

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRAD AND JUNE ALLEN	MCEST RANCHES LLC	NORTHWEST FARM CREDIT SERVICES FLCA
48748 MCCARTY BRIDGE RD	PO BOX 1726	PO BOX 1610
NORTH POWDER OR 97867	YAKIMA WA 98907	SUNNYSIDE WA 97944

confirms the right to the use of water perfected under the terms of Permit G-17655. 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-15977

SOURCE OF WATER: WELLS A, B, D, E, G, H, WELL 1, K, S, AND T IN POWDER RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 93.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 3315.1 ACRES

MAXIMUM RATE: NOT TO EXCEED 17.98 CUBIC FEET PER SECOND (CFS); FURTHER LIMITED TO 11.98 CFS FROM ANY COMBINATION OF WELLS A, B, D, E, G, H, AND WELL 1; FURTHER LIMITED TO THE FOLLOWING INDIVIDUAL RATES FROM THE WELLS:

WELL A – TOTAL RATE OF UP TO 0.89 CFS

WELL B – TOTAL RATE OF UP TO 2.31 CFS

WELL D – TOTAL RATE OF UP TO 2.64 CFS

WELL E – TOTAL RATE OF UP TO 4.5 CFS

WELL G – TOTAL RATE OF UP TO 0.25 CFS

WELL H – TOTAL RATE OF UP TO 0.25 CFS

WELL 1 – TOTAL RATE OF UP TO 1.62 CFS

AND FURTHER LIMITED TO 6.0 CFS FROM ANY COMBINATION OF WELLS K, S, AND T; FURTHER LIMITED TO THE FOLLOWING INDIVIDUAL RATES FROM THE WELLS:

WELL K – TOTAL RATE OF UP TO 1.9 CFS

WELL S – TOTAL RATE OF UP TO 3.5 CFS

WELL T – TOTAL RATE OF UP TO 4.7 CFS

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.

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 4, 2003

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	39 E	WM	15	SE SE	WELL A - 655 FEET NORTH AND 840 FEET WEST FROM SE CORNER, SECTION 15
7 S	39 E	WM	14	SW NW	WELL B (NEW) - 2020 FEET SOUTH AND 85 FEET EAST FROM NW CORNER, SECTION 14
7 S	39 E	WM	14	SW NE	WELL D (NEW) - 2050 FEET SOUTH AND 2630 FEET WEST FROM NE CORNER, SECTION 14
7 S	39 E	WM	14	SW NE	WELL E (NEW) - 1445 FEET SOUTH AND 1780 FEET WEST FROM NE CORNER, SECTION 14
7 S	39 E	WM	14	SE SE	WELL G - 1145 FEET NORTH AND 5 FEET WEST FROM SE CORNER, SECTION 14
7 S	39 E	WM	13	NW SW	WELL H - 2620 FEET NORTH AND 1290 FEET EAST FROM SW CORNER, SECTION 13
7 S	39 E	WM	24	NE NE	WELL K - 20 FEET SOUTH AND 60 FEET WEST FROM NE CORNER, SECTION 24
7 S	40 E	WM	31	NW NE	WELL S (NEW) - 10 FEET SOUTH AND 1360 FEET WEST FROM SE CORNER, SECTION 30
7 S	40 E	WM	29	SW SW	WELL T (NEW)- 90 FEET NORTH AND 870 FEET EAST FROM SW CORNER, SECTION 29
7 S	39 E	WM	14	SW NE	WELL I (NEW) - 1405 FEET SOUTH AND 2480 FEET WEST FROM NE CORNER, SECTION 14

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
7 S	39 E	WM	13	NE SE	33.2	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NW SE	30.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SW SE	1.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SE SE	4.1	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE SE	23.3	A, B, D, E, G, H, Well 1
7 S	40 E	WM	18	NW SW	0.9	A, B, D, E, G, H, Well 1

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
7 S	39 E	WM	13	NW NE	39.2	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SW NE	38.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NE NW	32.3	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NW NW	31.8	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SW NW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SE NW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NE SW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NW SW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SW SW	38.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SE SW	38.5	A, B, D, E, G, H, Well 1

SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
7 S	39 E	WM	14	SW NE	39.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE NE	39.2	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NE NW	0.8	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SW NW	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE NW	39.6	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NE SW	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NW SW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SW SW	34.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE SW	37.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NE SE	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NW SE	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SW SE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE SE	16.7	A, B, D, E, G, H, Well 1
7 S	39 E	WM	15	SE NE	25.2	A, B, D, E, G, H, Well 1
7 S	39 E	WM	15	NE SE	39.6	A, B, D, E, G, H, Well 1
7 S	39 E	WM	15	SE SE	39.6	A, B, D, E, G, H, Well 1
7 S	39 E	WM	22	NE NE	39.6	A, B, D, E, G, H, Well 1
7 S	39 E	WM	22	NW NE	36.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	22	SW NE	35.1	A, B, D, E, G, H, Well 1
7 S	39 E	WM	22	SE NE	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	NE NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	NW NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	SW NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	SE NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	NE NW	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	NW NW	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	SW NW	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	SE NW	39.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	24	NW NW	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	24	NE SE	31.6	K
7 S	39 E	WM	24	SE SE	31.6	K
7 S	39 E	WM	25	NE NE	35.0	K, S, T
7 S	40 E	WM	18	NE SW	37.2	K, S, T
7 S	40 E	WM	18	NW SW	19.0	K, S, T
7 S	40 E	WM	18	SW SW	20.5	K, S, T
7 S	40 E	WM	18	SE SW	38.9	K, S, T
7 S	40 E	WM	18	SE SW	0.9	K
7 S	40 E	WM	18	NW SE	5.8	K, S, T
7 S	40 E	WM	18	SW SE	25.5	K, S, T
7 S	40 E	WM	18	SW SE	3.3	K
7 S	40 E	WM	18	SE SE	12.1	K, S, T
7 S	40 E	WM	19	NE NE	28.5	K, S, T
7 S	40 E	WM	19	NW NE	22.8	K, S, T
7 S	40 E	WM	19	NW NE	11.0	K
7 S	40 E	WM	19	SW NE	31.6	K, S, T
7 S	40 E	WM	19	SE NE	38.9	K, S, T
7 S	40 E	WM	19	SE NE	0.3	K, S, T
7 S	40 E	WM	19	NE NW	32.0	K, S, T
7 S	40 E	WM	19	NE NW	4.5	K
7 S	40 E	WM	19	NW NW	32.0	K, S, T
7 S	40 E	WM	19	SW NW	30.6	K
7 S	40 E	WM	19	SE NW	32.0	K, S, T

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
7 S	40 E	WM	19	NE SW	32.0	K, S, T
7 S	40 E	WM	19	NW SW	33.5	K
7 S	40 E	WM	19	SW SW	32.8	K
7 S	40 E	WM	19	SE SW	32.0	K, S, T
7 S	40 E	WM	19	NE SE	36.5	K, S, T
7 S	40 E	WM	19	NW SE	34.4	K, S, T
7 S	40 E	WM	19	SW SE	32.0	K, S, T
7 S	40 E	WM	19	SE SE	32.0	K, S, T
7 S	40 E	WM	20	NW NW	0.7	K, S, T
7 S	40 E	WM	20	SW NW	2.6	K, S, T
7 S	40 E	WM	20	SW NW	13.9	K
7 S	40 E	WM	20	NW SW	6.0	K
7 S	40 E	WM	20	NW SW	32.0	K, S, T
7 S	40 E	WM	20	SW SW	32.0	K, S, T
7 S	40 E	WM	20	SE SW	35.0	K, S, T
7 S	40 E	WM	29	NW NE	24.4	K, S, T
7 S	40 E	WM	29	SW NE	36.9	K, S, T
7 S	40 E	WM	29	SE NE	18.8	K, S, T
7 S	40 E	WM	29	NE NW	37.0	K, S, T
7 S	40 E	WM	29	NW NW	38.5	K, S, T
7 S	40 E	WM	29	SW NW	37.8	K, S, T
7 S	40 E	WM	29	SE NW	36.9	K, S, T
7 S	40 E	WM	29	NW SW	39.6	K, S, T
7 S	40 E	WM	29	SW SW	39.4	K, S, T
7 S	40 E	WM	29	NE SE	39.2	K, S, T
7 S	40 E	WM	30	NE NE	40.3	K, S, T
7 S	40 E	WM	30	NW NE	37.9	K, S, T
7 S	40 E	WM	30	SW NE	42.0	K, S, T
7 S	40 E	WM	30	SE NE	39.3	K, S, T
7 S	40 E	WM	30	NE NW	37.6	K, S, T
7 S	40 E	WM	30	NW NW	36.7	K, S, T
7 S	40 E	WM	30	SW NW	38.7	K, S, T
7 S	40 E	WM	30	SE NW	40.7	K, S, T
7 S	40 E	WM	30	NE SW	40.4	K, S, T
7 S	40 E	WM	30	NW SW	25.6	K, S, T
7 S	40 E	WM	30	SW SW	39.0	K, S, T
7 S	40 E	WM	30	SE SW	39.6	K, S, T
7 S	40 E	WM	30	NE SE	38.8	K, S, T
7 S	40 E	WM	30	NW SE	42.4	K, S, T
7 S	40 E	WM	30	SW SE	42.7	K, S, T
7 S	40 E	WM	30	SE SE	39.5	K, S, T

