

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BEND
575 NE 15TH ST
BEND OR 97701

confirms the right to use the waters of SIX WELLS in the Tumalo Creek Basin for MUNICIPAL USE.

This right was perfected under Permit G-11380. The date of priority is SEPTEMBER 7, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 10.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Outback Well 1	17 S	11 E	WM	34	SE SW	NORTH 02 DEGREES 23 MINUTES 13 SECONDS WEST, 633.1 FEET FROM SW CORNER, SE¼, SECTION 34
Outback Well 2	17 S	11 E	WM	34	SE SW	NORTH 19 DEGREES 20 MINUTES 39 SECONDS WEST, 545.0 FEET FROM SW CORNER, SE¼, SECTION 34
Outback Well 3	17 S	11 E	WM	34	SW SE	NORTH 82 DEGREES 22 MINUTES 27 SECONDS WEST, 2677.7 FEET FROM SE CORNER, SECTION 34
Outback Well 4	17 S	11 E	WM	34	SW SE	NORTH 77 DEGREES 01 MINUTES 13 SECONDS WEST, 2592.7 FEET FROM SE CORNER, SECTION 34
BEAR CREEK WELL 1	17 S	12 E	WM	33	SE SE	NORTH 40 DEGREES 59 MINUTES 46 SECONDS WEST, 1074.4 FEET FROM SE CORNER, SECTION 33
AIRPORT WELL 2	17 S	13 E	WM	20	SE NW	NORTH 79 DEGREES 36 MINUTES 9 SECONDS WEST, 491.0 FEET FROM SW CORNER, NE¼, SECTION 20

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

The quantity of water diverted at the new points of appropriation (Bear Creek 1 and Airport Well 2), together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

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

Twtp	Rng	Mer	Sec	Q-Q	GLot	DLC
17 S	11 E	WM	13	NE NE		
17 S	11 E	WM	13	S½ SW		
17 S	11 E	WM	13	SE¼		
17 S	11 E	WM	23	S½ NE		
17 S	11 E	WM	23	S½ SW		
17 S	11 E	WM	23	SE¼		
17 S	11 E	WM	24	ALL		
17 S	11 E	WM	25	ALL		
17 S	11 E	WM	26	NE¼		
17 S	11 E	WM	26	NE NW		
17 S	11 E	WM	26	S½ NW		
17 S	11 E	WM	26	S½		
17 S	11 E	WM	35	ALL		
17 S	11 E	WM	36	ALL		
17 S	12 E	WM	7	E½ SW		
17 S	12 E	WM	7	SE¼		
17 S	12 E	WM	8	S½		
17 S	12 E	WM	9	SE NE		
17 S	12 E	WM	9	S½		
17 S	12 E	WM	14	W½ NE		
17 S	12 E	WM	14	W½		
17 S	12 E	WM	15	ALL		
17 S	12 E	WM	16	ALL		
17 S	12 E	WM	17	ALL		
17 S	12 E	WM	18	ALL		
17 S	12 E	WM	19	ALL		
17 S	12 E	WM	20	ALL		
17 S	12 E	WM	21	ALL		
17 S	12 E	WM	22	ALL		
17 S	12 E	WM	23	W½ NE		
17 S	12 E	WM	23	W½		
17 S	12 E	WM	23	W½ SE		
17 S	12 E	WM	26	W½ NE		
17 S	12 E	WM	26	W½		
17 S	12 E	WM	26	W½ SE		
17 S	12 E	WM	27	ALL		
17 S	12 E	WM	28	ALL		
17 S	12 E	WM	29	ALL		
17 S	12 E	WM	30	ALL		
17 S	12 E	WM	31	ALL		
17 S	12 E	WM	32	ALL		
17 S	12 E	WM	33	ALL		
17 S	12 E	WM	34	ALL		
17 S	12 E	WM	35	W½ NE		
17 S	12 E	WM	35	W½		

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
17 S	12 E	WM	35	NW SE		
17 S	13 E	WM	17	NW NW		
17 S	13 E	WM	17	SW NW		
17 S	13 E	WM	17	SW¼		
17 S	13 E	WM	20	NW¼		
17 S	13 E	WM	20	NW SW		
18 S	11 E	WM	1	ALL		
18 S	11 E	WM	2	ALL		
18 S	11 E	WM	11	E½ NE		
18 S	11 E	WM	11	E½ SE		
18 S	11 E	WM	12	ALL		
18 S	11 E	WM	13	ALL		
18 S	12 E	WM	2	N½ NW		
18 S	12 E	WM	2	SW NW		
18 S	12 E	WM	2	W½ SW		
18 S	12 E	WM	3	ALL		
18 S	12 E	WM	4	ALL		
18 S	12 E	WM	5	ALL		
18 S	12 E	WM	6	ALL		
18 S	12 E	WM	7	ALL		
18 S	12 E	WM	8	ALL		
18 S	12 E	WM	9	ALL		
18 S	12 E	WM	10	ALL		
18 S	12 E	WM	11	NW NW		
18 S	12 E	WM	14	W½ NW		
18 S	12 E	WM	14	W½ SW		
18 S	12 E	WM	15	ALL		
18 S	12 E	WM	16	ALL		
18 S	12 E	WM	17	ALL		
18 S	12 E	WM	18	ALL		
18 S	12 E	WM	19	E½ NE		
18 S	12 E	WM	20	N½		
18 S	12 E	WM	20	N½ SE		
18 S	12 E	WM	21	NW NE		
18 S	12 E	WM	21	NW¼		

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 interference.

The City shall report the impact of water use under this right on water levels within the aquifer that provides water to the wells. If a well listed on this right displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the city shall discontinue use of, or reduce the rate or volume of withdrawal from, the wells. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the city's or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The city shall in no instance allow excessive decline to occur within the aquifer as a result of use under this right.

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 wells at all times. The water user shall maintain headgates, in-line flow meters, weirs, or other suitable measuring devices for measuring and recording, and shall keep and submit to the department on an annual basis, a complete record of the amount of ground water withdrawn.

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.


This right is for beneficial use of water without waste. The water user is advised that new regulations may require 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 right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

Issued MAR 12 2009


Phillip C. Ward, Director
Water Resources Department