

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN C & MARITA CUTHBERT
63502 SANDRIDGE RD
LA GRANDE, OR 97850

confirms the right to use the waters of WELL in the WRIGHT SLOUGH BASIN for PRIMARY IRRIGATION OF 24.5 ACRES AND SUPPLEMENTAL IRRIGATION of 841.0 ACRES.

This right was perfected under Permit G-12420. The date of priority is MAY 3, 1993. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.99 CUBIC FEET PER SECOND or its equivalent measured at the well.

The period of allowed use is when necessary for beneficial use in connection with the irrigation of the respective lands.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	38 E	WM	24	NE NE	WELL # 3 - 4911 FEET NORTH & 67 FEET WEST FROM SE CORNER, SECTION 24

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) and 3 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use to is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	19	SW NW	5.7
2 S	39 E	WM	19	NW SW	15.8
2 S	39 E	WM	19	SW SW	3.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	38 E	WM	13	NE SW	13.3
2 S	38 E	WM	13	SE SW	40.0

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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, 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. 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 within three months after issuance of the certificate.

2 S	38 E	WM	13	NE SE	12.6
2 S	38 E	WM	13	NW SE	13.3
2 S	38 E	WM	13	SW SE	40.0
2 S	38 E	WM	13	SE SE	38.6
2 S	38 E	WM	24	NE NE	34.2
2 S	38 E	WM	24	NW NE	40.0
2 S	38 E	WM	24	SW NE	40.0
2 S	38 E	WM	24	SE NE	38.6
2 S	38 E	WM	24	NE NW	40.0
2 S	38 E	WM	24	NW NW	40.0
2 S	38 E	WM	24	SE NW	20.0
2 S	38 E	WM	24	NE SW	20.0
2 S	38 E	WM	24	SW SW	0.1
2 S	38 E	WM	24	SE SW	20.1
2 S	38 E	WM	24	NE SE	38.6
2 S	38 E	WM	24	NW SE	40.0
2 S	38 E	WM	24	SW SE	39.3
2 S	38 E	WM	24	SE SE	38.6
2 S	39 E	WM	18	NW NE	2.3
2 S	39 E	WM	18	NE NW	39.4
2 S	39 E	WM	18	SE NW	31.6
2 S	39 E	WM	18	NE SW	21.8
2 S	39 E	WM	18	NW SW	36.0
2 S	39 E	WM	18	SW SW	35.4
2 S	39 E	WM	18	SE SW	11.4
2 S	39 E	WM	19	NE NW	2.1
2 S	39 E	WM	19	NW NW	33.4
2 S	39 E	WM	19	SW NW	20.3

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable 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.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this 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 interference.

This use may be regulated if analysis of data available 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 this right or as those quantities may be subsequently reduced.

The water user shall maintain the flowmeter and shall submit an annual report of water used including flowmeter readings to the Groundwater Hydrology section of the Water Resources Department.

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

The well 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 to determine the 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 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.

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