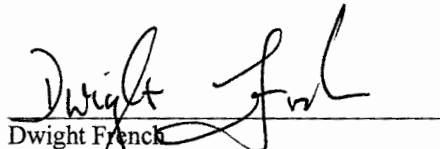
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW'S criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

This certificate is issued to confirm a change in ADDITIONAL POINTS OF DIVERSION approved by an order of the Water Resources Director entered May 11, 2007, at Special Order Volume 72, Page 72, approving Transfer Application 9329, supercedes Certificate 48232, State record of Water Right Certificates.

Issued JAN 27 2017.



Dwight French  
 Water Right Services Division Administrator, for  
 Thomas M. Byler, Director  
 Oregon Water Resources Department