

STATE OF OREGON  
COUNTY OF MALHEUR  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOEL PRICE  
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NYSSA OR 97913

MICHAEL HARTLEY  
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confirms the right to use the waters of TWO WELLS WITHIN THE OWYHEE BASIN for SUPPLEMENTAL IRRIGATION of 109.1 ACRES, BEING 82.4 ACRES FROM WELL #1 AND 26.7 ACRES FROM WELL #2.

This right was perfected under Permit G-12820. The date of priority is JANUARY 4, 1995. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.36 CUBIC FEET PER SECOND (CFS) TOTAL, BEING NOT MORE THAN 1.11 CFS FROM WELL #1 AND 0.334 CFS FROM WELL #2 AT ANY TIME, measured at the wells.

The allowed period of use is April 1 through October 15.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
20 S	46 E	WM	29	NW NW	WELL #1 - 161 FEET SOUTH AND 1317 FEET EAST FROM NW CORNER, SECTION 29
20 S	46 E	WM	30	NE SE	WELL #2 - 2591 FEET SOUTH AND 975 FEET WEST FROM NW CORNER, 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.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
20 S	46 E	WM	29	NW NW	34.3	1
20 S	46 E	WM	29	SW NW	34.0	1
20 S	46 E	WM	29	NW SW	14.1	1
20 S	46 E	WM	30	NE SE	26.7	2

**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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or other suitable measuring device as approved by the Director in good working order.
- 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.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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 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 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.

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

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