

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, to maintain instream flow for FISHERIES ENHANCEMENT.

This right was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 12, at Page 282 and Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.144 CUBIC FOOT PER SECOND (CFS) from APRIL 1 TO MAY 1 AND OCTOBER 1 TO NOVEMBER 1; 0.193 CFS from MAY 1 TO MAY 15 AND SEPTEMBER 15 TO OCTOBER 1; and 0.358 CFS from MAY 15 TO SEPTEMBER 15, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 29, T 17 S, R 12 E, W.M.; NORTH CANAL DAM - 985 FEET NORTH AND 617 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 29.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates without the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre-feet for each acre irrigated during the irrigation season.

A description of the stream reach to which this right is appurtenant is as follows:

From the authorized diversion point located in SE¼ NE¼, SECTION 29, T 17 S, R 12 E, W.M.; NORTH CANAL DAM - 985 FEET NORTH AND 617 FEET WEST FROM THE E¼ CORNER, SECTION 29 at river mile 164.8 (North Canal Dam) downstream to NE¼ SW¼, SECTION 29, T 12 S, R 12 E, W.M. at river mile 120 (Lake Billy Chinook).

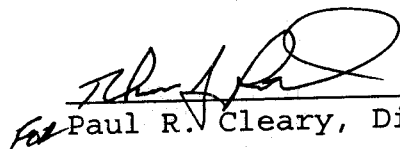
This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director approving Transfer 8519.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,

affixed SEP 21 2001.

  
For Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 76687.