

## STATE OF OREGON

## COUNTY OF HARNEY

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TOM DAVIS LIVESTOCK, INC  
42970 KUENY RANCH LANE  
PRINCETON, OR 97721

confirms the right to use the waters of WELL 1, WELL 3, WELL 4, WELL 5, AND WELL 6 in the Malheur Lake Basin for PRIMARY of 344.1 ACRES, AND SUPPLEMENTAL IRRIGATION OF 2899.7 ACRES.

This right was perfected under Permit G-9529. The date of priority is SEPTEMBER 2, 1981. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 23.75 CUBIC FEET PER SECOND (CFS), BEING 4.75 CFS FROM EACH WELL, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

| Well | Twp  | Rng  | Mer | Sec | Q-Q   | Survey Coordinates                                          |
|------|------|------|-----|-----|-------|-------------------------------------------------------------|
| 1    | 35 S | 33 E | WM  | 26  | NE SW | 2660 FEET SOUTH & 2640 FEET EAST FROM NE CORNER, SECTION 26 |
| 3    | 35 S | 33 E | WM  | 35  | NE NE | 5 FEET SOUTH & 5 FEET WEST FROM NE CORNER, SECTION 35       |
| 4    | 35 S | 33 E | WM  | 35  | SW NE | 100 FEET NORTH & 100 FEET EAST FROM CENTER, SECTION 35      |
| 5    | 35 S | 33 E | WM  | 35  | SE SW | 1240 FEET NORTH & 2640 FEET EAST FROM SW CORNER, SECTION 35 |
| 6    | 36 S | 33 E | WM  | 9   | SE SE | 10 FEET NORTH & 1300 FEET WEST FROM SE CORNER, SECTION 9    |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. 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.

**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.

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

| IRRIGATION FROM WELL 6 |      |     |     |       |      |     |       |
|------------------------|------|-----|-----|-------|------|-----|-------|
| Twp                    | Rng  | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 36 S                   | 33 E | WM  | 10  | NE SW |      |     | 6.8   |
| 36 S                   | 33 E | WM  | 10  | NW SW |      |     | 28.3  |
| 36 S                   | 33 E | WM  | 10  | SW SW |      |     | 40.0  |
| 36 S                   | 33 E | WM  | 10  | SE SW |      |     | 35.5  |
| 36 S                   | 33 E | WM  | 15  | NE NW |      |     | 40.0  |
| 36 S                   | 33 E | WM  | 15  | NW NW |      |     | 40.0  |
| 36 S                   | 33 E | WM  | 15  | SW NW |      |     | 40.0  |
| 36 S                   | 33 E | WM  | 15  | SE NW |      |     | 40.0  |
| 36 S                   | 33 E | WM  | 15  | NE SW |      |     | 16.6  |
| 36 S                   | 33 E | WM  | 15  | NW SW |      |     | 26.6  |
| 36 S                   | 33 E | WM  | 15  | SW SW |      |     | 14.8  |
| 36 S                   | 33 E | WM  | 15  | SE SW |      |     | 15.5  |

| SUPPLEMENTAL IRRIGATION – WELL 1 |      |     |     |       |      |     |       |
|----------------------------------|------|-----|-----|-------|------|-----|-------|
| Twp                              | Rng  | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 35 S                             | 33 E | WM  | 26  | SE SW |      |     | 1.7   |
| 35 S                             | 33 E | WM  | 26  | SW SE |      |     | 6.6   |
| 35 S                             | 33 E | WM  | 35  | NW NE |      |     | 28.9  |
| 35 S                             | 33 E | WM  | 35  | SW NE |      |     | 28.9  |
| 35 S                             | 33 E | WM  | 35  | NE NW |      |     | 15.8  |
| 35 S                             | 33 E | WM  | 35  | SE NW |      |     | 39.7  |

| SUPPLEMENTAL IRRIGATION – WELLS 1 & 3 |      |    |    |       |  |  |      |
|---------------------------------------|------|----|----|-------|--|--|------|
| 35 S                                  | 33 E | WM | 35 | SW NE |  |  | 8.3  |
| 35 S                                  | 33 E | WM | 35 | SE NE |  |  | 0.5  |
| 35 S                                  | 33 E | WM | 35 | NE SE |  |  | 12.8 |
| 35 S                                  | 33 E | WM | 35 | NW SE |  |  | 16.1 |

