

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARK KULPER
GINA KULPER
69440 CROOKED HORSESHOE RD
SISTERS OR 97759

confirms the right to the use of water perfected under the terms of Permit G-16002. 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 point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16290
SOURCE OF WATER: A WELL IN WYCHUS CREEK BASIN
PURPOSE OR USE: IRRIGATION OF 2.5 ACRES
MAXIMUM RATE: 0.030 CUBIC FOOT PER SECOND
PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31
DATE OF PRIORITY: AUGUST 6, 2004

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	10 E	WM	33	SE NW	1493 FEET SOUTH AND 1341 FEET EAST FROM NW CORNER, SECTION 33

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.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	10 E	WM	33	NE NW	0.5
14 S	10 E	WM	33	SW NW	0.6
14 S	10 E	WM	33	SE NW	1.4

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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director 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.

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

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation: 4.5 acre-feet of mitigation water in the Wychus Creek Zone of Impact (anywhere in the Wychus Creek Basin above River Mile 16)

Mitigation Source: 4.5 mitigation credits from a chartered mitigation bank, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610 (2) – (5), within the Wychus Creek Zone of Impact.

Mitigation water must be legally protected instream for instream use within the Wychus Creek Zone of Impact and committed for the life of the certificate and subsequent certificate(s). 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 or satisfactory replacement, a copy of which must be on file in the records of the Water Resources Department.

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

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 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 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.

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

Issued MAY 18 2017



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