

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARLON AND BETTY LOVENESS  
P.O. BOX 570  
BEAVERCREEK, OREGON 97004

confirms the right to use the waters of A WELL in the LOST RIVER BASIN for IRRIGATION OF 91.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 42.7 ACRES.

This right was perfected under Permit G-12797. The date of priority is NOVEMBER 3, 1992. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.68 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well. The period of use allowed under this right is limited to March 1 through October 31 of each year.

The well is located as follows:

NE 1/4 NW 1/4, SECTION 19, TOWNSHIP 41 SOUTH, RANGE 13 EAST, W.M.; 590 FEET SOUTH AND 240 FEET WEST FROM NORTH 1/4 CORNER, SECTION 19.

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-EIGHTIETH 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 to which this right is appurtenant is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
LOT 4 (SW 1/4 SW 1/4)	31.2 ACRES	10.0 ACRES
SE 1/4 SW 1/4	24.2 ACRES	
SECTION 18		
NE 1/4 NW 1/4	30.3 ACRES	3.4 ACRES
LOT 1 (NW 1/4 NW 1/4)	6.1 ACRES	29.3 ACRES
SECTION 19		
TOWNSHIP 41 SOUTH, RANGE 13 EAST, W.M.		

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

In processing the application towards issuance of the permit, it appears that a clerical error was inadvertently made in limiting the duty of water to not exceed 1/80th of one cubic foot per second per acre and 3 acre-feet per acre. In the issuance of this certificate, the duty of water has been corrected to 1/80th cubic foot per second per acre and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, in keeping with the customary policy and determination of this office of the proper maximum limits.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of **March**. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

The user shall submit seven consecutive annual reports of static water level measurements. The established reference level against which future annual measurements will be compared is 106 feet 8 inches below land surface. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and

- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 feet per year for five consecutive years; or
- (B) A water level decline of 15 feet in fewer than five consecutive years; or
- (C) A water level decline of 25 feet; or
- (D) Hydraulic interference leading to a decline of 25 feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the right holder and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 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.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

WITNESS the signature of the Water Resources Director, affixed December 20, 2002.

  
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Paul R. Cleary



Recorded in State Record of Water Right Certificates Number 79718.

G-13168.SB