

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 Big Slough (aka Indian Ford Creek), a tributary of Squaw Creek, to maintain instream flows for aquatic and fish life enhancement.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 1, at Page 120. The date of priority is 1871 and 1903.

The description of the stream reach in which flows are to be maintained is as follows:

From the location of the authorized point of diversion (SE 1/4 NW 1/4, Section 13, T14S, R9E, W.M., 2350 feet South and 2150 feet East from the NW Corner, Section 13);

To the NW 1/4 SE 1/4, Section 21, T14S, R10E, W.M.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed

1871 Priority Date

0.455 Cubic Foot per Second (CFS) during the period June 10 through June 30,  
0.91 CFS during the period July 1 through September 30, and  
0.455 CFS during the period October 1 through October 21

Original Point of Diversion: CJ Hindman Ditches out of Big Slough (aka Indian Ford Creek)

1903 Priority Date

0.205 Cubic Foot per Second (CFS) during the period June 10 through June 30,  
0.41 CFS during the period July 1 through September 30, and  
0.205 CFS during the period October 1 through October 21

Original Point of Diversion: Ditches out of Big Slough (aka Indian Ford Creek)

(if available at the original point of diversion) or its equivalent in case of rotation. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion as adjusted for stream channel losses and gains calculated based on available data and the use of senior appropriators.

This instream right shall replace a portion of an existing instream right for Indian Ford Creek, evidenced by Certificate 73229, during the period June 10 through October 21 of each year.

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 9339, and supersedes Certificate 79704, State Record of Water Right Certificate.

Mitigation Project MP-2

Mitigation Water: 109.0 Acre-Feet (AF) of Mitigation Water is generated by this portion of MP-2

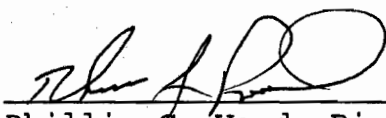
Zone of Impact: This Mitigation Water may be used to satisfy a mitigation obligation in the Squaw Creek Zone of Impact

Ground Water Mitigation: MP-2 is used to satisfy the Mitigation Obligation of Ground Water Permit Application G-15861, its succeeding permit and any subsequent certificate(s).

The amount of Mitigation Water generated by this portion of Mitigation Project MP-2 is a portion of the total volume dedicated to instream use, being 297.0 AF. The remaining balance dedicated to instream use, and not used to satisfy the Mitigation Obligation of Ground Water Permit Application G-15861, will benefit instream flows for aquatic and fish life enhancement.

The right to the use of the water for the above purpose is restricted to beneficial use in the place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights and is subject to all other terms and conditions of the original certificate, including those of the decree.

WITNESS the signature of the Water Resources Director,  
affixed JANUARY 31, 2005.

  
for Phillip C. Ward, Director

Recorded in State Record of Water Right Certificate numbered 81009.