

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.

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

AVION WATER COMPANY, INC.
60813 PARRELL ROAD
BEND, OREGON 97702

confirms the right to use the waters of 10 WELLS in the DESCHUTES RIVER BASIN for QUASI-MUNICIPAL USE.

This right was perfected under Permit G-9269. The date of priority is April 1, 1981. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 140 GALLONS PER MINUTE, if available at the original points of appropriation; WELL 1, WELL 2, AND WELL 3, SE 1/4 NW 1/4, SECTION 8, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., WELL 1 - 256 FEET SOUTH AND 282 FEET EAST, WELL 2- 300 FEET SOUTH AND 272 FEET EAST, WELL 3 - 325 FEET SOUTH AND 342 FEET EAST, ALL FORM THE CENTER 1/16 CORNER OF THE NE 1/4 OF SECTION 8, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

China Hat Well #1: NE 1/4 NE 1/4, SECTION 29, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.; 400' SOUTH and 900' WEST from the NE corner of SECTION 29.

Conestoga Well (Well R): NE 1/4 NW 1/4, SECTION 22, TOWNSHIP 18 SOUTH, RANGE 13 EAST, W.M.; 370' SOUTH and 300' WEST from the N 1/4 corner of SECTION 22.

Parrell Road Well: SW 1/4 SW 1/4, SECTION 17, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.; 200' NORTH and 570' EAST from the SW corner of SECTION 17.

Riverbend #1 (Well 5): SW 1/4 NE 1/4, SECTION 19, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W. M.; 1380' SOUTH and 1500' WEST from the NE corner of SECTION 19.

Tekampe #1 (Well C-1): SE 1/4 NE 1/4, SECTION 21, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.; 2240' SOUTH and 310' WEST from the NE corner of SECTION 21.

Tekampe #2 (Well C-3): SE 1/4 NE 1/4, SECTION 21, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.; 2240' SOUTH and 325' WEST from the NE corner of SECTION 21.

Tekampe #3 (Well C-2): SE 1/4 NE 1/4, SECTION 21, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.; 2260' SOUTH and 315' WEST from the NE corner of SECTION 21.

Sundance Well #2 (Well -2): NW 1/4 NE 1/4, SECTION 31, TOWNSHIP 18 SOUTH, RANGE 13 EAST, W.M.; 1225' SOUTH and 1985' WEST from the NE corner of SECTION 31.

Riverbend #2 (Well B-2): SW 1/4 NE 1/4, SECTION 19, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.; 1360' SOUTH and 1490' WEST from the NE corner of SECTION 19.

Boonesborough-McGrath #2: SE 1/4 SE 1/4, SECTION 36, TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M.; 160' NORTH and 796' WEST from the SE corner of SECTION 36.

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

SW 1/4 NE 1/4 NW 1/4
W 1/2 NW 1/4
SE 1/4 NW 1/4
SECTION 8
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The quantity of water diverted at the new points of appropriation (wells), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.

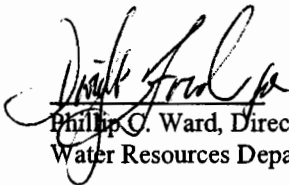
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

If substantial or undue interference with an existing well used under an existing right, including existing exempt uses, occurs, and such interference can be shown to the satisfaction of the Department to result from the change in the way the water rights are exercised as authorized herein, the use of water from the wells authorized by this right causing the interference shall be regulated to mitigate the interference.

This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director entered November 4, 1997, approving Transfer 7779.

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

Issued AUG 04 2008


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82415.