

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 TUMALO CREEK, 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.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County. The decrees are of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at Page 135 and in Volume 16, at Page 188. The date of priority and rate associated with each priority is as described below. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.000 CUBIC FEET PER SECOND during April 15 to October 15.

Priority Date	Rate (cfs)
August 5, 1900	0.178
September, 1900	1.242
April 28, 1905	0.131
May 27, 1907	0.018
June 1, 1907	0.431
<i>Total</i>	<i>2.000</i>

The 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 74146, located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	11 E	WM	23	SW NE	NORTH 70 DEGREES 21 MINUTES WEST, 1550 FEET FROM THE E1/4 CORNER OF SECTION 23

To the mouth of TUMALO CREEK, and then into the DESCHUTES RIVER from the mouth of Tumalo Creek to LAKE BILLY CHINOOK at River Mile 120. The instream water right shall allow the use of the water to provide fish screen bypass and cleaning flows at the Tumalo Feed Canal diversion provided such use does not interfere with use of instream flow to operate fish passage facilities at the same site.

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.

The right is subject to all other terms and conditions of Certificate 74146, and any related decree.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

This certificate is issued to confirm an ALLOCATION OF CONSERVED WATER approved by an order of the Water Resources Director recorded in Special Order Volume 75 Page 202, finalizing the first increment of conserved water under application CW-37, and together with the remaining right to be issued supercedes Certificate 74146, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed June 25, 2008.


Philip C. Ward, Director

Mailing date: JUN 26 2008