

STATE OF OREGON
 COUNTY OF DESCHUTES
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLINE BUTTE UTILITY CO.
 1230 GOLDEN PHEASANT DRIVE
 REDMOND OR 97756

confirms the right to use the waters of A WELL in the Deschutes River Basin for QUASI-MUNICIPAL USE.

This right was perfected under Permit G-13856. The date of priority is NOVEMBER 2, 1998. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.34 CUBIC FEET PER SECOND, further limited to a maximum diversion of 252 acre-feet each year and shall result in consumption of no more than 115 ace-feet each year, once sewage contribution is subtracted from the amount diverted, unless the mitigation plan is modified and approved by the Department as described below.

If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the Department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot for acre-foot balance between the amount of water consumed to the amount of water provided to instream use. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.

The period of allowed use is year round.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
15 S	12 E	WM	16	NE NE			204 FEET SOUTH & 476 FEET WEST FROM NE CORNER, SECTION 16

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

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
15 S	12 E	WM	16	NE NE		
15 S	12 E	WM	16	NW NE		
15 S	12 E	WM	16	SW NE		
15 S	12 E	WM	16	SE NE		
15 S	12 E	WM	16	NE NW		

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.

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
15 S	12 E	WM	16	NW NW		
15 S	12 E	WM	16	SW NW		
15 S	12 E	WM	16	SE NW		
15 S	12 E	WM	16	NE SW		
15 S	12 E	WM	16	NW SW		
15 S	12 E	WM	16	SW SW		
15 S	12 E	WM	16	SE SW		

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meters or measuring devices in good working order, at both the diversion from the well and at a point where sewage, that is actually discharged to the ground may be measured. The water user shall keep a complete record of the amount of water used, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

The Department requires the water user to measure and report annual static water levels for each well on the right. Or, the water user can measure other wells in close proximity to the wells, if the Department's Groundwater Staff determines that the substitute observation wells will provide adequate data to assess the impacts from the wells. The static water level shall be measured in the month of March, using manual measurement equipment, such as an electric tape or steel tape. Reports shall be submitted to the Department within 30 days of measurement.

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 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.

Use of water under authority of this right may be regulated if analysis of data available after the right is issued 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 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 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.

This right is for the beneficial use of water without waste. 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 acknowledge 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.

Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

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

Issued MAY 08 2009 .


Phillip C. Ward, Director
Water Resources Department