Measurement, recording and reporting conditions:

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

The water user shall monitor and report the impact of water use under this right in accordance with the approved water level monitoring plan on file with the Department. If a well listed on this right (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level 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 senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right.

The combined quantity of water diverted at the new points of appropriation (Well S, Well T and Well 1), together with that diverted at the old points of appropriation (Well A, Well B, Well D, Well E, Well G, Well H, Well I, and Well K), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well A, Well B, Well C, Well D, Well E, Well F, Well G, Well H, Well I, Well J, Well K, Well L, Well M, Well O, Well P, and Well R) described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	39 E	WM	15	SE SE	WELL A (ORIGINAL) - 1120 FEET NORTH AND 990 FEET WEST FROM SE CORNER, SECTION 15
7 S	39 E	WM	14	NW SW	WELL B (ORIGINAL) - 2700 FEET SOUTH AND 100 FEET EAST FROM NW CORNER, SECTION 14
7 S	39 E	WM	14	SE SW	WELL C (ORIGINAL) - 1000 FEET NORTH AND 1650 FEET EAST FROM SW CORNER, SECTION 14
7 S	39 E	WM	14	SE NW	WELL D (ORIGINAL) - 1970 FEET SOUTH AND 2350 FEET EAST FROM NW CORNER, SECTION 14
7 S	39 E	WM	14	SW NE	WELL E (ORIGINAL) - 1450 FEET SOUTH AND 1820 FEET WEST FROM NE CORNER, SECTION 14
7 S	39 E	WM	14	SW NE	WELL F (ORIGINAL) - 1370 FEET SOUTH AND 1370 FEET WEST FROM NE CORNER, SECTION 14
7 S	39 E	WM	14	SE SE	WELL G (ORIGINAL) - 1300 FEET NORTH AND 100 FEET WEST FROM SE CORNER, SECTION 14
7 S	39 E	WM	13	SW NW	WELL H (ORIGINAL) - 2600 FEET SOUTH AND 1300 FEET EAST FROM NW CORNER, SECTION 13
7 S	39 E	WM	13	SE SE	WELL I (ORIGINAL) - 200 FEET NORTH AND 1300 FEET WEST FROM SE CORNER, SECTION 13
7 S	39 E	WM	13	NE SE	WELL J (ORIGINAL) - 2600 FEET NORTH AND 1200 FEET WEST FROM SE CORNER, SECTION 13
7 S	39 E	WM	24	NE NE	WELL K (ORIGINAL) - 20 FEET SOUTH AND 60 FEET WEST FROM NE CORNER, SECTION 24
7 S	39 E	WM	24	SE SE	WELL L (ORIGINAL) - 200 FEET NORTH AND 1300 FEET WEST FROM SE CORNER, SECTION 24
7 S	39 E	WM	25	NE NE	WELL M (ORIGINAL) - 1300 FEET SOUTH AND 1300 FEET WEST FROM NE CORNER, SECTION 25
7 S	40 E	WM	19	SW SE	WELL O (ORIGINAL) - 100 FEET NORTH AND 2620 FEET WEST FROM SE CORNER, SECTION 19
7 S	40 E	WM	19	SE SE	WELL P (ORIGINAL) - 50 FEET NORTH AND 1300 FEET WEST FROM SE CORNER, SECTION 19
7 S	39 E	WM	13	NW NE	WELL R (ORIGINAL) - 1300 FEET SOUTH AND 1620 FEET WEST FROM NE CORNER, SECTION 13

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

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 wells 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.

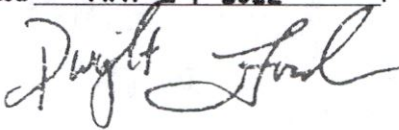
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 MAY 27 2022



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