

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 fish and wildlife habitat enhancement, 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 9, at Page 453. The date of priority is October 31, 1900 and December 2, 1907.

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

Reach #1: POD #1 (Central Oregon Canal) to POD #11 (North Canal Dam):

From the authorized point of diversion at the Central Oregon Canal (SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 13, T18S, R11E, W.M.; 1520 feet South and 1535 feet West from the NE Corner, Section 13) to the authorized point of diversion at the North Canal Dam (SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, T17S, R12E, W.M.; 850 feet North and 630 feet West from the E $\frac{1}{4}$  Corner, Section 29).

Reach #2: POD #11 (COID North Canal) to Lake Billy Chinook:

From the authorized point of diversion at the COID North Canal (SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, T17S, R12E, W.M.; 850 feet North and 630 feet West from the E $\frac{1}{4}$  Corner, 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:

Reach #1

0.146 Cubic Foot per Second (CFS) during the period April 1 to May 1 and October 1 to October 26 with a priority date of October 31, 1900,  
0.195 CFS during the period May 1 to May 15 and September 15 to October 1 with a priority date of October 31, 1900, and  
0.362 CFS, being 0.258 CFS with a priority date of October 31, 1900 and 0.104 CFS with a priority date of December 2, 1907, during the period May 15 to September 15

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within 60 days of the date of service.

Reach #2:

0.571 CFS during the period April 1 to May 1 and October 1 to October 26 with a priority date of October 31, 1900,

0.762 CFS during the period May 1 to May 15 and September 15 to October 1 with a priority date of October 31, 1900, and

1.41 CFS, being 1.005 CFS with a priority date of October 31, 1900 and 0.405 CFS with a priority date of December 2, 1907, during the period May 15 to September 15

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

Within the specified stream reaches, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the originally authorized diversions 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.

#### Mitigation Credit Award

Mitigation Project: MP-27  
Mitigation Credits Awarded: 149.6  
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 452.9 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 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 correct a scrivener's error in the legal description of the authorized point of diversion described in Certificate 81324. This Certificate supersedes Certificate 81324 and describes the change in use and place of use approved by an order of the Water Resources Director approving Transfer T-9824 issued August 3, 2005, recorded at Volume 65, Page 502, and the Superseding Final Order and Correction of Errors in a Previous Order issued August 8, 2007, and recorded at Volume 73, Page 752.

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 June 16, 2010.

  
Phillip J. Ward, Director

Recorded in State Record of Water Right Certificates numbered 86365.