

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 the Little Deschutes River, tributary to the 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 decree is of record at Salem in the Order Record of the Water Resources Director, in Volume 16, at Page 185. The date of priority is 1897 and April 30, 1902. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Reach	Priority Date	Instream Period and Instream Rate	
		July 1 through August 19	August 20 through October 31
Reach #1	1897	0.05 Cubic Foot per Second (CFS)	0.02 CFS
	April 30, 1902	7.04 CFS	3.52 CFS
	<b>Total</b>	<b>7.09 CFS</b>	<b>3.54 CFS</b>
Reach #2	1897	0.02 CFS	0.02 CFS
	April 30, 1902	2.18 CFS	2.18 CFS
	<b>Total</b>	<b>2.2 CFS</b>	<b>2.2 CFS</b>
Reach #3	1897	0.01 CFS	0.01 CFS
	April 30, 1902	2.03 CFS	2.03 CFS
	<b>Total</b>	<b>2.04 CFS</b>	<b>2.04 CFS</b>

or its equivalent in case of rotation, measured at the point of diversion, during the specified instream period.

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 83653, located approximately at:

Township	Range	Meridian	Sec	¼ ¼	Measured Distance
23	S	9 E	W.M.	34	SW SW
550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34					

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

Reach #2: From the Little Deschutes gage near LaPine (approximately 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 (River Mile 120)

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.

Mitigation Project MP-120

Mitigation Water:	510.3 Acre-Feet
Zone of Impact:	This mitigation water may be used to satisfy a mitigation obligation within the Little Deschutes Zone of Impact.
Ground Water Mitigation:	MP-120 is used to satisfy a portion of the Mitigation Obligation of Ground water Permit Application G-16905, its succeeding permit and any subsequent certificate(s).

The amount of mitigation water generated by this mitigation project is a portion of the total volume transferred instream, being 1131.33 Acre-Feet. The remaining balance of water dedicated to instream use, and not used to satisfy the Mitigation Obligation of Ground Water Permit Application G-16905, will benefit instream flows.

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 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 83653, and any related decree.

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 recorded in Special Order Volume 80, Page 67, approving Transfer T-10623, and together with Certificates 86021 and 86022 supersedes Certificate 83653, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed January 15, 2010.

  
Phillip C. Ward, Director