

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, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; 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 Volume 16 at Pages 148 and 396. The date of priority is September 1, 1899.

The descriptions of the stream reaches in which flows are to be maintained are as follows:

Reach #1: From the location of the diversion authorized previously under Certificate 74145 (approximately at River Mile 165), located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	POD #3, SWALLEY MAIN CANAL: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29

To Lake Billy Chinook (at River Mile 120)

Reach #2: From the Lake Billy Chinook (at River Mile 120)
To the mouth of the Deschutes River (at River Mile 0.0).

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

Reach #1:

Instream Period	Instream Rate (cfs)
Season 1 Rate: April 1 through 30, and October 1 through 25	0.06
Season 2 Rate: May 1 through 14, and September 15 through 30	0.07
Season 3 Rate: May 15 through September 14	0.14

Reach #2:

Instream Period	Instream Rate (cfs)
April 1 through October 25	0.03

Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reaches.

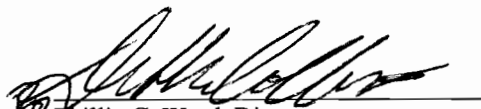
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial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

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.

This certificate is issued to confirm a change in character of use and place of use approved by an order of the Water Resources Director approving Transfer 10356 entered September 28, 2007, and together with the remaining right supersedes Certificate 74145, State Record of Water Right Certificates.

The right is subject to all other terms and conditions of Certificate 74145, and any related decree.

WITNESS the signature of the Water Resources Director, affixed SEP 28 2007, 2007.


Phillip C. Ward, Director

Mailing date: OCT 02 2007