

STATE OF OREGON
 COUNTY OF HARNEY
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RATTLESNAKE CREEK LAND AND CATTLE, LLC
 ANDY ROOT
 524 HWY 20 N
 HINES OR 97738

confirms the right to the use of water perfected under the terms of Permit G-18690. 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-17562

SOURCE OF WATER: WELL 6, WELL 7, WELL 9, WELL 10, WELL 11, WELL 12, AND WELL 14 IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 1772.6 ACRES; SUPPLEMENTAL IRRIGATION OF 590.4 ACRES

MAXIMUM RATE: 10.99 CUBIC FEET PER SECOND (CFS), BEING 0.86 CFS FROM WELL 6, 1.34 CFS FROM WELL 7, 0.82 CFS FROM WELL 9, 3.60 CFS FROM WELL 10, 1.31 CFS FROM WELL 11, 1.75 CFS FROM WELL 12, AND 1.31 CFS FROM WELL 14, NOT TO EXCEED A CUMULATIVE TOTAL OF 10.99 CFS FROM ALL WELLS IN ANY COMBINATION; FURTHER LIMITED TO 7.38 CFS FOR SUPPLEMENTAL IRRIGATION OF 590.4 ACRES

PERIOD OF USE: SEE TABLE BELOW

DATE OF PRIORITY: JUNE 11, 2012

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Rate (cfs)
22 S	33 E	WM	31	NE SW		WELL 9 (HARN 52754) – NEW – 1790 FEET NORTH AND 2165 FEET EAST FROM SW CORNER, SECTION 31	0.82
22 S	33 E	WM	31	NW SW	3	WELL 10 (HARN 52765) – NEW – 1670 FEET NORTH AND 655 FEET EAST FROM SW CORNER, SECTION 31	3.60
22 S	33 E	WM	31	NE SE		WELL 6 (HARN 52708) – NEW – 2345 FEET NORTH AND 1160 FEET WEST FROM SE CORNER, SECTION 31	0.86
22 S	33 E	WM	31	NE SE		WELL 7 (HARN 52767) – NEW – 1665 FEET NORTH AND 615 FEET WEST FROM SE CORNER, SECTION 31	1.34

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	GLot	Measured Distances	Rate (cfs)
22 S	33 E	WM	31	SE SE		WELL 12 (HARN 52783) – NEW – 1045 FEET NORTH AND 1145 FEET WEST FROM SE CORNER, SECTION 31	1.75
22 S	33 E	WM	32	NE SW		WELL 11 (HARN 52805) – NEW – 1405 FEET NORTH AND 1350 FEET EAST FROM SW CORNER, SECTION 32	1.31
22 S	33 E	WM	32	NW SE		WELL 14 (HARN 52789) – NEW – 1400 FEET NORTH AND 1505 FEET WEST FROM SE CORNER, SECTION 32	1.31
22 S	33 E	WM	32	NW SE		** MONITOR WELL #17 (HARN 52189) - 1580 FEET NORTH AND 2420 FEET WEST FROM SE CORNER, SECTION 32	

** OBSERVATION WELL IS USED FOR STATIC WATER LEVELS ONLY

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	GLot	Irrigation Acres Season 3/1-10/31	Irrigation Acres Season 3/1 – 3/31 & 10/2 – 10/31	Supplemental Irrigation Acres 4/1-10/1
22 S	33 E	WM	20	NE NE		0.4	18.9	18.9
22 S	33 E	WM	20	SE NE		0.3	23.1	23.1
22 S	33 E	WM	20	NE SE		0.2	30.7	30.7
22 S	33 E	WM	20	SE SE			34.1	34.1
22 S	33 E	WM	21	NW NW		0.2	17.6	17.6
22 S	33 E	WM	21	SW NW		0.3	14.8	14.8
22 S	33 E	WM	21	NW SW		1.9	14.8	14.8
22 S	33 E	WM	21	SW SW		0.1	1.5	1.5
22 S	33 E	WM	28	NE NW		1.9		
22 S	33 E	WM	28	NW NW		8.1	27.6	27.6
22 S	33 E	WM	28	SW NW		4.2	32.7	32.7
22 S	33 E	WM	28	SE NW		2.1		
22 S	33 E	WM	28	NE SW		23.7		
22 S	33 E	WM	28	NW SW		2.9	31.6	31.6
22 S	33 E	WM	28	SW SW		0.8	17.9	17.9
22 S	33 E	WM	28	SE SW		10.6		
22 S	33 E	WM	29	NE NE		1.8	28.1	28.1
22 S	33 E	WM	29	SE NE			31.0	31.0
22 S	33 E	WM	29	SW NW		0.5		
22 S	33 E	WM	29	SE NW		0.7		
22 S	33 E	WM	29	NE SW		34.9		
22 S	33 E	WM	29	NW SW		32.7		
22 S	33 E	WM	29	SW SW		30.5		
22 S	33 E	WM	29	SE SW		33.8		
22 S	33 E	WM	29	NE SE			35.1	35.1
22 S	33 E	WM	29	NW SE		1.0	5.0	5.0
22 S	33 E	WM	29	SW SE		1.5	25.1	25.1
22 S	33 E	WM	29	SE SE		0.2	29.5	29.5
22 S	33 E	WM	30	SW NE		3.7		
22 S	33 E	WM	30	SE NE		3.6		
22 S	33 E	WM	30	NE SW		1.4		
22 S	33 E	WM	30	SW SW	4	0.4		

