

STATE OF OREGON
 COUNTY OF DESCHUTES
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT E. SMALLEY
 DONNA L. SMALLEY
 50552 DEER FOREST DR
 LA PINE OR 97739

confirms the right to the use of water perfected under the terms of Permit G-17060. 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-17553

SOURCE OF WATER: A WELL WITHIN LITTLE DESCHUTES RIVER BASIN

RATE: 0.05 CUBIC FOOT PER SECOND

SURFACE AREA OF POND: 1.0 ACRE

MAXIMUM VOLUME OF STORED WATER: 5.0 ACRE FEET

DATE OF PRIORITY: APRIL 13, 2012

USE: STORAGE FOR FISH, WILDLIFE, RECREATION, AND IRRIGATION AND POND MAINTENANCE

PERIOD OF USE: YEAR-ROUND STORAGE AND YEAR-ROUND POND MAINTENANCE

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	10 E	WM	30	NE SE	1260 FEET SOUTH AND 500 FEET WEST FROM E1/4 CORNER, SECTION 30

Authorized place of use:

STORAGE AND POND MAINTENANCE				
Twp	Rng	Mer	Sec	Q-Q
22 S	10 E	WM	30	NE SE
22 S	10 E	WM	30	SE SE

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 totalizing flow meter at each 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 where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Ground Water Mitigation Conditions:

Mitigation Obligation: 2.7 acre-feet of mitigation water in the Little Deschutes Zone of Impact.

Mitigation Source: 2.7 mitigation credits from mitigation project MP-144, valid through December 31, 2020, or other suitable replacement mitigation that meets the requirements of OAR 690-505-0610, within the Little Deschutes Zone of Impact.

Mitigation water must be legally protected instream in the Little Deschutes Zone of Impact for the life of the certificate. Regulation of the use and/or cancellation of the certificate 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 maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, 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, and proposing to cancel the certificate.

Scenic Waterway Condition:

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate 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 reduced subsequently. However, the use of ground water allowed under the terms of this certificate will not be subject to regulation for Scenic Waterway flows, provided the required mitigation is maintained.

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.

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 interferences.

The well(s) 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.

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 such agreement.

The Director may require water level or pump test results every ten years.

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

Issued AUG 11 2017



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