

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLACK BUTTE RANCH CORPORATION AND BLACK BUTTE RANCH ASSOCIATION  
 PO BOX 8000  
 BLACK BUTTE RANCH OR 97759

confirms the right to the use of water perfected under the terms of Permit G-11710. 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(s). The specific limits and conditions of the use are listed below.

SOURCE OF WATER: THREE WELLS IN WHYCHUS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 4.8 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 2.1 CFS FROM WELL 2 AND 2.7 CFS FROM WELL 4

DATE OF PRIORITY: NOVEMBER 18, 1991

The source of water allowed under this right is limited to the water bearing zone approximately 300 feet below land surface at the well locations.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	9 E	WM	9	SW SW	WELL 4 (ORIGINAL) - 4943 FEET SOUTH AND 412 FEET EAST FROM NW CORNER, SECTION 9
14 S	9 E	WM	16	SE NE	WELL 2 (ORIGINAL) - 1530 FEET SOUTH AND 1236 FEET WEST FROM NE CORNER, SECTION 16
14 S	9 E	WM	16	SE NE	WELL 5 (ADDITIONAL) - 1570 FEET SOUTH AND 1292 FEET WEST FROM NE CORNER, SECTION 16

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NE NE
14 S	9 E	WM	9	NW NE
14 S	9 E	WM	9	SW NE
14 S	9 E	WM	9	SE NE
14 S	9 E	WM	9	NE NW
14 S	9 E	WM	9	NW NW
14 S	9 E	WM	9	SW NW
14 S	9 E	WM	9	SE NW
14 S	9 E	WM	9	NE SW

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	9	NW SW
14 S	9 E	WM	9	SW SW
14 S	9 E	WM	9	SE SW
14 S	9 E	WM	9	NE SE
14 S	9 E	WM	9	NW SE
14 S	9 E	WM	9	SW SE
14 S	9 E	WM	9	SE SE
14 S	9 E	WM	10	NW NE
14 S	9 E	WM	10	SW NE

**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.

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	10	NE NW
14 S	9 E	WM	10	NW NW
14 S	9 E	WM	10	SW NW
14 S	9 E	WM	10	SE NW
14 S	9 E	WM	10	NE SW
14 S	9 E	WM	10	NW SW
14 S	9 E	WM	10	SW SW
14 S	9 E	WM	15	NE NW
14 S	9 E	WM	15	NW NW
14 S	9 E	WM	15	SW NW
14 S	9 E	WM	15	SE NW
14 S	9 E	WM	15	NE SW
14 S	9 E	WM	15	NW SW
14 S	9 E	WM	15	SW SW
14 S	9 E	WM	15	SE SW
14 S	9 E	WM	16	NE NE

Twp	Rng	Mer	Sec	Q-Q
14 S	9 E	WM	16	SE NE
14 S	9 E	WM	21	NE NE
14 S	9 E	WM	21	NW NE
14 S	9 E	WM	21	SW NE
14 S	9 E	WM	21	SE NE
14 S	9 E	WM	21	NE NW
14 S	9 E	WM	21	SE NW
14 S	9 E	WM	21	NE SW
14 S	9 E	WM	21	NE SE
14 S	9 E	WM	21	NW SE
14 S	9 E	WM	22	NE NE
14 S	9 E	WM	22	NW NE
14 S	9 E	WM	22	NE NW
14 S	9 E	WM	22	NW NW
14 S	9 E	WM	23	NW NW

Measurement, recording and reporting conditions for Well 2 and Well 4:

- A. 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, 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 meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

Measurement, recording and reporting conditions for Well 5:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device in good working order at each point of appropriation.
- 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.

The water user shall monitor and report the impact of water use under this right on water levels within the aquifer that provides water to the well(s) in accordance with the plan on file with the Department. If a well listed on this right displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdraw from, the well(s). Such action shall be taken until the water level recovers to above the 25 foot decline level or until the Department determines, based on the water user 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. The water user shall in no instance allow excessive decline to occur within the aquifer as a result of use under this right.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

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 useable access port, and may also include an air line and pressure gauge to determine the water level elevation in the wells at all times.

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

The Director may require water level or pump tests 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.

Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

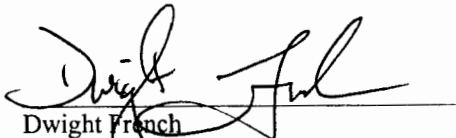
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 SEPTEMBER 3, 2013, at Special Order Volume 91, Page 247, approving Transfer Application 11381 supersedes Certificate 85315, State record of Water Right Certificates.

**FEB 06 2017**

Issued \_\_\_\_\_.



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