

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 WHYCHUS CREEK (formerly known as Squaw Creek), 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 1, at Page 120. The date of priority is 1880. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Reach	Instream Period and Instream Rate	
	April 15 through May 15	May 16 through October 15
Reach #1	0.95 Cubic Foot per Second (CFS)	0.60 CFS
Reach #2	0.148 CFS	0.148 CFS

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 85390, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	21	SW SW	140 FEET NORTH AND 1190 FEET EAST FROM THE SW CORNER OF SECTION 21

To River Mile 19.2.

Reach #2: From River Mile 19.2 to the mouth of Whychus Creek, River Mile 0.0.

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, 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 85390, and any related decree.

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.

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 ____, Page ____, approving Transfer T-10952, and along with Certificate 86828 supersedes Certificate 85390, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed _____

FEB 14 2011


Dwight French for
PHILIP C. WARD, DIRECTOR