

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BIG FALLS RANCH CO.
PO BOX 434
TERREBONNE, OR 97760

NW FARM CREDIT SERVICES, FLCA, PCA
PO BOX 607
REDMOND, OR 97756

confirms the right to use the waters of WELL 1, WELL 3, AND WELL 4 in the DESCHUTES RIVER BASIN for the IRRIGATION of 501.1 ACRES AND WELL 1, WELL 3, WELL 4, AND WELL 7 for the SUPPLEMENTAL IRRIGATION 464.9 ACRES.

This right was perfected under Permit G-13362. The date of priority is MAY 15, 1989. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed A MAXIMUM CUMULATIVE TOTAL OF 12.07 CUBIC FEET PER SECOND (CFS), LIMITED TO 6.26 CFS FOR PRIMARY IRRIGATION AND 5.81 CFS FOR SUPPLEMENTAL IRRIGATION, BEING FURTHER LIMITED TO NOT MORE THAN 3.35 CFS FROM WELL 1, 3.35 CFS FROM WELL 3, 4.45 CFS FROM WELL 4, OR 2.23 CFS FROM WELL 7, or its equivalent in case of rotation, measured at the wells.

The period of allowed use is April 1 to October 31 of each year.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7	14 S	12 E	WM	9	SE NW	WELL 7: 1571.4 FEET SOUTH & 2862.6 FEET WEST FROM NE CORNER, SECTION 9
3	14 S	12 E	WM	17	SW NE	WELL 3: 1772.1 FEET SOUTH & 1706.6 FEET WEST FROM NE CORNER, SECTION 17
4	14 S	12 E	WM	17	NW NW	WELL 4: 240.7 FEET SOUTH & 32.2 FEET EAST FROM NW CORNER, SECTION 17
1	14 S	12 E	WM	18	SW SE	WELL 1: 1154.2 FEET NORTH & 1680.6 FEET WEST FROM SE CORNER, SECTION 18

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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, 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. 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.

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	12 E	WM	8	NE SW	1.6
14 S	12 E	WM	8	NW SW	0.2
14 S	12 E	WM	8	SW SW	32.7
14 S	12 E	WM	8	SE SW	37.1
14 S	12 E	WM	8	NW SE	30.2
14 S	12 E	WM	8	SW SE	40.1
14 S	12 E	WM	17	NW NE	23.6
14 S	12 E	WM	17	SW NE	16.4
14 S	12 E	WM	17	SE NE	32.4
14 S	12 E	WM	17	NE NW	34.1
14 S	12 E	WM	17	NW NW	39.2
14 S	12 E	WM	17	SE NW	0.4
14 S	12 E	WM	17	NE SW	27.4
14 S	12 E	WM	17	NW SW	19.8
14 S	12 E	WM	17	SW SW	35.8
14 S	12 E	WM	17	SE SW	35.4
14 S	12 E	WM	17	NE SE	14.8
14 S	12 E	WM	17	NW SE	24.9
14 S	12 E	WM	17	SW SE	6.1
14 S	12 E	WM	18	SE SE	2.3
14 S	12 E	WM	19	NE NE	11.4
14 S	12 E	WM	19	NW NE	9.4
14 S	12 E	WM	19	SW NE	0.4
14 S	12 E	WM	19	SE NE	1.2
14 S	12 E	WM	19	NE NW	0.5
14 S	12 E	WM	20	NE NW	6.9
14 S	12 E	WM	20	NW NW	16.8

A description of the place of use is as follows:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	12 E	WM	3	SW SW	5.1
14 S	12 E	WM	4	SW SE	8.9
14 S	12 E	WM	4	SE SE	29.8
14 S	12 E	WM	8	SE NE	2.9
14 S	12 E	WM	8	NE SE	35.2
14 S	12 E	WM	8	SE SE	40.3
14 S	12 E	WM	9	NW NE	24.1
14 S	12 E	WM	9	SW NE	40.2
14 S	12 E	WM	9	SE NE	12.5
14 S	12 E	WM	9	NE NW	9.8
14 S	12 E	WM	9	SW NW	31.5
14 S	12 E	WM	9	SE NW	38.3
14 S	12 E	WM	9	NE SW	36.5
14 S	12 E	WM	9	NW SW	40.0
14 S	12 E	WM	9	SW SW	14.3
14 S	12 E	WM	9	SE SW	10.0
14 S	12 E	WM	9	NE SE	3.2
14 S	12 E	WM	9	NW SE	18.6
14 S	12 E	WM	17	NE NE	39.3
14 S	12 E	WM	17	NW NE	16.2
14 S	12 E	WM	17	SW NE	1.4
14 S	12 E	WM	17	SE NE	0.2
14 S	12 E	WM	17	NE NW	5.9
14 S	12 E	WM	17	SE NW	0.7

Use of water under this right may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows. 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.

This right is for the beneficial use of water without waste. New regulations established in the future may require the use of best practical technologies or conservation practices to achieve this end.

Use of water under this right shall conform to such reasonable rotation system as may be deemed a beneficial use without waste. The water user shall restrict normal use to pumping from two wells at any given time, with the following exceptions:

- a) During the height of the irrigation season a maximum of three wells may be used;
- b) When no surface water is being used by the water user then all four wells may be used up to the maximum allowed 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 well at any time.

The water user shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used each month, as well as the average pumping rate at each well, 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.

The water user shall allow the watermaster access to the meters or measuring devices; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall obtain a static water level measurement for each well during March of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water rights examiner, registered professional geologist, or professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations.

If a well listed on this right displays a total static water level decline of ten or more feet over any period of years, as compared to the reference level, then the right holder shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) under this right. Such action shall be taken until the water level recovers to above the ten-foot decline level or until the Department determines, based on the water user'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. Regulation under this condition shall be made only as among the wells under this right.

The reference level for static water level declines is the second annual measurement taken after water use began under the terms of this right, being 177.9 feet below land surface (bls) for Well 1, 134.9 feet bls for Well 3, 139 feet bls for Well 4, and 166.7 feet bls for Well 7. The water user shall in no instance allow excessive decline to occur within the aquifer as a result of use under this right.

The water user shall allow the watermaster access to Well Number 7 for the purpose of static water level monitoring.

If there is a decline in the static water level in Well Number 7 of more than ten feet below the reference level (166.7 feet bls) at any time during operation of Wells Number 1, 3, and/or 4, the water user shall stop pumping said wells until the static water level recovers.

The Director may require pump test results every ten years thereafter.


Use of water under authority of this right may be regulated if analysis of data discloses that the appropriation will measurably reduce, or is measurably reducing, the surface water flows necessary to maintain the free-flowing character of the Deschutes scenic waterway.

For use supplemental to existing rights on the place of use, the right is limited to any deficiency in the available supply of any prior right existing for the same land.

Failure to comply with any of the provisions of the right may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the right.

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

Issued MAY 10 2012.



Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department