

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BEND
62975 BOYD ACRES ROAD
BEND, OR 97701

confirms the right to use the waters of THREE WELLS in the DESCHUTES RIVER Basin for MUNICIPAL USE.

This right was perfected under Permit G-11379. The date of priority is JUNE 30, 1989. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.16 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

| Well | Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|--------------|------|------|-----|-----|-------|---|
| ROCK BLUFF 1 | 18 S | 12 E | WM | 7 | NW SE | 543 FEET SOUTH AND 1000 FEET EAST FROM C¼ CORNER, SECTION 7 |
| ROCK BLUFF 2 | 18 S | 12 E | WM | 7 | NW SE | 543 FEET SOUTH AND 779 FEET EAST FROM C¼ CORNER, SECTION 7 |
| ROCK BLUFF 3 | 18 S | 12 E | WM | 7 | NW SE | 539 FEET SOUTH AND 1234 FEET EAST FROM C¼ CORNER, SECTION 7 |

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

| Twp | Rng | Mer | Sec | Q-Q |
|------|------|-----|-----|--------|
| 17 S | 11 E | WM | 23 | E½ SW¼ |
| 17 S | 11 E | WM | 24 | NE¼ |
| 17 S | 11 E | WM | 24 | SE NW |
| 17 S | 11 E | WM | 24 | E½ SW¼ |
| 17 S | 11 E | WM | 24 | SE¼ |
| 17 S | 11 E | WM | 25 | NE¼ |
| 17 S | 11 E | WM | 25 | NE NW |
| 17 S | 11 E | WM | 25 | S½ NW¼ |
| 17 S | 11 E | WM | 25 | S½ |
| 17 S | 11 E | WM | 26 | N½ NE¼ |
| 17 S | 11 E | WM | 26 | SE NE |

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 |
|------|------|-----|-----|--------|
| 17 S | 11 E | WM | 26 | NE NW |
| 17 S | 11 E | WM | 26 | S½ NW¼ |
| 17 S | 11 E | WM | 26 | NW SW |
| 17 S | 11 E | WM | 26 | NE SE |
| 17 S | 11 E | WM | 35 | SE¼ |
| 17 S | 11 E | WM | 36 | ALL |
| 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 | E½ NE¼ |
| 17 S | 12 E | WM | 17 | NW NE |
| 17 S | 12 E | WM | 17 | NE SW |
| 17 S | 12 E | WM | 17 | S½ SW¼ |
| 17 S | 12 E | WM | 17 | SE¼ |
| 17 S | 12 E | WM | 18 | SE SE |
| 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 NE¼ |
| 17 S | 12 E | WM | 23 | W½ |
| 17 S | 12 E | WM | 23 | W½ SE¼ |
| 17 S | 12 E | WM | 26 | W½ NE¼ |
| 17 S | 12 E | WM | 26 | W½ |
| 17 S | 12 E | WM | 26 | W½ SE¼ |
| 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 NE¼ |
| 17 S | 12 E | WM | 35 | W½ |
| 17 S | 12 E | WM | 35 | NW SE |
| 18 S | 11 E | WM | 1 | ALL |
| 18 S | 11 E | WM | 2 | SE SE |
| 18 S | 11 E | WM | 11 | E½ NE¼ |
| 18 S | 11 E | WM | 11 | E½ SE¼ |
| 18 S | 11 E | WM | 12 | ALL |
| 18 S | 11 E | WM | 13 | N½ NE¼ |
| 18 S | 11 E | WM | 13 | SW NE |
| 18 S | 11 E | WM | 13 | NW¼ |
| 18 S | 11 E | WM | 13 | SW¼ |
| 18 S | 12 E | WM | 2 | N½ NW¼ |
| 18 S | 12 E | WM | 2 | SW NW |
| 18 S | 12 E | WM | 2 | W½ SW¼ |

| Twp | Rng | Mer | Sec | Q-Q |
|------|------|-----|-----|--------|
| 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 | N½ NE¼ |
| 18 S | 12 E | WM | 7 | SW NE |
| 18 S | 12 E | WM | 7 | NW¼ |
| 18 S | 12 E | WM | 7 | SW¼ |
| 18 S | 12 E | WM | 8 | NE¼ |
| 18 S | 12 E | WM | 8 | N½ NW¼ |
| 18 S | 12 E | WM | 8 | N½ SE¼ |
| 18 S | 12 E | WM | 8 | SE SE |
| 18 S | 12 E | WM | 9 | ALL |
| 18 S | 12 E | WM | 10 | ALL |
| 18 S | 12 E | WM | 15 | W½ NE¼ |
| 18 S | 12 E | WM | 15 | NW¼ |
| 18 S | 12 E | WM | 15 | N½ SW¼ |
| 18 S | 12 E | WM | 16 | ALL |
| 18 S | 12 E | WM | 17 | S½ NE¼ |
| 18 S | 12 E | WM | 17 | SE NW |
| 18 S | 12 E | WM | 17 | E½ SW¼ |
| 18 S | 12 E | WM | 17 | SE¼ |
| 18 S | 12 E | WM | 20 | NE¼ |
| 18 S | 12 E | WM | 20 | N½ NW¼ |
| 18 S | 12 E | WM | 20 | SE NW |
| 18 S | 12 E | WM | 21 | W½ 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 interferences.

The City shall report the impact of water use under this right on water levels within the aquifer that provides water to the water user wells in accordance with the approved plan on file with the Department. 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 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 wells 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 install and maintain a weir, meter, or other suitable measuring device 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.

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

This certificate is issued for a partial perfection of Permit G-11379 as described in OAR 690-320-0040 and by an order of the Water Resources Director entered as Special Order Volume 78, Page 2, on June 5, 2009.

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

Issued JUN 05 2009


Phillip C. Ward, Director
Water Resources Department