

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BIG HILL, LLC
9615 192nd STREET NW
STANWOOD, WA 98292

confirms the right to the use of water perfected under the terms of Permit G-16498. 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-17073

SOURCE OF WATER: WELL 1 (HARN 1117), WELL 3 (HARN 1118), WELL 4 (HARN 1116), WELL 5 (HARN 1128), AND WELL 6 IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 280.0 ACRES

MAXIMUM RATE: 3.5 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 2.0 CFS FROM WELL 1 (HARN 1117), 0.9 CFS FROM WELL 3 (HARN 1118), 0.7 CFS FROM WELL 4 (HARN 1116), 3.5 CFS FROM WELL 5 (HARN 1128), AND 0.56 CFS FROM WELL 6

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 17, 2008

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	31 E	WM	9	NE NE	WELL 1 (HARN 1117) - 4050 FEET NORTH AND 340 FEET WEST FROM SE CORNER, SECTION 9
25 S	31 E	WM	9	NE SE	WELL 3 (HARN 1118) - 1370 FEET NORTH AND 1270 FEET WEST FROM SE CORNER, SECTION 9
25 S	31 E	WM	10	NW SW	WELL 4 (HARN 1116) - 1400 FEET NORTH AND 620 FEET EAST FROM SW CORNER, SECTION 10
25 S	31 E	WM	16	NW NE	WELL 5 (HARN 1128) - 1300 FEET SOUTH AND 2050 FEET WEST FROM NE CORNER, SECTION 16
25 S	31 E	WM	10	SE SW	WELL 6 (HARN 51573) - 110 FEET NORTH AND 1380 FEET EAST FROM SW CORNER, SECTION 10

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.

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.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized Wells
25 S	31 E	WM	10	NE SW	40.0	Well 1, Well 3, Well 4, and Well 6
25 S	31 E	WM	10	SE SW	40.0	Well 1, Well 3, Well 4, and Well 6
25 S	31 E	WM	10	NW SE	40.0	Well 1, Well 3, Well 4, and Well 6
25 S	31 E	WM	10	SW SE	40.0	Well 1, Well 3, Well 4, and Well 6
25 S	31 E	WM	16	SW NE	40.0	Well 5
25 S	31 E	WM	16	SE NE	40.0	Well 5
25 S	31 E	WM	16	SE NW	40.0	Well 5

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter(s) in good working order as identified in OAR 690-507-645(1) through (3) at each point of appropriation.
- B. The water user 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.
- 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 Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements 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. The Director may require the water user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

The reference levels against which any future measurements will be compared are 20.6 feet below land surface for Well 1, 23.2 feet below land surface for Well 3, 21.1 feet below land surface for Well 4, 34.6 feet below land surface for Well 5, and 24.1 feet below land surface for Well 6.

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 and 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 reported 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 events occur:

- (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 leads to a decline of 25 or more feet in any neighboring well with senior priority.

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 causing substantial interference with senior water rights. The water user shall not 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 water user shall ensure that the wells have been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to each well. The Well IDs shall be used as a reference in any correspondence regarding the wells, including any reports of water use, water level, or pump test data.

The combined quantity of water diverted at the new point of appropriation (Well 6), together with that diverted at the old points of appropriation (Well 1, Well 3, Well 4, and Well 5), shall not exceed the quantity of water lawfully available at the original points of appropriation.

Water shall be acquired from the same aquifer as the original points of appropriation.

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 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(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 adequate to determine the water level elevation in the well at all times.

The use may be restricted if the quality of 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 the agreement.

The Director may require water level or pump test results 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 right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued JAN 20, 2017



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