

STATE OF OREGON  
COUNTY OF HARNEY  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAN NICHOLS  
48642 MCCOY CREEK RD  
DIAMOND OR 97722

confirms the right to the use of water perfected under the terms of Permit G-17988. 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-14960

SOURCE OF WATER: THREE WELLS IN MALHEUR LAKE BASIN

PURPOSE or USE: IRRIGATION OF 105.2 ACRES

MAXIMUM RATE: 1.31 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 1, 1999

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	33 E	WM	28	SE SW	WELL 5 - 6500 FEET NORTH AND 2690 FEET WEST FROM SE CORNER, SECTION 33
26 S	33 E	WM	29	SW NE	WELL 3 - 1345 FEET SOUTH AND 3920 FEET EAST FROM NW CORNER, SECTION 29
26 S	33 E	WM	29	SW NE	WELL 2 - 1361 FEET SOUTH AND 3956 FEET EAST 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.

**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:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	33 E	WM	28	NW SW	25.0
26 S	33 E	WM	29	SW NE	6.2
26 S	33 E	WM	29	SE NE	6.2
26 S	33 E	WM	29	NE SE	35.0
26 S	33 E	WM	29	NW SE	25.5
26 S	33 E	WM	29	SE SE	7.3

The combined quantity of water diverted at the new points of appropriation (Wells 2, 3, and 5), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 4), as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	33 E	WM	29	SW NE	Well 4 - 2700 FEET NORTH AND 6645 FEET WEST FROM SE CORNER, SECTION 28

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

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter or other suitable measuring device as approved by the Director 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.

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.

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.

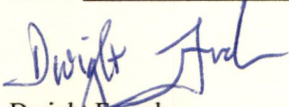
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

**SEP 14 2021**

Issued \_\_\_\_\_.



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

