

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ANDY ROOT  
524 HWY 20 N  
HINES OR 97738

confirms the right to use the waters of THREE WELLS in the POISON CREEK SLOUGH BASIN for IRRIGATION of 287.8 ACRES.

This right was perfected under Permit G-15942. The date of priority is MAY 28, 2004. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.21 CUBIC FEET PER SECOND (CFS) further limited to no more than 1.41 CFS from Well #1, and not to exceed 1.8 CFS in any combination from either Well #2 or Well #3 measured at the wells.

The period of use is March 1 through October 31.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	32 E	WM	18	NW NE		WELL #1 - 50 FEET SOUTH & 3520 FEET EAST FROM NW CORNER, SECTION 18
23 S	32 E	WM	18	NE NW		WELL #3 - 140 FEET SOUTH & 2200 FEET EAST FROM NW CORNER, SECTION 18
23 S	32 E	WM	18	NW NW	1	WELL #2 - 410 FEET SOUTH & 300 FEET EAST FROM NW CORNER, SECTION 18

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.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Well(s)
23 S	32 E	WM	18	NE NE		32.3	1
23 S	32 E	WM	18	NW NE		33.6	1
23 S	32 E	WM	18	SW NE		32.0	1
23 S	32 E	WM	18	SE NE		26.4	1

**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.

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Well(s)
23 S	32 E	WM	18	NE NW		32.4	2 & 3
23 S	32 E	WM	18	NW NW	1	16.4	2 & 3
23 S	32 E	WM	18	SW NW	2	28.8	2 & 3
23 S	32 E	WM	18	SE NW		39.5	2 & 3
23 S	32 E	WM	18	NE SW		27.6	2 & 3
23 S	32 E	WM	18	NW SW	3	15.2	2 & 3
23 S	32 E	WM	18	NW SE		3.6	2 & 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.

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 to determine the water level elevation in the wells at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

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.

This superseding certificate is issued to correct a scrivener's error in the number of acres authorized in certificate 88360

Issued SEP 12 2013



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