

This is a final 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.

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Fred D. Wallender
65228 Airport Lane
La Grande, Oregon 97850

Stuart H. Sholund
Laura S. Sholund
64760 Airport Lane
La Grande, Oregon 97850

SUPERSEDED BY
CERT. NO. 92148
T-10008

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14236

PERMIT NUMBER: G-12978

SOURCE OF WATER: TWO WELLS IN THE GRANDE RONDE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 71.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 400.5 ACRES

MAXIMUM RATE ALLOWED: 5.90 CUBIC FEET PER SECOND (CFS), BEING 1.93 cfs FROM WELL #2 (SHOLUND) AND 3.97 CFS WELL #3 (WALLENDER)

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR PRIMARY IRRIGATION AND THAT PERIOD WHEN NECESSARY FOR SUPPLEMENTAL IRRIGATION

DATE OF PRIORITY: JANUARY 17, 1996

G-14236.RA

Certificate Number 85815

WELL LOCATIONS:

WELL #2 (SHOLUND) - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 30, T 3S, R 39E, W.M.; 117 FEET SOUTH AND 646 FEET EAST FROM THE NW CORNER OF SECTION 30;

WELL #3 (WALLENDER) - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 29, T 3S, R 39E, W.M.; 807.0 FEET SOUTH AND 1937.0 FEET EAST FROM THE NW CORNER OF SECTION 29.

The amount of water used for irrigation under this right, 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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SHOLUND

NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.7 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38.7 ACRES

SECTION 30

WALLENDER

	<u>SUPPLEMENTAL</u>	<u>PRIMARY</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.0 ACRES	4.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	19.8 ACRES	20.2 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	36.2 ACRES	3.8 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	19.8 ACRES	18.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	20.8 ACRES	19.2 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.3 ACRES	6.7 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES	

SECTION 29

TOWNSHIP 3 SOUTH, RANGE 39 EAST, W.M.

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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this water right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under this water right may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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.

This water right is for the beneficial use of water without waste. 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 of water shall be limited when it interferes with any prior surface or ground water rights.

Issued SEP 18 2009.



Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 85815.

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