

STATE OF OREGON
COUNTY OF DESCHUTES AND KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of LITTLE DESCHUTES RIVER, tributary to DESCHUTES 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 date of priority is 1900. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Reach	Instream Rate
Reach #1	0.231 Cubic Foot per Second (CFS)
Reach #2	0.104 CFS
Reach #3	0.1 CFS

or its equivalent in case of rotation, measured at the point of diversion, from May 23 through October 31.

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

Reach #1: From the location of the diversion authorized previously under Certificate 72196, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23 S	9 E	WM	34	SW SW	550 FEET NORTH & 1150 FEET EAST FROM SW CORNER, SECTION 34

To the Little Deschutes River gage near LaPine, located approximately as River Mile 27

Reach #2: From the Little Deschutes River gage near LaPine, located approximately as River Mile 27, to the mouth of the Little Deschutes River.

Reach #3: From the confluence of the Little Deschutes River and the Deschutes River to Lake Billy Chinook.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.

The instream right established by this transfer 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 right is subject to all other terms and conditions of Certificate 72196, and any related decree.

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.

Mitigation Credit Award

Mitigation Project: MP-29
Mitigation Credits Awarded: 28.8
Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Little Deschutes, Upper Deschutes, Middle Deschutes, and/or General Zones 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 75.0 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 beginning January 1, 2008, and are then valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 73, Page 692, approving Transfer T-9835, and along with Certificate 83653 supersedes Certificate 72196, State Record of Water Right Certificates.

NOV 26 2007

WITNESS the signature of the Water Resources Director, affixed _____.



Phillip C. Ward, Director