

## STATE OF OREGON

## COUNTY OF HARNEY

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

WHITBY BROTHERS LAND AND LIVESTOCK LLC  
JEB WHITBY  
720 WEST JUNIPER RD  
MESA WA 99343

confirms the right to the use of water perfected under the terms of Permit G-9116. 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 well(s). The specific limits and conditions of the use are listed below.

SOURCE OF WATER: NINE WELLS IN THE ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATING 524.6 ACRES

MAXIMUM RATE: 5.57 CUBIC FEET PER SECOND (CFS); FURTHER LIMITED TO 1.49 CFS FROM WELL 1, 2.27 CFS FROM WELL 2, 1.52 CFS FROM WELL 3, 5.57 CFS FROM WELL 4, 2.25 CFS FROM WELL 5, 1.48 CFS FROM WELL 6, 2.26 CFS FROM WELL 9, 4.53 CFS FROM WELL 11, AND 4.75 CFS FROM WELL 12, IN ANY COMBINATION OR ITS EQUIVALENT IN CASE OF ROTATION, MEASURED AT THE WELLS.

DATE OF PRIORITY: SEPTEMBER 12, 1980

The wells are located as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances                                                                   |
|------|------|-----|-----|-------|--------------------------------------------------------------------------------------|
| 33 S | 31 E | WM  | 3   | SE NW | WELL 2 (ADDITIONAL) - 60 FEET NORTH AND 1340 FEET EAST FROM W1/4 CORNER, SECTION 3   |
| 33 S | 31 E | WM  | 4   | NW SE | WELL 3 (ADDITIONAL) - 1225 FEET SOUTH AND 1412 FEET WEST FROM E1/4 CORNER, SECTION 4 |
| 33 S | 31 E | WM  | 4   | SE NE | WELL 4 (ORIGINAL) - 60 FEET NORTH AND 1320 FEET WEST FROM E1/4 CORNER, SECTION 4     |
| 33 S | 31 E | WM  | 8   | SW NE | WELL 9 (ADDITIONAL) - 2650 FEET SOUTH AND 1320 FEET EAST FROM N1/4 CORNER, SECTION 8 |
| 33 S | 31 E | WM  | 9   | NE NE | WELL 1 (ADDITIONAL) - 1320 FEET SOUTH AND 1200 FEET WEST FROM NE CORNER, SECTION 9   |
| 33 S | 31 E | WM  | 9   | SW NW | WELL 11 (ADDITIONAL) - 2730 FEET NORTH AND 800 FEET EAST FROM SW CORNER, SECTION 9   |
| 33 S | 31 E | WM  | 10  | NE NW | WELL 5 (ADDITIONAL) - 1300 FEET SOUTH AND 1330 FEET EAST FROM NW CORNER, SECTION 10  |
| 33 S | 31 E | WM  | 10  | NW NW | WELL 12 (ADDITIONAL) - 860 FEET EAST FROM NW CORNER, SECTION 10                      |
| 33 S | 31 E | WM  | 10  | SE SW | WELL 6 (ADDITIONAL) - 1320 FEET NORTH AND 1330 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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | Acres |
|------|------|-----|-----|-------|------|-------|
| 33 S | 31 E | WM  | 3   | NE NW | 3    | 31.2  |
| 33 S | 31 E | WM  | 3   | NW NW | 4    | 37.2  |
| 33 S | 31 E | WM  | 3   | SW NW |      | 34.0  |
| 33 S | 31 E | WM  | 3   | SE NW |      | 28.8  |
| 33 S | 31 E | WM  | 3   | NE SW |      | 32.6  |
| 33 S | 31 E | WM  | 3   | NW SW |      | 34.0  |
| 33 S | 31 E | WM  | 3   | SW SW |      | 32.8  |
| 33 S | 31 E | WM  | 3   | SE SW |      | 32.4  |
| 33 S | 31 E | WM  | 4   | NE NE | 1    | 33.2  |
| 33 S | 31 E | WM  | 4   | NW NE | 2    | 34.4  |
| 33 S | 31 E | WM  | 4   | SW NE |      | 32.0  |
| 33 S | 31 E | WM  | 4   | SE NE |      | 31.2  |
| 33 S | 31 E | WM  | 4   | NE SE |      | 32.8  |
| 33 S | 31 E | WM  | 4   | NW SE |      | 34.4  |
| 33 S | 31 E | WM  | 4   | SW SE |      | 32.0  |
| 33 S | 31 E | WM  | 4   | SE SE |      | 31.6  |

The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.

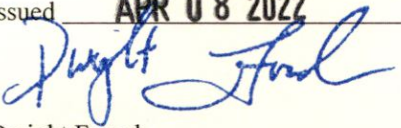
Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meters or measuring devices, as approved by the Director, in good working order, at each point of appropriation (new and existing).
- B. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Water shall be acquired from the same aquifer (water source) at the original points of appropriation.

The right to the use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to confirm ADDITIONAL POINT OF APPROPRIATIONS approved by an order of the Water Resources Director entered September 30, 2019, at Special Order Volume 113, Page 1266, approving Transfer Application T-12864, supercedes Certificate 66775, State record of Water Right Certificates.

Issued **APR 08 2022**  


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