

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, tributary to 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 in Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Reach	April 1 through April 30 and October 1 through October 25	May 1 through May 14 and September 15 through September 30	May 15 through September 14
Reach #1	0.069 Cubic Foot per Second (CFS)	0.092 CFS	0.170 CFS
Reach #2	0.044 CFS	0.044 CFS	0.044 CFS

or its equivalent in case of rotation, measured at the point of diversion, from April 1 through October 25.

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

Reach #1: From the location of Swalley main canal diversion authorized previously under Certificate 74145, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	985 FEET NORTH & 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29

To the confluence with Tumalo Creek on the Deschutes River.

Reach #2: From the confluence with Tumalo Creek to the mouth of the Deschutes River

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. Stream channel losses and gains calculated based on available data and the use of water by 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 reach.

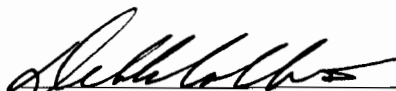
The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, during the period April 1 through October 25, unless otherwise specified by a subsequent order establishing a new instream water right.

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 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 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 terms and conditions of Certificate 74145 and contained in said decree.

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 79, Page 110, approving Transfer T-10713, supersedes Certificate 74145, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed OCT 23 2009.


Phillip C. Ward, Director *PC*