Twp	Rng	Mer	Sec	Q-Q	GLot	Irrigation Acres Season 3/1-10/31	Irrigation Acres Season 3/1 – 3/31 & 10/2 – 10/31	Supplemental Irrigation Acres 4/1-10/1
22 S	33 E	WM	30	SE SW		2.0		
22 S	33 E	WM	30	NE SE		38.4		
22 S	33 E	WM	30	NW SE		38.0		
22 S	33 E	WM	30	SW SE		35.3		
22 S	33 E	WM	30	SE SE		36.9		
22 S	33 E	WM	31	NE NE		36.9		
22 S	33 E	WM	31	NW NE		39.9		
22 S	33 E	WM	31	SW NE		38.5		
22 S	33 E	WM	31	SE NE		30.5		
22 S	33 E	WM	31	NE NW		36.1		
22 S	33 E	WM	31	NW NW	1	22.4		
22 S	33 E	WM	31	SW NW	2	20.0		
22 S	33 E	WM	31	SE NW		30.1		
22 S	33 E	WM	31	NE SW		28.5		
22 S	33 E	WM	31	NW SW	3	20.2		
22 S	33 E	WM	31	SW SW	4	27.9		
22 S	33 E	WM	31	SE SW		31.6		
22 S	33 E	WM	31	NE SE		28.8		
22 S	33 E	WM	31	NW SE		33.1		
22 S	33 E	WM	31	SW SE		31.2		
22 S	33 E	WM	31	SE SE		31.1		
22 S	33 E	WM	32	NE NE		1.5	30.5	30.5
22 S	33 E	WM	32	NW NE			29.2	29.2
22 S	33 E	WM	32	SW NE			31.2	31.2
22 S	33 E	WM	32	SE NE			32.3	32.3
22 S	33 E	WM	32	NE NW		39.0		
22 S	33 E	WM	32	NW NW		33.6		
22 S	33 E	WM	32	SW NW		28.2		
22 S	33 E	WM	32	SE NW		37.0		
22 S	33 E	WM	32	NE SW		33.1		
22 S	33 E	WM	32	NW SW		28.4		
22 S	33 E	WM	32	SW SW		32.1		
22 S	33 E	WM	32	SE SW		32.6		
22 S	33 E	WM	32	NE SE		1.0	25.4	25.4
22 S	33 E	WM	32	NW SE		2.9	22.7	22.7
22 S	33 E	WM	32	SW SE		33.4		
22 S	33 E	WM	32	SE SE		36.5		
22 S	33 E	WM	33	SW SW		1.1		
TOTAL						1182.2	590.4	590.4

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.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

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. Annual measurements are required whether or not the well is used. The Director may require the water 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 reference levels against which future measurements will be compared are 41.30 feet below ground surface for Well 6, (HARN 52708), 39.07 feet below ground surface for Well 7 (HARN 52767), 42.65 feet below ground surface for Well 9 (HARN 52754), 42.15 feet below ground surface for Well 10 (HARN 52765), 36.30 feet below ground surface for Well 11 (HARN 52805), 39.76 feet below ground surface for Well 12 (HARN 52783) and 32.39 feet below ground surface for Well 14 (HARN 52789).

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.

The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not allow ground water to be developed from shallower water-bearing zones.

The water user shall maintain one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells at the location approved by the Department. The well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The landowner or water user shall provide access to Department staff access to the observation well to install and maintain continuous water-level monitoring equipment. The observation well shall not be used for any other purpose while the Department is monitoring water levels.

The quantity of water diverted at the new points of appropriation for Wells 6, 7, 9, 10, 11, 12, and 14, shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16).

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

The water user shall ensure that the well(s) have been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well(s). The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube: Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

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 downstream waters decreases to the point that those waters no longer meet 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.

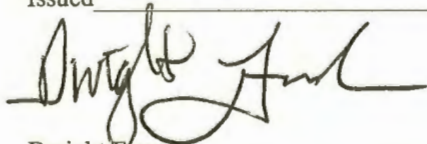
The Director may require water-level or pump-test data every ten years.

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.

Issued **NOV 03 2023**



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