

STATE OF OREGON
COUNTY OF DESCHUTES

SUPERSEDED BY
CERT. NO. 93324

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. FOREST SERVICE
1230 NE 3RD ST SUITE A 262
BEND OR 97701

W. SCOTT LOVEJOY III AND KRISTY M LOVEJOY
18665 MACALPINE LOOP
BEND, OR 97702

MJ PROPERTIES OF CENTRAL OREGON
532 SW 13TH, SUITE 200
BEND, OR 97702

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KATHLEEN MARY DESMOND
PO BOX 624
SARATOGA, CA 95071

ROBERT DESMOND
39 AZUL LOOP
SANTA FE, NM 87508

confirms the right to the use of water perfected under the terms of Permit S-54634. 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: S-87485

SOURCE OF WATER: ELK LAKE

PURPOSE or USE: HUMAN CONSUMPTION FOR FIVE HOUSEHOLDS

MAXIMUM RATE: 0.005 CUBIC FOOT PER SECOND, BEING 500 GALLONS PER DAY PER HOUSEHOLD

PERIOD OF USE: MAY 1 THROUGH NOVEMBER 30

DATE OF PRIORITY: JUNE 29, 2009

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.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	8 E	WM	29	SW SE	POD A - 370 FEET NORTH AND 860 FEET WEST FROM SE CORNER OF THE SW ¼ SE ¼ , SECTION 29
18 S	8 E	WM	29	SW SE	POD B - 280 FEET NORTH AND 770 FEET WEST FROM SE CORNER OF THE SW ¼ SE ¼ , SECTION 29
18 S	8 E	WM	29	SW SE	POD C - 30 FEET SOUTH AND 750 FEET WEST FROM NE CORNER OF THE NW ¼ NE ¼ , SECTION 29
18 S	8 E	WM	32	NW NE	POD E - 750 FEET SOUTH AND 590 FEET WEST FROM NE CORNER OF THE NW ¼ NE ¼ , SECTION 32
18 S	8 E	WM	32	SW NW	POD F - 590 FEET NORTH AND 630 FEET EAST FROM W ¼ CORNER, SECTION 32

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
18 S	8 E	WM	29	SW SE
18 S	8 E	WM	32	NW NE
18 S	8 E	WM	32	SW NW

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter at each point of diversion.
- B. The water user 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.
- C. The water user shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

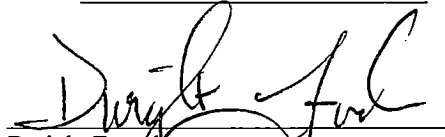
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

AUG 11 2017

Issued _____

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

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