

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

AVION WATER COMPANY INC.
60813 PARRELL RD
BEND OR 97702

confirms the right to use the waters of TWO WELLS in the Deschutes Basin for QUASI-MUNICIPAL USES.

This right was perfected under Permit G-12936. The date of priority is FEBRUARY 8, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.53 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	14 E	WM	28	SW SE	POWELL BUTTE WELL 1 (ORIGINAL) - 88.95 FEET SOUTH AND 38.27 FEET EAST FROM NW CORNER, SWSE, SECTION 28
15 S	14 E	WM	28	SW SE	POWELL BUTTE WELL 2 (ADDITIONAL) - 23.33 FEET SOUTH AND 62.6 FEET EAST FROM NW CORNER, SWSE, SECTION 28

A description of the place of use is as follows:

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
15 S	14 E	WM	36	NE NE	
15 S	14 E	WM	36	NW NE	
15 S	14 E	WM	36	SW NE	
15 S	14 E	WM	36	SE NE	
15 S	14 E	WM	36	NE NW	
15 S	14 E	WM	36	NW NW	
15 S	14 E	WM	36	SW NW	
15 S	14 E	WM	36	SE NW	
15 S	14 E	WM	36	NE SW	
15 S	14 E	WM	36	SE SW	
15 S	14 E	WM	36	NE SE	
15 S	14 E	WM	36	NW SE	
15 S	14 E	WM	36	SW SE	
15 S	14 E	WM	36	SE SE	
15 S	15 E	WM	30	SE NW	

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.

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
15 S	15 E	WM	30	NE SW	
15 S	15 E	WM	30	SE SW	
15 S	15 E	WM	30	SW SE	
15 S	15 E	WM	31	NE NW	
15 S	15 E	WM	31	NW NW	1
15 S	15 E	WM	31	SW NW	2
15 S	15 E	WM	31	SE NW	
15 S	15 E	WM	31	NE SW	
15 S	15 E	WM	31	NW SW	3

Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of appropriation.
- 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.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The water user shall monitor and report the impact of water use under this right in accordance with the approved water level monitoring plan on file with the Department. The reference level against which any future measurements will be compared is 364 feet below ground surface for the original well (POWELL BUTTE WELL 1).

If any well listed on this right (or replacement well) 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 withdrawal 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's and/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, as defined in Commission rules, to occur within the aquifer as a result of use under this 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 use may be regulated if analysis of data available 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 the priority date of this right or as those quantities may be subsequently reduced.

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

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

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

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

This certificate is issued to confirm a change in ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered JULY 19, 2018, at Special Order Volume 108, Page 898, approving Transfer Application T-12732, supersedes Certificate 87594, State Record of Water Right Certificates.

Issued JUN 09 2025



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department