

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 TUMALO CREEK tributary of the DESCHUTES RIVER, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

This right was confirmed by decrees of the Circuit Court of the State of Oregon for DESCHUTES COUNTY. The decrees are of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at Page 135 and in Volume 15, at Page 188. The date of priority is SEPTEMBER 1900. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 5.82 CUBIC FEET PER SECOND, measured at the point of diversion, from April 1 to November 1.

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

In Tumalo Creek, from the location of the Tumalo Feed Canal Diversion authorized previously under Certificate 74146, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	11 E	WM	23	SW NE	NORTH 70 DEGREES 21 MINUTES WEST 1550 FEET FROM E1/4 CORNER, SECTION 23

To the mouth of Tumalo Creek, and then in the Deschutes River from the mouth of Tumalo Creek to Lake Billy Chinook.

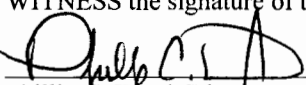
The instream right established by this allocation of conserved water shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The instream water right allows the use of the water to provide fish screen bypass and cleaning flows at the Tumalo Feed Canal diversion provided such use does not interfere with use of instream flow to operate fish passage facilities at the same site. The right is subject to all other terms and conditions of Certificate 74146, and any related decree.

This certificate is issued to confirm an ALLOCATION OF CONSERVED WATER approved by an order of the Water Resources Director recorded in Special Order Volume 64, Page 157, finalizing the allocation and assignment of conserved water application C-9, and together with another water right described in that order supersedes Certificate 74146, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed

April 18, 2005


Phillip C. Ward, Director

This is a final order in other than a 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.