

STATE OF OREGON  
 COUNTY OF DESCHUTES  
 CERTIFICATE OF WATER RIGHT  
 FOR PARTIAL PERFECTION

THIS CERTIFICATE ISSUED TO

CITY OF BEND  
 PO BOX 431  
 BEND OR 97708

confirms the right to the use of water perfected under the terms of Permit G-18124. 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-13098

SOURCE OF WATER: FOUR WELLS IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE/VOLUME: 3.01 CUBIC FEET PER SECOND (CFS), LIMITED TO A MAXIMUM ANNUAL VOLUME OF 646.0 ACRE FEET (AF), FURTHER LIMITED TO NO MORE THAN 2.08 CFS FROM PILOT BUTTE WELL NO. 3, 2.53 CFS FROM PILOT BUTTE WELL NO. 4, 3.01 CFS FROM OUTBACK WELL NO. 7, AND 2.67 CFS FROM SHILOH WELL NO. 3, NOT TO EXCEED A CUMULATIVE TOTAL OF 3.01 CFS FROM THE WELLS IN ANY COMBINATION

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 27, 1992

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
17 S	12 E	WM	33	NE NE		PILOT BUTTE WELL NO. 3 - 145 FEET NORTH AND 650 FEET EAST FROM SW CORNER, NENE, SECTION 33
17 S	12 E	WM	33	NE NE		PILOT BUTTE WELL NO. 4 - 35 FEET NORTH AND 128 FEET EAST FROM SW CORNER, NENE, SECTION 33
18 S	11 E	WM	3	NE NW	3	OUTBACK WELL NO. 7 - SOUTH 85 DEGREES 37 MINUTES 0.5 SECONDS WEST, 327.9 FEET FROM NE CORNER OF NW QUARTER, SECTION 3
18 S	12 E	WM	16	SW NW		SHILOH WELL NO. 3 - SOUTH 1 DEGREE 39 MINUTES 08 SECONDS EAST, 2133 FEET FROM NW CORNER, SECTION 16

**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 PLACE OF USE IS LOCATED AS FOLLOWS:

WITHIN THE SERVICE BOUNDARY OF THE CITY OF BEND

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter at each well in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). 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.
- B. The water user shall allow the watermaster access to the meter(s); provided however, where any meter 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 is maintained.

#### GROUNDWATER MITIGATION CONDITIONS

Mitigation Obligation: 323.0 acre-feet (AF) of mitigation water in the General Zone of Impact (anywhere in the Deschutes River above the Madras gage, which is located below Lake Billy Chinook.)

Mitigation Source: Maintain 323.0 Mitigation Credits or suitable replacement mitigation that meets the requirements of OAR Chapter 690, Division 505 (Deschutes Ground Water Mitigation Rules).

The 323.0 mitigation credits originated from multiple mitigation projects (MP) being 66.0 mitigation credits from MP-95; 30.2 mitigation credits from MP-112; 18.1 mitigation credits from MP-114; 59.75 mitigation credits from MP-113; 49.4 mitigation credits from MP-115; 5.7 mitigation credits from MP-93; 82.3 mitigation credits from MP-129 and 11.55 mitigation credits from MP-110.

The incremental development was met for 323.0 AF of mitigation. Annual reporting on this certificate is no longer required.

Pursuant to the provisions of a Settlement Agreement, for the purposes of calculating mitigation obligation, a consumptive use coefficient of 50 percent will be applied, subject to other provisions of this certificate.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the certificate or subsequent certificate(s). Regulation of the use and/or cancellation of the certificate or subsequent certificate(s) will occur if the required mitigation is not maintained.

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, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

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.

The water user shall provide timely written notice to the appropriate OWRD Watermaster in the event that the water user intends to irrigate with reclaimed water that originates from water use under this certificate.

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 interferences.

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.

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.

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.

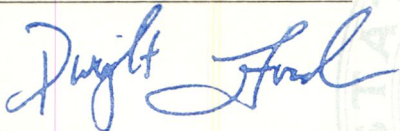
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

This certificate is issued for a partial perfection of Permit G-18124 as described in OAR 690-320-0040 and by an order of the Water Resources Director entered March 12<sup>th</sup>, 2021 at Special Order Volume 118, Page 206.

Issued **MAR 16 2021**



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

