

STATE OF OREGON
 COUNTY OF DESCHUTES
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RITCHIE BROTHERS INVESTMENT LLC
 223 SW WILSON AVE, SUITE 204
 BEND OR 97702

MICHAEL RITCHIE
 TAMMY RITCHIE
 2307 HUBBARD CREEK RD
 UMPQUA OR 97486

NORTHWEST FARM CREDIT SERVICES FLCA
 2222 NW KLINE ST
 ROSEBURG OR 97471-0356

confirms the right to the use of water perfected under the terms of Permit G-17047. 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-16895

SOURCE OF WATER: WELL 10 (DESC 56138), WELL 10A (DESC 59103), ARMY WELL (DESC 59359), AND RIMROCK WELL (DESC 59358) IN LIZARD CREEK BASIN

PURPOSE or USE: IRRIGATION OF 803.9 ACRES

MAXIMUM RATE: 9.4 CUBIC FEET PER SECOND (CFS); BEING 1.60 CFS FROM WELL 10, AND 5.08 CFS FROM WELL 10A, IN ANY COMBINATION FOR THE IRRIGATION OF 406.3 ACRES, NOT EXCEED 5.08 CFS, AND 4.32 CFS FROM ARMY WELL AND 4.32 CFS FROM RIMROCK WELL, IN ANY COMBINATION FOR THE IRRIGATION OF 397.6 ACRES, NOT TO EXCEED 4.32 CFS.

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 16, 2007

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	21 E	WM	9	SW NW	WELL 10 (DESC 56138) - 1080 FEET NORTH AND 1100 FEET EAST FROM W1/4 CORNER, SECTION 9

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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	21 E	WM	9	SW NW	WELL 10A (DESC 59103) - 900 FEET NORTH AND 1110 FEET EAST FROM W1/4 CORNER, SECTION 9
22 S	21 E	WM	16	SW NE	ARMY WELL (DESC 59359) - 1800 FEET SOUTH AND 180 FEET EAST FROM N1/4 CORNER, SECTION 16
22 S	21 E	WM	16	SW NE	RIMROCK WELL (DESC 59358) - 1640 FEET SOUTH AND 250 FEET EAST FROM N1/4 CORNER, SECTION 16

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:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well(s)
22 S	21 E	WM	9	SW NE	3.0	Well 10 and Well 10A
22 S	21 E	WM	9	SE NE	29.3	Well 10 and Well 10A
22 S	21 E	WM	9	NE SE	40.0	Well 10 and Well 10A
22 S	21 E	WM	9	NW SE	17.0	Well 10 and Well 10A
22 S	21 E	WM	9	SW SE	6.0	Well 10 and Well 10A
22 S	21 E	WM	9	SE SE	36.5	Well 10 and Well 10A
22 S	21 E	WM	10	SW NE	7.4	Well 10 and Well 10A
22 S	21 E	WM	10	SE NE	0.1	Well 10 and Well 10A
22 S	21 E	WM	10	SW NW	28.8	Well 10 and Well 10A
22 S	21 E	WM	10	SE NW	3.9	Well 10 and Well 10A
22 S	21 E	WM	10	NE SW	37.4	Well 10 and Well 10A
22 S	21 E	WM	10	NW SW	40.0	Well 10 and Well 10A
22 S	21 E	WM	10	SW SW	31.2	Well 10 and Well 10A
22 S	21 E	WM	10	SE SW	21.1	Well 10 and Well 10A
22 S	21 E	WM	10	NE SE	15.7	Well 10 and Well 10A
22 S	21 E	WM	10	NW SE	40.0	Well 10 and Well 10A
22 S	21 E	WM	10	SW SE	37.4	Well 10 and Well 10A
22 S	21 E	WM	10	SE SE	11.5	Well 10 and Well 10A
22 S	21 E	WM	15	NE NE	4.6	Army Well and Rimrock Well
22 S	21 E	WM	15	NW NE	36.3	Army Well and Rimrock Well
22 S	21 E	WM	15	SW NE	40.0	Army Well and Rimrock Well
22 S	21 E	WM	15	SE NE	10.8	Army Well and Rimrock Well
22 S	21 E	WM	15	NE NW	33.8	Army Well and Rimrock Well
22 S	21 E	WM	15	NW NW	21.2	Army Well and Rimrock Well
22 S	21 E	WM	15	SW NW	35.3	Army Well and Rimrock Well
22 S	21 E	WM	15	SE NW	40.0	Army Well and Rimrock Well
22 S	21 E	WM	15	NE SW	11.9	Army Well and Rimrock Well
22 S	21 E	WM	15	NW SW	5.8	Army Well and Rimrock Well
22 S	21 E	WM	15	NE SE	0.2	Army Well and Rimrock Well
22 S	21 E	WM	15	NW SE	14.8	Army Well and Rimrock Well
22 S	21 E	WM	16	NE NE	38.4	Army Well and Rimrock Well
22 S	21 E	WM	16	NW NE	13.6	Army Well and Rimrock Well
22 S	21 E	WM	16	SW NE	25.8	Army Well and Rimrock Well
22 S	21 E	WM	16	SE NE	40.0	Army Well and Rimrock Well
22 S	21 E	WM	16	NE SE	20.6	Army Well and Rimrock Well
22 S	21 E	WM	16	NW SE	4.5	Army Well and Rimrock Well

The combined quantity of water diverted at Wells 10, 10A, Army, and Rimrock, shall not exceed the quantity of water lawfully available at the original points of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	21 E	WM	9	NE SE	WELL 10 - NORTH 8° 6' WEST 2255 FEET FROM THE SE CORNER OF SECTION 9
22 S	21 E	WM	16	NW NE	WELL 11 - SOUTH 68° 18' WEST 1913 FEET FROM THE SE CORNER OF SECTION 9
22 S	21 E	WM	10	SW SE	WELL 12 - NORTH 77° 18' WEST 2215 FEET FROM THE SE CORNER OF SECTION 10
22 S	21 E	WM	15	NW SW	WELL 13 - NORTH 21° EAST 2643 FEET FROM THE SW CORNER OF SECTION 15

Water shall be acquired from the same aquifer as the original points of appropriation, Wells 10, 11, 12, and 13.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or measuring device, as 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 meter or measuring device; provided however, where a meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Use of water under authority of this right may be regulated if analysis of data available after the right is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on this 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 149.58 feet below ground surface from Army Well and 147.50 feet below ground surface from Rimrock 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.

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.

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 use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

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

JUL 07 2023

Issued _____



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department