

STATE OF OREGON  
 COUNTY OF UMATILLA  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MICHAEL ARTERBURN  
 PO BOX 1166  
 HERMISTON OR 97838-3166

confirms the right to the use of water perfected under the terms of Permit G-17028. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14110

SOURCE OF WATER: TWO WELLS IN UMATILLA RIVER BASIN

PURPOSE OR USE: INDUSTRIAL USE AND IRRIGATION OF 39.8 ACRES

MAXIMUM RATE: 1.30 CUBIC FEET PER SECOND (CFS), BEING 0.80 CFS FOR INDUSTRIAL USE AND 0.50 CFS FOR IRRIGATION

PERIOD OF USE: INDUSTRIAL USE – YEAR ROUND

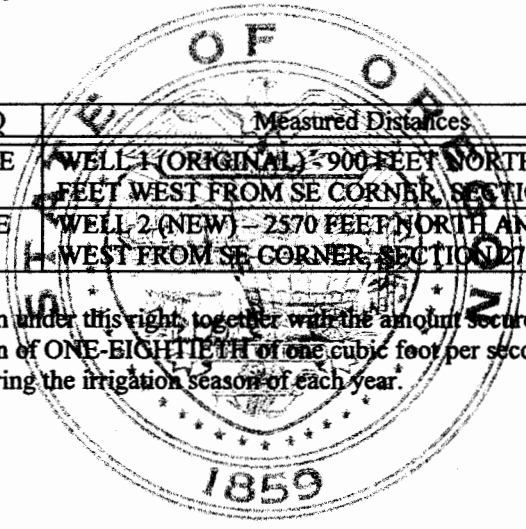
IRRIGATION – MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 22, 1995

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	SW SE	WELL 1 (ORIGINAL) - 900 FEET NORTH AND 1670 FEET WEST FROM SE CORNER, SECTION 27
5 N	28 E	WM	27	NE SE	WELL 2 (NEW) - 2570 FEET NORTH AND 70 FEET WEST FROM SE CORNER, SECTION 27

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



**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.

A description of the place of use is as follows:

INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
5 N	28 E	WM	27	NE SE
5 N	28 E	WM	27	SW SE

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	27	NE SE	24.6
5 N	28 E	WM	27	NW SE	9.3
5 N	28 E	WM	27	SW SE	1.8
5 N	28 E	WM	27	SE SE	4.1
Total					39.8

Measurement, recording and reporting conditions:

- A. The water user shall maintain the 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.

The combined quantity of water diverted at the new point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation.

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.

Water level measurements shall be taken annually at the authorized wells during in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements shall be taken by the electric tape method. All supporting calculations shall be provided to determine the water levels in feet below land surface.

The electric tape shall be labeled at intervals of every five feet or less. Measurements shall be reported in either feet and inches or feet and hundredths of a foot below land surface.

The wells shall be idle for a minimum of 16 hours at the time of the annual measurements. If this procedure does not meet the goal of attaining static water levels, or well shutdown cannot be accommodated through water storage, this item may be amended after consultation with staff of the Groundwater and Hydrology Section of the Water Resources Department. The water level in the wells will be considered static if water levels are within 0.05 foot for a period of 6 hours.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the water user.

The reference levels against which any future measurements will be compared are 161.29 feet below land surface for Well 1 and 136.51 feet below land surface for Well 2.

Following the submission of seven consecutive annual reports of static water level measurements, staff of the Groundwater and Hydrology Section of the Water Resources Department shall analyze the data collected. The water level measurement requirement shall be discontinued if the data indicate that the water level has risen or is stable. In addition, the water level measurement requirement shall be discontinued if the data indicate that the water level has declined less than 15 feet. If the water level has declined 15 feet or greater, a meeting shall be scheduled with the water user to review this plan. At that time, the water level measurement requirement may be discontinued or the schedule for measurements may be maintained or modified. If the measurement requirement is discontinued, it may be restarted upon notice to the water user, if the Director receives a complaint from a senior priority well user which alleges that well interference is being caused by the authorized wells or if the Director orders an investigation of the groundwater conditions in an area which includes the authorized wells.

Any item in this plan may be amended after consultation with staff of the Groundwater and Hydrology Section of the Water Resources Department.

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 adequate 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.

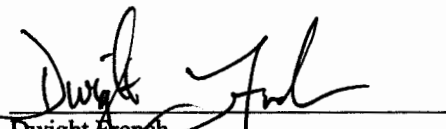
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Issued APR 27 2016

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

