

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 BRIDGE CREEK when available with any deficiency in the available supply from Bridge Creek to made up by appropriation from an UNNAMED TRIBUTARY TO MIDDLE FORK OF TUMALO CREEK, tributaries of TUMALO CREEK for MUNICIPAL USES.

This right was perfected under Permit S-49823. The date of priority is DECEMBER 12, 1983. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 12.2 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
#1 (Bridge Creek)	18 S	10 E	WM	7	SE NE	465 FEET NORTH & 542 FEET WEST FROM THE SE CORNER, OF SENE, SECTION 7
#2 (Unnamed Tributary)	18 S	9 E	WM	3	SW SE	36 FEET NORTH & 1506 FEET WEST FROM SE CORNER, SECTION 3

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	SW¼
17 S	11 E	WM	25	SE¼
17 S	11 E	WM	26	N½ NE¼

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	SE NE
17 S	11 E	WM	26	E½ NW¼
17 S	11 E	WM	26	SW NW
17 S	11 E	WM	26	NW SW
17 S	11 E	WM	26	NE SE
17 S	11 E	WM	36	ALL
17 S	12 E	WM	16	S½
17 S	12 E	WM	17	NE SW
17 S	12 E	WM	17	SW SW
17 S	12 E	WM	17	SE SW
17 S	12 E	WM	17	SE¼
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	NW NE
17 S	12 E	WM	23	W½
17 S	12 E	WM	26	W½
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	NW NE
17 S	12 E	WM	35	NW¼
17 S	12 E	WM	35	N½ SW¼
17 S	12 E	WM	35	SW SW
18 S	11 E	WM	1	E½
18 S	11 E	WM	1	N½ NW¼
18 S	11 E	WM	1	SE NW
18 S	11 E	WM	1	E½ SW¼
18 S	12 E	WM	3	W¾
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	NE NE
18 S	12 E	WM	7	NW NE
18 S	12 E	WM	7	SW NE
18 S	12 E	WM	7	W½
18 S	12 E	WM	8	NE¼
18 S	12 E	WM	8	NE NW
18 S	12 E	WM	8	NW NW
18 S	12 E	WM	8	NE SE
18 S	12 E	WM	8	NW SE
18 S	12 E	WM	8	SE SE
18 S	12 E	WM	9	W¼

The right is subject to the terms and conditions of the Withdrawal of Protest and Stipulated Agreement recorded October 1, 1986, at pages 1633 and 1634, Volume 6 of the Miscellaneous Records of the State Water Resources Department:

At such time as the flow capacity of the City of Bend system is expanded, a headgate and weir shall be installed at the intake to regulate the flow into the system. The timing of this installation shall be subject to any further order of the Water Resources Department Director.

Due to the priority date of Tumalo Irrigation District's right, the City of Bend shall, upon twenty-four (24) hours written notice by Tumalo Irrigation District, return sufficient water diverted pursuant to this permit from the overflow point to Tumalo Creek so as not to interfere with the water rights granted to Tumalo Irrigation District by Certificate No. 26050.

Upon perfecting a subsequent portion of Permit S-49823, this certificate shall be cancelled and superceded with a certificate that authorizes a maximum rate of diversion that is the lesser of:

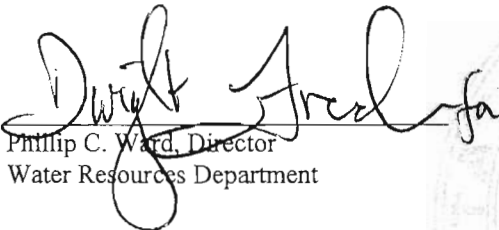
- a) The full amount of water authorized under Permit S-49823, being 15.0 cfs;
- b) The maximum rate at which water can be diverted for beneficial use; or
- c) The amount of actual beneficial use.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued SEP 10 2009


Philip C. Ward, Director
Water Resources Department

