

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KERMIT R. AND MARGARET T. BOTHUM
8531 W ANTLEER AVE
REDMOND, OREGON 97756

MICHAEL S. PARKER AND STEPHANIE J. PARKER
8515 W ANTLEER AVE
REDMOND, OREGON 97756

confirms the right to use the waters of BOTHUM AND PARKER WELLS in the DESCHUTES RIVER BASIN for IRRIGATION OF 15.0 ACRES.

This right was perfected under Permit G-12858. The date of priority is OCTOBER 22, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.138 CUBIC FOOT PER SECOND (CFS); BEING 0.078 CFS FROM BOTHUM WELL AND 0.060 CFS FROM PARKER WELL, or its equivalent in case of rotation, measured at the well. The period of use allowed under this right is limited to March 1 through October 31 of each year.

The wells are located as follows:

BOTHUM WELL - SE 1/4 SE 1/4, SECTION 10, TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.; 462 FEET NORTH AND 1237 FEET WEST OF THE SE CORNER OF SECTION 10; AND

PARKER WELL - SE 1/4 SE 1/4, SECTION 10, TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.; 194 FEET NORTH AND 953 FEET WEST OF THE SE CORNER OF SECTION 10.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

G-13536.SB

Certificate Number 81338

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.

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

BOTHUM - SE 1/4 SE 1/4 7.5 ACRES
PARKER - SE 1/4 SE 1/4 7.5 ACRES
 SECTION 10
TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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.

Use of water under authority of this right may be regulated if analysis of data available 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 Director may require water level or pump test results every ten years.

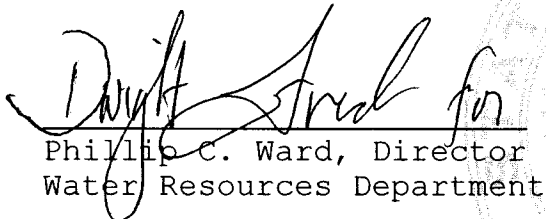
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. 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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued APRIL 19, 2005.


Phillip C. Ward, Director
Water Resources Department

