

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OTLEY BROS INC.
40926 S DIAMOND LANE
DIAMOND OR 97722

confirms the right to the use of water perfected under the terms of Permit G-18556. 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-18129

SOURCE OF WATER: WELL 2 (BV2 - HARN 51892/L109045); WELL 3 (BV3 - HARN 51895/L109043); WELL 4 (BV4 - HARN 51894/L109042); WELL 6, WELL 7, WELL 8, WELL 9, AND WELL 10 IN DONNER UND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 234.3 ACRES

MAXIMUM RATE: 2.93 CUBIC FEET PER SECOND (CFS), BEING 2.93 CFS FROM WELL 2, 2.93 CFS FROM WELL 3, 2.93 CFS FROM WELL 3, 2.93 CFS FROM WELL 4, 2.93 CFS FROM WELL 6, 0.16 CFS FROM WELL 7, 2.93 CFS FROM WELL 8, 2.93 CFS FROM WELL 9, AND 2.93 CFS FROM WELL 10, NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 2.93 CFS IN ANY COMBINATION FROM THE WELLS

PERIOD OF USE: MARCH 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: AUGUST 11, 2015

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
29 S	31 E	WM	8	NE SE	101	WELL 7 (NEW) - 2770 FEET SOUTH AND 230 FEET WEST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	NW NE	200	WELL 8 (NEW) - 460 FEET SOUTH AND 3930 FEET EAST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	NW NE	200	WELL 9 (NEW) - 1050 FEET SOUTH AND 3270 FEET EAST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	NW NW	200	WELL 3 (BV3 - ORIGINAL) - 805 FEET SOUTH AND 891 FEET EAST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	SE NW	200	WELL 2 (BV2 - ORIGINAL) - 1657 FEET SOUTH AND 1608 FEET EAST FROM NW 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	Tax Lot	Measured Distances
29 S	31 E	WM	9	SE NW	200	WELL 4 (BV4 – ORIGINAL) - 2271 FEET SOUTH AND 2184 FEET EAST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	NE SE	200	WELL 6 (NEW) - 3320 FEET SOUTH AND 5280 FEET EAST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	NW SE	200	WELL 10 (NEW) - 3180 FEET SOUTH AND 3900 FEET EAST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	NW SE	200	** WELL 11 (OBSERVATION WELL) - 3360 FEET SOUTH AND 2960 FEET EAST FROM NW CORNER, SECTION 9

** 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:

Wells 2, 3, 4, 6, 8, 9 and 10					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	31 E	WM	8	NE NE	9.9
29 S	31 E	WM	8	SE NE	23.2
29 S	31 E	WM	8	NE SE	0.7
29 S	31 E	WM	9	NW NE	2.2
29 S	31 E	WM	9	SW NE	15.9
29 S	31 E	WM	9	NE NW	1.9
29 S	31 E	WM	9	NW NW	18.3
29 S	31 E	WM	9	SW NW	37.5
29 S	31 E	WM	9	SE NW	25.7
29 S	31 E	WM	9	NE SW	39.0
29 S	31 E	WM	9	NW SW	7.3
29 S	31 E	WM	9	SE SW	0.9
29 S	31 E	WM	9	NE SE	14.2
29 S	31 E	WM	9	NW SE	23.1
Total Acres					219.8

Wells 2, 3, 4, 6, 7, 8, 9 and 10					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	31 E	WM	8	NE SE	9.1
29 S	31 E	WM	8	NW SE	5.4
Total Acres					14.5

The combined quantity of water diverted at the new points of appropriation (Well 6, Well 7, Well 8, Well 9, and Well 10), together with that diverted at the old points of appropriation (Well 1 (Well BV1)), Well 2 (Well BV2)), Well 3 (Well BV3)), Well 4 (Well BV4)), and Well 5 (Well BV5)), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1 (Well BV1)), Well 2 (Well BV2)), Well 3 (Well BV3)), Well 4 (Well BV4)), and Well 5 (Well BV5)), as described below:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
29 S	31 E	WM	9	NW NW	200	WELL 3 (BV3) - 805 FEET SOUTH AND 891 FEET EAST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	SE NW	200	WELL 1 (BV1) - 1828 FEET SOUTH AND 1429 FEET EAST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	SE NW	200	WELL 2 (BV2) - 1657 FEET SOUTH AND 1608 FEET EAST FROM NW CORNER, SECTION 9
29 S	31 E	WM	9	SE NW	200	WELL 4 (BV4) - 2271 FEET SOUTH AND 2184 FEET EAST FROM NW CORNER, SECTION 9

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
29 S	31 E	WM	9	NE SE	200	WELL 5 (BV5) - 3920 FEET SOUTH AND 4937 FEET EAST FROM NW CORNER, SECTION 9

Measurement devices, and recording/reporting of annual water use conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter at each point of appropriation (new and existing).
- B. The water user shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The water user shall keep a complete record of the volume of water diverted 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.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

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

Observation Well Requirement:

The water user shall maintain one observation well that penetrates 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 to maintain the continuous water-level monitoring equipment. The observation well shall not be used for any other purpose.

Dedicated Measuring Tube Condition:

Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to Figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this right, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

Drawdown Condition and Static Water Level Conditions:

All groundwater pumping authorized by this right shall be prohibited if March groundwater levels indicate 18 feet or more of decline has occurred, as measured in the observation well or any authorized irrigation well, when compared to the first March measurement.

Subsequent groundwater pumping may occur with Department approval during the year(s) a subsequent March groundwater level measurement indicates the groundwater level at the observation well has recovered to less than 18 feet of decline when compared to the first March measurement.

The Department requires the water user to obtain, from a qualified individual (see below), the annual static water level measured in any authorized irrigation well. Reports shall be submitted to the Department within 30 days of measurement.

The water user shall report annual March static groundwater-level measurements whether or not the well is used. 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 0.1 foot. Airlines are not acceptable methods of measurement. 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.

Groundwater Study Findings and Potential for Future Prohibition of Use:

Water use under this certificate is prohibited if, based on the Department's Harney Basin Groundwater Study, the Department cannot make a finding that the groundwater use is within the capacity of the resource, is not over appropriated, or will not cause injury to senior water users. The water user may provide offset water in the manner described in OAR 690-512-0020(4) within three years of the final report being issued. The Department shall make the findings described in this subsection for each permit issued under Section 6 within one year of completing the Harney Basin Groundwater Study. The Department's findings described in this condition shall include site-specific substantial evidence.

Setback Requirement and Potential Regulation Condition:

Any well authorized under this right shall be located more than 1,320 feet from any existing senior exempt, permitted, or certificated well(s) not owned by the water user. Any well authorized on this right, when located between 1,320 feet and 2,640 feet of any senior exempt, permitted, or certificated well(s) not owned by the water user, shall immediately cease pumping groundwater if Department staff determine 10 feet or more of measured groundwater level interference related to the authorized well use has occurred in a senior exempt, permitted, or certificated well.

Well Identification Tag Condition:

The water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. 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.

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 or 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 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.

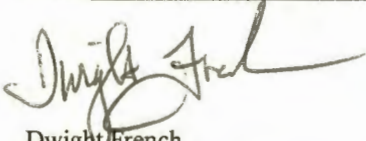
The Director may require water-level or pump-test results every ten years.

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.

Issued OCT 03 2023.



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