

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CRAIG APREGAN  
P.O. BOX 2184  
SISTERS, OR 97759

DOUG & BARBARA BURKE  
16829 GREENBRIAR ROAD  
LAKE OSWEGO, OR 97034

MIKE MANSKER  
P.O. BOX 219  
SISTERS, OR 97759

confirms the right to use the waters of TWO WELLS, in the WHYCHUS CREEK BASIN for SUPPLEMENTAL IRRIGATION of 34.9 ACRES.

This right was perfected under Permit G-7092. The date of priority is DECEMBER 26, 1976. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.40 CUBIC FOOT PER SECOND (CFS) or its equivalent in case of rotation, measured at the wells. The rates are further specified as: 0.15 CFS for the lands owned by Apregan, 0.11 CFS for the lands owned by Burke, and 0.14 CFS for the lands owned by Mansker.

The original point of appropriation was: NW ¼ SE 1/4, SECTION 26, T 15 S, R 10 E, W.M., 2750 FEET SOUTH & 1310 FEET WEST FROM THE NE CORNER, SECTION 26.

The wells are located as follows:

WELL #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2	15 S	10 E	WM	26	SE NE	130 FEET NORTH AND 290 FEET WEST FROM E ¼ CORNER, SECTION 26
1 (Original well)	15 S	10 E	WM	26	NW SE	110 FEET SOUTH AND 1310 FEET WEST FROM E ¼ CORNER, SECTION 26

The amount of water used for irrigation, together is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**NOTICE OF RIGHT TO 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.

A description of the place of use to which this right is appurtenant is as follows (Note: The Owner Name information is supplemental information and is not part of the right of record.):

SUPPLEMENTAL IRRIGATION							
Well	Twp	Rng	Mer	Sec	Q-Q	Acres	Owner Name
1	15 S	10 E	WM	26	NW NE	5.5	Mansker
1	15 S	10 E	WM	26	SW NE	10.0	Apregan
2	15 S	10 E	WM	26	SE NE	5.4	Burke
1	15 S	10 E	WM	26	SE NW	2.1	Apregan
1	15 S	10 E	WM	26	NE NW	6.0	Mansker
2	15 S	10 E	WM	26	NE SE	5.9	Burke

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Water at the new point of appropriation shall be acquired from the same aquifer (water source) as the original point of appropriation, namely the volcanic aquifer, NOT the shallow alluvial aquifer.

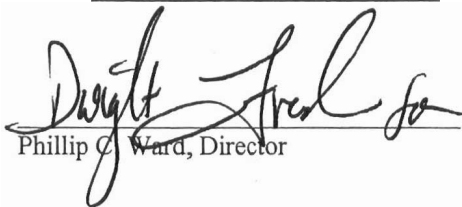
The quantity of water diverted at the new point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

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

This certificate is issued to confirm a change in POINT OF APPROPRIATION and PLACE OF USE approved by an order of the Water Resources Director entered September 21, 2005, at Special Order Volume 67, Page 177, approving Transfer Application T-9571, and together with Certificate 81475, supercedes Certificate 74142, State record of Water Right Certificates.

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.

Issued DEC 18 2009

  
Phillip C. Ward, Director