

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 flows for fish and wildlife habitat enhancement, pollution abatement, and recreation.

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 9, at Page 453. The date of priority is October 31, 1900 and December 2, 1907.

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

Reach #1: POD #1 (Central Oregon Canal) to POD #11 (North Canal Dam):

From the authorized point of diversion at the Central Oregon Canal (SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, T18S, R12E, W.M.; 1520 feet North and 1535 feet West from the NE Corner, Section 13) to the authorized point of diversion at the North Canal Dam (SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, T17S, R12E, W.M.; 850 feet North and 630 feet West from the E $\frac{1}{4}$ Corner, Section 29).

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.

Reach #2: POD #11 (COID North Canal) to Lake Billy Chinook:
From the authorized point of diversion at the COID North Canal
(SE¼ NE¼, Section 29, T17S, R12E, W.M.; 850 feet North and 630
feet West from the E¼ Corner, Section 29) to Lake Billy Chinook.

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

Reach #1

- 0.146 Cubic Foot per Second (CFS) during the period April 1 to
May 1 and October 1 to October 26 with a priority date of
October 31, 1900,
- 0.195 CFS during the period May 1 to May 15 and September 15 to
October 1 with a priority date of October 31, 1900, and
- 0.362 CFS, being 0.258 CFS with a priority date of October 31,
1900 and 0.104 CFS with a priority date of December 2, 1907,
during the period May 15 to September 15

Reach #2:

- 0.571 CFS during the period April 1 to May 1 and October 1 to
October 26 with a priority date of October 31, 1900,
- 0.762 CFS during the period May 1 to May 15 and September 15 to
October 1 with a priority date of October 31, 1900, and
- 1.41 CFS, being 1.005 CFS with a priority date of October 31,
1900 and 0.405 CFS with a priority date of December 2, 1907,
during the period May 15 to September 15

or its equivalent in case of rotation during the period from April 1
through October 26 of each year.

Within the specified stream reaches, the amount of water to which this
right is entitled shall not exceed the quantity of water legally
available at the originally authorized diversions 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 any instream water
right established pursuant to ORS 537.341 or 537.346 and be in
addition to existing instream water rights established pursuant to ORS
537.348 or 537.470 during the period April 1 through October 26 of
each year unless otherwise specified by a subsequent order
establishing a new instream water right under these statutes.

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 9824, and supersedes Certificate 76358, State Record of Water
Right Certificates.

Mitigation Credit Award

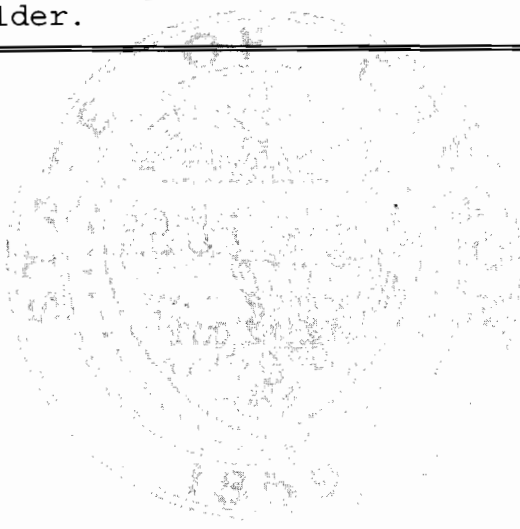
Mitigation Project: MP-27
Mitigation Credits Awarded: 149.6
Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Middle Deschutes Zone of Impact and/or General Zone of Impact

Each mitigation credit equals 1.0 AF of mitigation water, as determined by the Department.

The number of mitigation credits awarded is a portion of the total volume transferred instream, being 452.9 AF. The remaining balance of water dedicated to instream use, and not used to satisfy the mitigation obligation of a ground water permit (and subsequent certificate(s)), will benefit instream flows.

The mitigation credits or mitigation water established by this instream water right may be used to satisfy a mitigation obligation of a ground water permit application(s) and/or a ground water permit(s)/certificate(s) within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.

Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder.



The right to the use of the water for the above purpose is restricted to beneficial use in the 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 August 3, 2005.


for Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81324.