| SUPPLEMENTAL IRRIGATION – WELLS 1 & 4 |      |    |    |       |  |  |      |
|---------------------------------------|------|----|----|-------|--|--|------|
| 35 S                                  | 33 E | WM | 35 | NE SW |  |  | 40.0 |
| 35 S                                  | 33 E | WM | 35 | NW SE |  |  | 23.9 |

| SUPPLEMENTAL IRRIGATION – WELLS 1, 4, & 5 |      |    |    |       |   |  |      |
|-------------------------------------------|------|----|----|-------|---|--|------|
| 35 S                                      | 33 E | WM | 35 | SE SW |   |  | 40.0 |
| 35 S                                      | 33 E | WM | 35 | SW SE |   |  | 15.8 |
| 36 S                                      | 33 E | WM | 2  | NW NE | 2 |  | 12.7 |
| 36 S                                      | 33 E | WM | 2  | SW NE |   |  | 10.0 |
| 36 S                                      | 33 E | WM | 2  | NE NW | 3 |  | 40.0 |
| 36 S                                      | 33 E | WM | 2  | NW NW | 4 |  | 40.0 |
| 36 S                                      | 33 E | WM | 2  | SW NW |   |  | 35.5 |
| 36 S                                      | 33 E | WM | 2  | SE NW |   |  | 40.0 |
| 36 S                                      | 33 E | WM | 2  | NE SW |   |  | 40.0 |
| 36 S                                      | 33 E | WM | 2  | NW SW |   |  | 40.0 |
| 36 S                                      | 33 E | WM | 2  | SW SW |   |  | 33.0 |
| 36 S                                      | 33 E | WM | 2  | SE SW |   |  | 23.8 |

**SUPPLEMENTAL IRRIGATION – WELLS 1, 4, & 5 (CONT'D)**

| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | DLC | Acres |
|------|------|-----|-----|-------|------|-----|-------|
| 36 S | 33 E | WM  | 2   | NW SE |      |     | 5.5   |
| 36 S | 33 E | WM  | 3   | NE NE | 1    |     | 40.0  |
| 36 S | 33 E | WM  | 3   | NW NE | 2    |     | 9.5   |
| 36 S | 33 E | WM  | 3   | SW NE |      |     | 26.8  |
| 36 S | 33 E | WM  | 3   | SE NE |      |     | 40.0  |
| 36 S | 33 E | WM  | 3   | NE SW |      |     | 9.0   |
| 36 S | 33 E | WM  | 3   | SE SW |      |     | 27.0  |
| 36 S | 33 E | WM  | 3   | NE SE |      |     | 40.0  |
| 36 S | 33 E | WM  | 3   | NW SE |      |     | 40.0  |
| 36 S | 33 E | WM  | 3   | SW SE |      |     | 40.0  |
| 36 S | 33 E | WM  | 3   | SE SE |      |     | 38.2  |
| 36 S | 33 E | WM  | 10  | NE NE |      |     | 39.5  |
| 36 S | 33 E | WM  | 10  | NW NE |      |     | 34.1  |
| 36 S | 33 E | WM  | 10  | SW NE |      |     | 38.0  |
| 36 S | 33 E | WM  | 10  | SE NE |      |     | 39.3  |
| 36 S | 33 E | WM  | 10  | NE NW |      |     | 27.4  |
| 36 S | 33 E | WM  | 10  | NW NW |      |     | 0.2   |
| 36 S | 33 E | WM  | 10  | SW NW |      |     | 6.0   |
| 36 S | 33 E | WM  | 10  | SE NW |      |     | 39.3  |
| 36 S | 33 E | WM  | 10  | NE SE |      |     | 40.0  |
| 36 S | 33 E | WM  | 10  | NW SE |      |     | 32.4  |
| 36 S | 33 E | WM  | 10  | SW SE |      |     | 37.1  |
| 36 S | 33 E | WM  | 10  | SE SE |      |     | 40.0  |
| 36 S | 33 E | WM  | 11  | NE NW |      |     | 27.8  |
| 36 S | 33 E | WM  | 11  | NW NW |      |     | 40.0  |
| 36 S | 33 E | WM  | 11  | SW NW |      |     | 40.0  |
| 36 S | 33 E | WM  | 11  | SE NW |      |     | 14.3  |
| 36 S | 33 E | WM  | 11  | NE SW |      |     | 18.3  |
| 36 S | 33 E | WM  | 11  | NW SW |      |     | 40.0  |
| 36 S | 33 E | WM  | 11  | SW SW |      |     | 40.0  |
| 36 S | 33 E | WM  | 11  | SE SW |      |     | 40.0  |
| 36 S | 33 E | WM  | 14  | NE NW |      |     | 32.4  |
| 36 S | 33 E | WM  | 14  | NW NW |      |     | 29.1  |
| 36 S | 33 E | WM  | 14  | SW NW |      |     | 22.5  |
| 36 S | 33 E | WM  | 14  | SE NW |      |     | 22.7  |
| 36 S | 33 E | WM  | 14  | NE SW |      |     | 22.0  |
| 36 S | 33 E | WM  | 14  | NW SW |      |     | 25.0  |
| 36 S | 33 E | WM  | 14  | SW SW |      |     | 9.3   |
| 36 S | 33 E | WM  | 14  | SE SW |      |     | 9.0   |
| 36 S | 33 E | WM  | 15  | NE NE |      |     | 39.0  |
| 36 S | 33 E | WM  | 15  | NW NE |      |     | 8.9   |
| 36 S | 33 E | WM  | 15  | SE NE |      |     | 9.4   |
| 36 S | 33 E | WM  | 15  | NE SE |      |     | 2.4   |
| 36 S | 33 E | WM  | 15  | SE SE |      |     | 1.0   |

