

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES AND NANCY COWAN  
16881 VARCO ROAD  
BEND, OR 97701

SUPERSEDED BY  
CERT. NO. **88455**

confirms the right to use the waters of A WELL in the DESCHUTES BASIN for IRRIGATION OF 69.3 ACRES.

This right was perfected under Permit G-12879. The date of priority is OCTOBER 18, 1994. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.87 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE¼ SE¼, SECTION 2, T 16 S R 10 E, W.M.; 1143 FEET SOUTH AND 474 FEET WEST FROM THE NE CORNER OF SECTION 2.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

- GOV. LOT 1 1.0 ACRE
- NE¼ SE¼ 38.4 ACRES
- NW¼ SE¼ 2.1 ACRES
- SW¼ SE¼ 4.8 ACRES
- SE¼ SE¼ 23.0 ACRES

Cancelled due to  
T-9418; Sp. Or.  
Vol. 60 P. 249

Superseded by  
Cert No. 30667

SECTION 2

TOWNSHIP 16 SOUTH, RANGE 10 EAST, W.M.

The use of water authorized by this water right may be regulated if an analysis of data shows appropriation under this right measurably reduces the surface water flows necessary to maintain the free-flowing character of a scenic waterway in the quantities necessary for recreation, fish and wildlife which were in effect upon the filing of this right, or as those quantities may be subsequently reduced.

The ground water right evidenced by this Certificate is issued as the primary water right serving the appurtenant property. As an interim measure to clear the record of existing surface water rights, the water user is temporarily leasing to instream purposes the surface water rights evidenced by the portions of Certificates 74524 and 74525 appurtenant to the water user's property (hereinafter "surface water rights").

The water user shall make permanent disposition of the surface water rights by filing a permanent transfer application no later than six months following adoption by the Water Resources Commission of administrative rules governing the process for satisfying mitigation requirements and establishing mitigation credits relating to the protection of state Scenic Waterways in the Deschutes Basin. Such permanent disposition may take the form of a permanent instream transfer related to mitigation under the Scenic Waterway mitigation rules, or other permanent transfer to change the type of use or place of use of the surface water rights. The determination of whether all or any portion of Certificates 74524 or 74525 may qualify as mitigation or mitigation credits shall be subject to the rules adopted by the Water Resources Commission, and the review of any application submitted thereunder. Nothing in this certificate shall constitute a determination as to whether or not a proposal to transfer the surface water rights will qualify as mitigation under the rules.

If the water user fails to make permanent disposition of the surface water rights as provided above, or if a permanent transfer application is denied by the Water Resources Department, the surface water rights shall be diminished from primary irrigation to supplemental irrigation, and this ground water right shall continue to be the primary right for the appurtenant property.

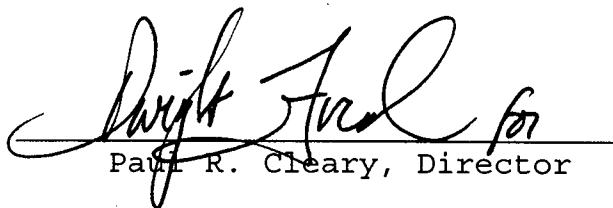
The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The water user shall install and maintain a meter or other suitable measuring device, and shall keep a complete record of the amount of ground 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. The Director also may require the water user to report general water use information, including the place and nature of use of water under the right.

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

WITNESS the signature of the Water Resources Director, affixed

August 28, 2002

  
Paul R. Cleary, Director