

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM SMITH PROPERTIES, INC.  
15 SW COLORADO AVE, SUITE 1  
BEND, OR 97701

confirms the right to use the waters of A WELL, in the WHYCHUS CREEK SUB-BASIN for IRRIGATION of 10 ACRES.

This right was perfected under permit G-13492. The date of priority is MARCH 18, 1998. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.12 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of appropriation.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	15	NE NW	81 FEET SOUTH AND 187 FEET WEST FROM NORTH 1/4 CORNER, SECTION 15

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 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The period of use allowed under this right is limited to March 1 through October 31 of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	15	NE NW	10.00

Measurement, recording and reporting conditions:

- A. The water user shall maintain the in-line flow meter or other suitable measuring device in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water available from the original point of appropriation.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	326 FEET NORTH AND 180 FEET WEST FROM CENTER 1/4 CORNER, SECTION 4

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.

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.

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.

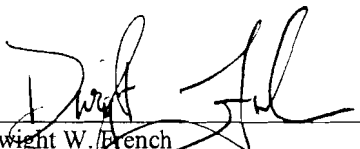
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

This certificate is issued to confirm a change in ADDITIONAL POINT OF APPROPRIATION AND CHANGE IN PLACE OF USE approved by an order of the Water Resources Director entered September 15, 2009, at Special Order Volume 78, Page 891, approving Transfer Application 10761, and together with Certificate 85693, supersedes Certificate 80808, State Record of Water Right Certificates.

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

Issued MAR 12 2013

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