**SUPPLEMENTAL IRRIGATION – WELLS 1, 3, & 5**

|      |      |    |    |       |   |  |      |
|------|------|----|----|-------|---|--|------|
| 35 S | 33 E | WM | 35 | SW SE |   |  | 24.2 |
| 35 S | 33 E | WM | 35 | SE SE |   |  | 25.9 |
| 35 S | 33 E | WM | 36 | SW SW |   |  | 6.0  |
| 36 S | 33 E | WM | 1  | NE NW | 3 |  | 0.3  |

| SUPPLEMENTAL IRRIGATION – WELLS 1, 3, & 5 (CONT'D) |      |     |     |       |      |     |       |
|----------------------------------------------------|------|-----|-----|-------|------|-----|-------|
| Twp                                                | Rng  | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 36 S                                               | 33 E | WM  | 1   | NW NW | 4    |     | 36.1  |
| 36 S                                               | 33 E | WM  | 1   | SW NW |      |     | 35.8  |
| 36 S                                               | 33 E | WM  | 1   | NE SW |      |     | 0.3   |
| 36 S                                               | 33 E | WM  | 1   | NW SW |      |     | 34.6  |
| 36 S                                               | 33 E | WM  | 1   | SW SW |      |     | 29.9  |
| 36 S                                               | 33 E | WM  | 1   | SE SW |      |     | 14.3  |
| 36 S                                               | 33 E | WM  | 2   | NE NE | 1    |     | 40.2  |
| 36 S                                               | 33 E | WM  | 2   | NW NE | 2    |     | 27.3  |
| 36 S                                               | 33 E | WM  | 2   | SW NE |      |     | 24.7  |
| 36 S                                               | 33 E | WM  | 2   | SE NE |      |     | 40.0  |
| 36 S                                               | 33 E | WM  | 2   | NE SE |      |     | 30.5  |
| 36 S                                               | 33 E | WM  | 2   | NW SE |      |     | 10.8  |
| 36 S                                               | 33 E | WM  | 2   | SW SE |      |     | 30.3  |
| 36 S                                               | 33 E | WM  | 2   | SE SE |      |     | 27.9  |
| 36 S                                               | 33 E | WM  | 11  | NE NE |      |     | 8.5   |
| 36 S                                               | 33 E | WM  | 11  | NW NE |      |     | 11.5  |
| 36 S                                               | 33 E | WM  | 11  | SW NE |      |     | 17.6  |
| 36 S                                               | 33 E | WM  | 11  | SE NE |      |     | 15.1  |
| 36 S                                               | 33 E | WM  | 11  | NE NW |      |     | 1.4   |
| 36 S                                               | 33 E | WM  | 11  | SE NW |      |     | 2.1   |
| 36 S                                               | 33 E | WM  | 11  | NE SW |      |     | 10.0  |
| 36 S                                               | 33 E | WM  | 11  | NE SE |      |     | 34.2  |
| 36 S                                               | 33 E | WM  | 11  | NW SE |      |     | 32.6  |
| 36 S                                               | 33 E | WM  | 11  | SW SE |      |     | 20.9  |
| 36 S                                               | 33 E | WM  | 11  | SE SE |      |     | 24.2  |
| 36 S                                               | 33 E | WM  | 12  | NW NE |      |     | 0.9   |
| 36 S                                               | 33 E | WM  | 12  | SW NE |      |     | 6.4   |
| 36 S                                               | 33 E | WM  | 12  | NE NW |      |     | 19.5  |
