

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 12 at Page 282 and in Volume 16, at Pages 1 and 390. The dates of priority are October 31, 1900 and December 2, 1907.

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

Reach #1: POD #11 (COID North Canal) to River Mile 125:  
From the authorized point of diversion at the North Canal (SE¼ NE¼, Section 29, T17S, R12E, W.M.; 850 feet North and 630 feet West from the E 1/4 Corner, Section 29) to River Mile 125.

Reach #2: River Mile 125 to the mouth of the Deschutes River.

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

Reach #1

- 0.21 Cubic Foot per Second (CFS) during the period April 1 to May 1 and October 1 to November 1 with a priority date of October 31, 1900,
- 0.28 CFS during the period May 1 to May 15 and September 15 to October 1 with a priority date of October 31, 1900, and
- 0.52 CFS during the period of May 15 to September 15 with a priority date of October 31, 1900.

Reach #2:

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.

- 0.07 Cubic Foot per Second (CFS) during the period April 1 to May 1 and October 1 to November 1 with a priority date of October 31, 1900,
- 0.09 CFS during the period May 1 to May 15 and September 15 to October 1 with a priority date of October 31, 1900, and
- 0.17 CFS during the period of May 15 to September 15 with a priority date of October 31, 1900.

or its equivalent in case of rotation during the period from April 1 through November 1 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 November 1 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 9883, and supersedes Certificate 76358, State Record of Water Right Certificates.

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 23, 2005.

FOR Phillip C. Ward, Director  
*Phillip C. Ward*

Recorded in State Record of Water Right Certificates numbered 81509.