

STATE OF OREGON
 COUNTY OF DESCHUTES
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J.B.V. BUTLER AND LINDA K. BUTLER
 18005PLAINVIEW ROAD
 BEND, OR 97701

confirms the right to use the waters of A WELL (DESC 53462) in the DESCHUTES RIVER BASIN for IRRIGATION of 2.0 ACRES.

This right was perfected under Permit G-15620. The date of priority is NOVEMBER 6, 2000. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.025 CUBIC FOOT PER SECOND measured at the well.

The period of use is April 15 through October 15.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	11 E	WM	5	SW SE	DESC 53462 - 685 FEET NORTH & 970 FEET EAST FROM S 1/4 CORNER, SECTION 5

The amount of water used for irrigation under this right, 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	11 E	WM	5	SW SE	2.0

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device in good working order, shall keep a complete record of the amount of water used each month, 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.
- 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.

Mitigation Obligation: 3.7 acre-feet in the General Zone of Impact (anywhere in the Deschutes River subbasin above the Madras gage)

Mitigation Source: Maintain 3.7 Mitigation Credits, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610 (2) – (5), within the general Zone of Impact.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the certificate. Regulation of the certificate or subsequent certificate (s) will occur if the required mitigation is not maintained.

The water user shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

If mitigation is from a secondary right, for stored water from a storage project not owned or operated by the water user the use of water under this right is subject to the terms and conditions of a valid contract, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

Failure to comply with these mitigation conditions shall result in the Department regulating this certificate or subsequent certificates, and proposing to cancel the certificate or subsequent certificate(s).

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.

The use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows so long as mitigation as required herein is maintained.

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.

The works shall be equipped with a usable access port, and may also include an air line and pressure gauge to determine the water level elevation in the well at all times.

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 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.

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

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Dwight W. French
Water Right Services Division Administrator, for
Director