

STATE OF OREGON  
 COUNTY OF DESCHUTES  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KEN FACKLER  
 CAROL FACKLER  
 PO BOX 316  
 MORA MN 55051

confirms the right to the use of water perfected under the terms of Permit G-12705. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the well. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 41.7 ACRES

MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND

PERIOD OF USE: APRIL 1 TO NOVEMBER 1

DATE OF PRIORITY: AUGUST 31, 1992

The well is located as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances   |
|------|------|-----|-----|-------|--|
| 16 S | 11 E | WM  | 4   | NW SE | WELL #3 (ADDITIONAL) - 1331 FEET NORTH AND 516 FEET EAST FROM N1/4 CORNER, SECTION 9 |

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.

A description of the place of use is as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Acres |
|------|------|-----|-----|-------|-------|
| 16 S | 11 E | WM  | 4   | NE SW | 0.4   |
| 16 S | 11 E | WM  | 4   | SE SW | 18.6  |
| 16 S | 11 E | WM  | 4   | NW SE | 1.5   |
| 16 S | 11 E | WM  | 4   | SW SE | 15.5  |
| 16 S | 11 E | WM  | 9   | NW NE | 2.1   |
| 16 S | 11 E | WM  | 9   | NE NW | 3.6   |

**SUPERSEDED BY**  
**CERT. NO. 92957**

**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 183.482. 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.

The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation described as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances  |
|------|------|-----|-----|-------|---|
| 16 S | 11 E | WM  | 9   | NW NE | WELL #4 (ORIGINAL) - 120 FEET SOUTH AND 300 FEET EAST FROM N1/4 CORNER, SECTION 9 |

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

Measurement, recording and reporting conditions:

- A. The water user shall maintain a totalizing flow meter, or, with approval of the Director, another suitable measuring device at the point of appropriation 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.

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.

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

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.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm AN ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered July 2, 2013, at Special Order Volume 89, Page 1144, approving Transfer Application 11384, and together with Certificate 88564, supercedes Certificate 83456, State record of Water Right Certificates.

Issued     **MAR 03 2017**    .



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department