

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RATTLESNAKE CREEK LAND AND CATTLE CO. LLC
 524 HWY 20 N
 HINES OR 97738

confirms the right to use the waters of TWO WELLS in HARNEY LAKE BASIN for IRRIGATION of 393.6 ACRES.

This right was perfected under Permit G-16165. The date of priority is MAY 16, 2005. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.92 CUBIC FEET PER SECOND (CFS), BEING 3.79 CFS FROM (WELL 5 HARN 51146) AND 1.13 CFS FROM (WELL 8 HARN 1096), 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	Measured Distances
25 S	30 E	WM	33	SE SW	(WELL 5 HARN 51146) - 4195 FEET SOUTH AND 2672 FEET WEST FROM NE CORNER, SECTION 33
25 S	30 E	WM	34	NW NW	(WELL 8 HARN 1096) - 502 FEET SOUTH AND 536 FEET EAST FROM NW CORNER, SECTION 34

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 and 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:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	WELL LOG ID
25 S	30 E	WM	33	SW NE	27.2	WELL 5 HARN 51146
25 S	30 E	WM	33	SE NE	32.0	WELL 5 HARN 51146
25 S	30 E	WM	33	NE SE	39.3	WELL 5 HARN 51146
25 S	30 E	WM	33	NW SE	36.2	WELL 5 HARN 51146
25 S	30 E	WM	33	SW SE	24.0	WELL 5 HARN 51146
25 S	30 E	WM	33	SE SE	30.6	WELL 5 HARN 51146

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.

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	WELL LOG ID
25 S	30 E	WM	34	NE NW	28.3	WELL 8 HARN 1096
25 S	30 E	WM	34	NW NW	22.2	WELL 8 HARN 1096
25 S	30 E	WM	34	SW NW	17.5	WELL 8 HARN 1096
25 S	30 E	WM	34	SE NW	22.7	WELL 8 HARN 1096
25 S	30 E	WM	34	SW NW	1.6	WELL 5 HARN 51146
25 S	30 E	WM	34	NW SW	3.9	WELL 5 HARN 51146
25 S	30 E	WM	34	SW SW	0.8	WELL 5 HARN 51146
26 S	30 E	WM	3	NW NW	6.0	WELL 5 HARN 51146
26 S	30 E	WM	4	NE NE	40.0	WELL 5 HARN 51146
26 S	30 E	WM	4	NW NE	38.0	WELL 5 HARN 51146
26 S	30 E	WM	4	SW NE	9.8	WELL 5 HARN 51146
26 S	30 E	WM	4	SE NE	13.5	WELL 5 HARN 51146

The quantity of water diverted at the new point of appropriation (WELL 8 HARN 1096) shall not exceed the maximum rate and duty allowed for (WELL 1 HARN 51146) AND (WELL 2 HARN 51233) under Permit G-16165.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	30 E	WM	33	SW SE	(WELL 1 HARN 51146) – 4133 FEET SOUTH AND 26 FEET EAST FROM THE N 1/4 CORNER, SECTION 33
25 S	30 E	WM	34	SE SW	(WELL 2 HARN 51233) - 1769 FEET SOUTH AND 121 FEET WEST FROM C1/4 CORNER, SECTION 34

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.

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.

The reference level for HARN 51146, against which any future measurements will be compared is 86.70 feet below land surface.

The reference level for HARN 1096 against which any future measurements will be compared is 77.70 feet below land surface.

Measurements must be made according to the following schedule:

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. 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 any of the following occur:

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

The period of non or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's 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 wells shall produce ground water only from basalt and volcanic sediments ground water reservoir.

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 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

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.

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