

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 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 in Volume 16, at Pages 1 and 390. The date of priority is October 31, 1900.

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

From the location of the diversion authorized previously under Certificate 83571, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	POD #11 (COID NORTH CANAL): 850 FEET NORTH AND 630 FEET WEST FROM THE E¼ CORNER OF SECTION 29

To Lake Billy Chinook.

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

Instream Period	April 1 through April 30 and October 1 through October 26	May 1 through May 14 and September 15 through September 30	May 15 through September 14
Instream Rate	0.271 Cubic Foot per Second (CFS)	0.361 CFS	0.669 CFS

or its equivalent in case of rotation during the period from April 1 through October 26 of each year.

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 originally authorized diversion 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 October 26 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 character of use and place of use approved by an order of the Water Resources Director approving Transfer T-10300, and supersedes a portion of Certificate 83571, State Record of Water Right Certificates.

Mitigation Credit Award

Mitigation Project: MP-95
Mitigation Credits Awarded: 70.9
Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Middle Deschutes Zone of Impact and/or General Zone 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 214.75 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.

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 December 26, 2007


Phillip C. Ward, Director