| 36 S                                               | 33 E | WM  | 12  | NW NW |      |     | 36.3  |
| 36 S                                               | 33 E | WM  | 12  | SW NW |      |     | 37.8  |
| 36 S                                               | 33 E | WM  | 12  | SE NW |      |     | 35.2  |
| 36 S                                               | 33 E | WM  | 12  | NE SW |      |     | 15.7  |
| 36 S                                               | 33 E | WM  | 12  | NW SW |      |     | 25.8  |
| 36 S                                               | 33 E | WM  | 12  | SW SW |      |     | 7.2   |
| 36 S                                               | 33 E | WM  | 12  | SE SW |      |     | 3.0   |
| 36 S                                               | 33 E | WM  | 12  | NW SE |      |     | 0.2   |
| 36 S                                               | 33 E | WM  | 13  | NE NW |      |     | 4.6   |
| 36 S                                               | 33 E | WM  | 13  | NW NW |      |     | 22.0  |
| 36 S                                               | 33 E | WM  | 13  | SW NW |      |     | 35.7  |
| 36 S                                               | 33 E | WM  | 13  | SE NW |      |     | 13.0  |
| 36 S                                               | 33 E | WM  | 13  | NE SW |      |     | 9.8   |
| 36 S                                               | 33 E | WM  | 13  | NW SW |      |     | 21.5  |
| 36 S                                               | 33 E | WM  | 14  | NE NE |      |     | 11.2  |
| 36 S                                               | 33 E | WM  | 14  | NW NE |      |     | 25.5  |
| 36 S                                               | 33 E | WM  | 14  | SW NE |      |     | 8.7   |
| 36 S                                               | 33 E | WM  | 14  | SE NE |      |     | 14.0  |
| 36 S                                               | 33 E | WM  | 14  | NE SE |      |     | 13.7  |
| 36 S                                               | 33 E | WM  | 14  | NW SE |      |     | 3.0   |

| SUPPLEMENTAL IRRIGATION – WELLS 1, 4, 5 & 6 |      |     |     |       |      |     |       |
|---------------------------------------------|------|-----|-----|-------|------|-----|-------|
| Twp                                         | Rng  | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 36 S                                        | 33 E | WM  | 10  | NE SW |      |     | 33.2  |
| 36 S                                        | 33 E | WM  | 10  | NW SW |      |     | 11.7  |
| 36 S                                        | 33 E | WM  | 10  | SE SW |      |     | 4.5   |
| 36 S                                        | 33 E | WM  | 15  | NE SW |      |     | 23.4  |
| 36 S                                        | 33 E | WM  | 15  | NW SW |      |     | 13.4  |
| 36 S                                        | 33 E | WM  | 15  | SW SW |      |     | 25.2  |
| 36 S                                        | 33 E | WM  | 15  | SE SW |      |     | 24.5  |

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

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the wells at all times.

The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

This certificate is issued to correctly describe the location of the place of use and supercedes Certificate 84058, State Record of Water Right Certificates.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Issued **JUN 20 2008**

  
 Phillip C. Ward, Director  
 Water Resources Department

