

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.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF DESCHUTES

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S.D.A. DESCHUTES NATIONAL FOREST  
1001 EMKAY DRIVE  
BEND, OREGON 97702

confirms the right to use the waters of TODD CREEK, a tributary of DESCHUTES RIVER, for COMMERCIAL USE FOR SKI LODGES AND IRRIGATION OF 33.6 ACRES FOR EROSION CONTROL.

This right was perfected under Permit 46221. The date of priority is JANUARY 21, 1981. This right is limited to 100.0 GALLONS PER MINUTE (GPM), BEING 100.0 GPM FOR SKI LODGE USE; 30.0 GPM FOR DAY CAMP USE AND 70.0 GPM FOR EROSION CONTROL; AND SHALL BE FURTHER LIMITED TO DIVERSION OF 100.0 GPM SO LONG AS THE FLOW OF TODD CREEK IMMEDIATELY ABOVE THE POINT OF DIVERSION EXCEEDS 200.0 GPM; AT FLOWS BELOW 200.0 GPM THE DIVERSION SHALL NOT EXCEED 50 PERCENT OF THE STREAM FLOW, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 SW 1/4, SECTION 8, T 18 S, R 9 E, W.M.; 1056 FEET NORTH AND 845 FEET EAST FROM THE SW CORNER, SECTION 8.

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 SE 1/4 2.8 ACRES  
NE 1/4 SW 1/4 7.6 ACRES  
SECTION 20

SW 1/4 SW 1/4 4.0 ACRES  
SE 1/4 SW 1/4 7.6 ACRES  
SECTION 21

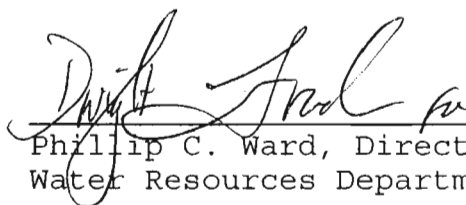
NE 1/4 NW 1/4 4.0 ACRES  
NW 1/4 NW 1/4 7.6 ACRES  
SECTION 28

TOWNSHIP 18 SOUTH, RANGE 9 EAST, W.M.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

DEC 01 2006

  
Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82604

S-61590.RCK