

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN MOON III AND SUZANNE MOON, TRUSTEES
 JSM TRUST
 50629 ALTNOW BEULAH LANE
 DREWSEY OR 97904

confirms the right to use the waters of TWO WELLS in OTIS CREEK BASIN FOR PRIMARY IRRIGATION OF 65.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 62.2 ACRES.

This right was perfected under Permit G-17219. The date of priority is OCTOBER 21, 2013. The MAXIMUM RATE shall not exceed 1.6 CUBIC FEET PER SECOND (CFS), BEING 0.82 CFS FOR PRIMARY IRRIGATION OF 65.2 ACRES AND 0.78 CFS FOR SUPPLEMENTAL IRRIGATION OF 62.2 ACRES, 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
20 S	36 E	WM	4	NW NE	2	WELL #1 (HARN 52057) - 375 FEET SOUTH AND 200 FEET EAST FROM N1/4 CORNER, SECTION 4
20 S	36 E	WM	4	NE NW	3	WELL #2 (HARN 51556) -180 SOUTH AND 500 FEET WEST FROM N1/4 CORNER, SECTION 4

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 for each acre irrigated during the irrigation season of each year.

The place of use is located as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
20 S	36 E	WM	4	NE NE	1	3.8
20 S	36 E	WM	4	NW NE	2	24.3
20 S	36 E	WM	4	SW NE		23.0
20 S	36 E	WM	4	SE NE		2.5
20 S	36 E	WM	4	NE NW	3	9.6
20 S	36 E	WM	4	NW NW	4	1.1
20 S	36 E	WM	4	SE NW		0.9

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.

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
20 S	36 E	WM	4	NW NW	4	10.3
20 S	36 E	WM	4	NE SW		4.0
20 S	36 E	WM	4	NW SW		18.8
20 S	36 E	WM	4	SW SW		28.5
20 S	36 E	WM	4	SE SW		0.6

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation.
- B. The water user shall keep a complete record of the amount of water diverted 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.
- C. The water user shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The assigned OWRD Well Identification Number (Well ID tag), shall be permanently attached to the well(s). The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

The water user shall obtain from a qualified individual (see below), and report annual static water levels for each well on this right. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement. Annual measurements are required whether or not the well is used. The Director may require that the user obtain and report additional annual static water level measurements.

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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- (A) Associate each measurement with an owner's well name or number a Department well log ID; and
- (B) Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method of 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 annual water level measurements reveal any of the following events:

- (A) Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- (B) Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- (C) Annual water-level measurements reveal 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 reference levels against which any future measurements will be compared is 5.8 feet above land surface for Well #1 (HARN 52057) and 7.2 feet above land surface for Well #2 (HARN 51556).

The period of 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.

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.

If substantial interference with surface water or 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 interferences.

The well(s) 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.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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 such agreement.

The Director may require water-level or pump-test data every ten years.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued JUN 23 2015



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department