

STATE OF OREGON
 COUNTY OF MALHEUR
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ORVILLE PHILPOTT
 LAVELLE PHILPOTT
 1986 5TH AVE WEST
 VALE OR 97918

confirms the right to the use of water perfected under the terms of Permit G-11858. 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-13409

SOURCE OF WATER: A WELL IN THE WILLOW CREEK BASIN

PURPOSE or USE: PRIMARY IRRIGATION OF 17.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 95.0 ACRES

MAXIMUM RATE: 0.67 CUBIC FOOT PER SECOND

PERIOD OF USE: FEBRUARY 15 THROUGH SEPTEMBER 1 OF EACH YEAR

DATE OF PRIORITY: MAY 11, 1993

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	44 E	WM	26	SW SW	80 FEET NORTH AND 602 FEET EAST OF THE SW CORNER, SECTION 26

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.

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

A description of the place of use is as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	44 E	WM	26	SE SW	17.2

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.

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	44 E	WM	26	NE SW	30.0
17 S	44 E	WM	26	NW SW	29.0
17 S	44 E	WM	26	SW SW	26.0
17 S	44 E	WM	26	SE SW	10.0

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

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.

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 water user shall report static water-level in the well by April 15 of each year. The measurements shall be sent to the Director Attention: Groundwater/Hydrology Section. The measurement shall be made by a certified water rights examiner, registered professional geologist, or professional engineer. Water levels shall be measured and reported to the nearest tenth of a foot as depth-to-water below ground surface and shall be accompanied by supporting calculations. Each measurement and set of calculations shall clearly indicate the well with which they are associated.

The second annual measurement taken after water use begins under the terms of this right shall be the reference level. The measurement shall be made annually for seven consecutive years after water use begins. When required by the Director, the water user shall obtain and report, as outlined above, additional March static water level measurements beyond the initial seven. If the well listed on this right displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, the water user shall reduce the withdrawal rate from the well or discontinue use of the well. Such action shall be undertaken until the water level recovers to above the 25-foot decline level or until the Department determines that such action is not necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. Such determination could be based on the water user's data or the Department's data and analysis. The director may provide an opportunity for the water user to submit alternative measurement and reporting procedures for review and approval.

The reference level against which any future measurements will be compared is 23.83 feet below land surface.

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

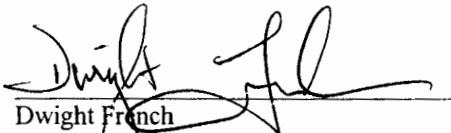
of best practical technologies or conservation practices to achieve this end.

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 **FEB 10 2017**



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