

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.

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TUMALO RIM WATER IMPROVEMENT DISTRICT
64131 TUMALO RIM DRIVE
BEND, OREGON 97701

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

APPLICATION FILE NUMBER: G-13726

PERMIT NUMBER: G-13136

SOURCE OF WATER: TWO WELLS WITHIN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: DOMESTIC USE EXPANDED FOR 53 HOMES

MAXIMUM RATE ALLOWED: 0.238 CUBIC FOOT PER SECOND (CFS) NOT TO EXCEED 12,974,000 GALLONS PER YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 27, 1994 FOR 0.05 CFS, AND NOVEMBER 22, 1996, FOR 0.188 CFS.

G-13726.RA

Certificate Number 81776

THE POINTS OF APPROPRIATION ARE LOCATED AS FOLLOWS:

WELL ONE: NW 1/4 SW 1/4, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.; 1346 FEET NORTH AND 980 FEET EAST OF THE SW CORNER OF SECTION 6; AND

WELL TWO: NW 1/4 SW 1/4, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.; 1395 FEET NORTH AND 862 FEET EAST OF THE SW CORNER OF SECTION 6.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 3 HOMES
SE 1/4 NE 1/4 1 HOME

SECTION 1

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

SW 1/4 NW 1/4 20 HOMES
NW 1/4 SW 1/4 26 HOMES
SW 1/4 SW 1/4 3 HOMES

SECTION 6

TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

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.

Standard Conditions

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

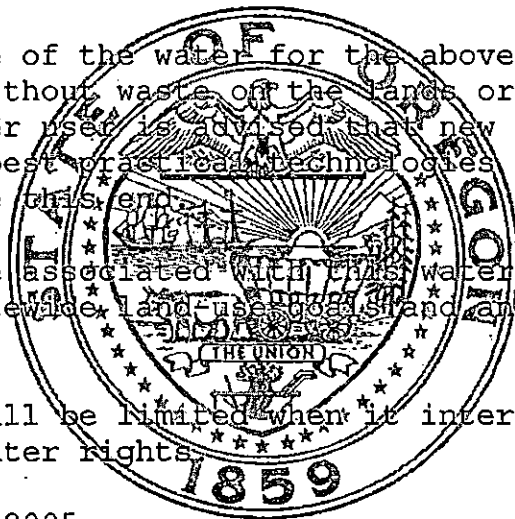
The Director may require water level or pump test results every ten years.

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.

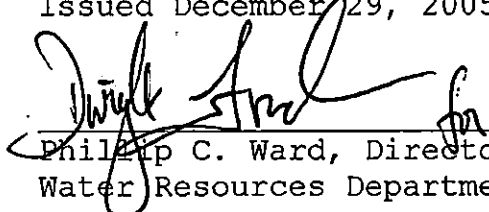
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 of water shall be limited when it interferes with any prior surface or ground water rights.



Issued December 29, 2005.


Philip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81776.