

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

DESCHUTES RIVER RANCH GROUP, LLC  
20210 SWALLEY ROAD  
BEND, OR 97701

confirms the right to use the waters of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 56.87 ACRES AND DUST ABATEMENT AND RANCH OPERATIONS.

This right was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 9, at Page 362. The date of priority is SPRING OF 1885.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.71 CUBIC FEET PER SECOND (CFS) FOR IRRIGATION AND 0.04 CFS FOR DUST ABATEMENT AND RANCH OPERATIONS FROM APRIL 1 TO MAY 23 AND FROM AUGUST 20 TO NOVEMBER 1, AND 1.42 CFS FOR IRRIGATION AND 0.08 CFS FOR DUST ABATEMENT AND RANCH OPERATIONS FROM MAY 23 TO AUGUST 20, if available at the original point of diversion, POD 1: SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 17, T 16 S, R 12 E, W.M.; 84 FEET NORTH AND 847 FEET WEST FROM THE S $\frac{1}{4}$  CORNER, SECTION 17, or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion (POD) are located as follows:

POD 1: SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 17, T 16 S, R 12 E, W.M.; 84 FEET NORTH AND 847 FEET WEST FROM THE S $\frac{1}{4}$  CORNER, SECTION 17.

POD 2: SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 17, T 16 S, R 12 E, W.M.; 1053 FEET NORTH AND 396 FEET EAST FROM THE S $\frac{1}{4}$  CORNER, SECTION 17.

POD 3: SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 17, T 16 S, R 12 E, W.M.; 637 FEET NORTH AND 1340 FEET EAST FROM THE S $\frac{1}{4}$  CORNER, SECTION 17.

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 from April 1 to May 23 and from August 20 to November 1, and ONE-FORTIETH of one cubic foot per second per acre from May 23 to August 20, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The amount of water used for DUST ABATEMENT AND RANCH OPERATIONS (not including irrigation and domestic uses) is limited to a diversion of not to exceed 12.52 acre-feet during the irrigation season of each year.

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

DUST ABATEMENT AND RANCH OPERATIONS  
FROM POD 1  
  
SE $\frac{1}{4}$  SW $\frac{1}{4}$   
SW $\frac{1}{4}$  SE $\frac{1}{4}$   
SE $\frac{1}{4}$  SE $\frac{1}{4}$   
SECTION 17  
  
NE $\frac{1}{4}$  NE $\frac{1}{4}$   
NW $\frac{1}{4}$  NE $\frac{1}{4}$   
NE $\frac{1}{4}$  NW $\frac{1}{4}$   
SECTION 20  
TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M.

IRRIGATION  
  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  2.56 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  22.56 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  11.37 ACRES  
SECTION 17

NE¼ NE¼ 0.18 ACRE  
NW¼ NE¼ 18.68 ACRES  
NE¼ NW¼ 1.52 ACRES

SECTION 20

TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M.

The quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

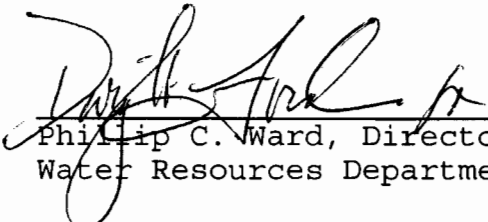
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to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

The water user shall maintain a fish screen or fish by-pass device. The type of screen or by-pass device must be maintained to the approval of the Oregon Fish and Wildlife Department.

This certificate is issued to confirm changes in USE, PLACE OF USE, AND ADDITIONAL POINTS OF DIVERSION approved by an order of the Water Resources Director entered the JANUARY 22, 1999, and supersedes Certificate 13600, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed

**MAR 07 2007**

  
Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83243.

T-8099.RA