

STATE OF OREGON  
COUNTY OF HARNEY  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SUNNYSIDE DAIRY LLC  
4581 MAPLE GROVE RD  
SUNNYSIDE WA 98944

confirms the right to the use of water perfected under the terms of Permit G-17816. 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-16668

SOURCE OF WATER: WELL 6, WELL 8, WELL 9, WELL 12, WELL 13, WELL 14 AND NEWEST WELL IN HARNEY LAKE BASIN

PURPOSE or USE: IRRIGATION USE ON 1148.8 ACRES

MAXIMUM RATE: 14.0 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 4.64 CFS FROM WELL 6, 2.78 CFS FROM WELL 8, 2.48 CFS FROM WELL 9, 5.07 CFS FROM WELL 12, 3.28 CFS FROM WELL 13, 2.65 CFS FROM WELL 14 AND 6.1 CFS FROM NEWEST WELL, OR IN ANY COMBINATION NOT TO EXCEED 14.0 CFS IN TOTAL

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 12, 2006

**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 wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	11	SE NE	NEWEST WELL – 2206 FEET SOUTH AND 82 FEET WEST FROM NE CORNER, SECTION 11
26 S	30 E	WM	11	SW NW	WELL 13 – 2555 FEET SOUTH AND 110 FEET EAST FROM NW CORNER, SECTION 11
26 S	30 E	WM	12	SW NW	WELL 12 – 2628 FEET SOUTH AND 806 FEET EAST FROM NW CORNER, SECTION 12
26 S	30 E	WM	12	SE SE	WELL 8 – 167 FEET NORTH AND 462 FEET WEST FROM SE CORNER, SECTION 12
26 S	30 E	WM	13	NW NE	WELL 14 – 660 FEET SOUTH AND 2307 FEET WEST FROM NE CORNER, SECTION 13
26 S	30 E	WM	13	NW NE	WELL 6 – 1239 FEET SOUTH AND 2289 FEET WEST FROM NE CORNER, SECTION 13
26 S	31 E	WM	18	NW NW	WELL 9 – 1260 FEET SOUTH AND 1290 FEET EAST FROM NW CORNER, SECTION 18

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
26 S	30 E	WM	10	SE NE	30.0
26 S	30 E	WM	10	NE SE	28.5
26 S	30 E	WM	11	NE NE	30.5
26 S	30 E	WM	11	NW NE	30.5
26 S	30 E	WM	11	SW NE	31.0
26 S	30 E	WM	11	SE NE	30.5
26 S	30 E	WM	11	NE NW	20.0
26 S	30 E	WM	11	NW NW	16.0
26 S	30 E	WM	11	SW NW	32.5
26 S	30 E	WM	11	SE NW	31.0
26 S	30 E	WM	11	NE SW	10.0
26 S	30 E	WM	11	NW SW	22.0
26 S	30 E	WM	11	SE SW	6.0
26 S	30 E	WM	12	NW NE	30.0
26 S	30 E	WM	12	SW NE	34.0
26 S	30 E	WM	12	NE SW	0.3
26 S	30 E	WM	12	SE SW	15.7
26 S	30 E	WM	12	NE SE	30.0
26 S	30 E	WM	12	NW SE	30.5
26 S	30 E	WM	12	SW SE	35.0
26 S	30 E	WM	12	SE SE	29.5
26 S	30 E	WM	13	NE NE	30.2
26 S	30 E	WM	13	NW NE	5.0
26 S	30 E	WM	13	SW NE	18.0
26 S	30 E	WM	13	SE NE	1.1
26 S	30 E	WM	13	NE NW	20.5
26 S	30 E	WM	13	SE NW	21.0
26 S	31 E	WM	7	NE SW	28.5
26 S	31 E	WM	7	NW SW	28.0
26 S	31 E	WM	7	SW SW	32.5
26 S	31 E	WM	7	SE SW	33.5

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	31 E	WM	17	NE NW	30.0
26 S	31 E	WM	17	NW NW	28.0
26 S	31 E	WM	17	SW NW	32.0
26 S	31 E	WM	17	SE NW	32.5
26 S	31 E	WM	17	NE SW	30.5
26 S	31 E	WM	17	NW SW	33.0
26 S	31 E	WM	17	SW SW	31.5
26 S	31 E	WM	17	SE SW	30.5
26 S	31 E	WM	18	NE NE	31.3
26 S	31 E	WM	18	NW NE	31.2
26 S	31 E	WM	18	SW NE	31.0
26 S	31 E	WM	18	SE NE	34.5
26 S	31 E	WM	18	NE SE	31.0

The combined quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriations, as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	11	NE NW	WELL 1 – 1254 FEET SOUTH AND 1372 FEET EAST FROM NW CORNER, SECTION 11
26 S	30E	WM	11	NW NE	WELL 2 – 540 FEET SOUTH AND 2590 FEET WEST FROM NE CORNER, SECTION 11
26 S	30 E	WM	11	NE NE	WELL 3 – 495 FEET SOUTH AND 66 FEET WEST FROM NE CORNER, SECTION 11
26 S	30 E	WM	12	NW SE	WELL 4 (ORIGINAL) – 2980 FEET SOUTH AND 2660 FEET EAST FROM NW CORNER, SECTION 12
26 S	30 E	WM	12	SW SE	WELL 4 (NEW POA) – 340 FEET NORTH AND 2400 FEET WEST FROM SE CORNER, SECTION 12
26 S	30 E	WM	13	NE NE	WELL 5 – 265 FEET SOUTH AND 50 FEET WEST FROM NE CORNER, SECTION 13
26 S	31 E	WM	18	NW NE	WELL 6 – 60 FEET SOUTH AND 1400 FEET WEST FROM NE CORNER, SECTION 18
26 S	31 E	WM	18	SE NE	WELL 10 – 2535 FEET SOUTH AND 1250 FEET WEST FROM NE CORNER, SECTION 18
26 S	31 E	WM	17	SE NW	WELL 11 – 1920 FEET SOUTH AND 2510 FEET EAST FROM NW CORNER, SECTION 17

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

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, the totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. 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.
- B. The water user shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the 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 water user shall report annual March static water-level measurements whether or not the well is used. The reference level against which future measurements will be compared is 142.2 feet below ground surface for Well 6, 45.1 feet below ground surface for Well 8, 52.6 feet below ground surface for Well 9, 149.15 feet below ground surface for Well 12, 113.9 feet below ground surface for Well 13, 154.9 feet below ground surface for Well 14 and 160.6 feet below ground surface for Newest Well. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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 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.

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(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.

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 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 **SEP 17 2021**



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