

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of the CROOKED RIVER, a tributary of 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 Crook County. The dates of priority are 1892, 1898, and 1904/1910. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed:

Reach	Priority Dates and Instream Rates			
	1892	1898	1904/1910	Totals
Reach #1	0.17 Cubic Foot per Second (CFS)			<b>0.17 CFS</b>
Reach #2	0.17 CFS		0.03 CFS	<b>0.20 CFS</b>
Reach #3	0.17 CFS		0.027 CFS	<b>0.197 CFS</b>
Reach #4	0.17 CFS	0.01 CFS	0.027 CFS	<b>0.207 CFS</b>
Reach #5	0.17 CFS	0.006 CFS	0.027 CFS	<b>0.203 CFS</b>
Reach #6	0.80 CFS	0.006 CFS	0.027 CFS	<b>0.833 CFS</b>
Reach #7	0.72 CFS	0.006 CFS	0.027 CFS	<b>0.753 CFS</b>
Reach #8	0.36 CFS	0.003 CFS	0.01 CFS	<b>0.373 CFS</b>

or it's equivalent in case of rotation, measured at the points of diversion, during the period June 1 through November 8.

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

Reach #1: From the location of diversion #1 authorized previously under Certificate 83857, located approximately at:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	15 S	16 E	WM	8	NW SW	1920 FEET NORTH AND 340 FEET EAST FROM THE SW CORNER OF SECTION 8

to the location of diversion #2 authorized previously under Certificate 83857, located approximately at:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2	14 S	14 E	WM	24	SE SW	LOW LINE DITCH, Latitude 44.335984 degrees and Longitude -120.999700 degrees

Reach #2: From the location of diversion #2 authorized previously under Certificate 83857 to River Mile 32.9.

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.

Reach #3: From River Mile 32.9 to the location of diversion #7 authorized previously under Certificate 83857, located approximately at:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7	14 S	14 E	WM	20	SE SE	PUMP: 325 FEET NORTH AND 120 FEET WEST FROM THE SE CORNER OF SECTION 20

Reach #4: At the location of diversion #7 authorized previously under Certificate 83857.

Reach #5: From just below the location of diversion #7 authorized previously under Certificate 83857 to the location of diversion #6 authorized previously under Certificate 83857, located approximately at:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6	14 S	14 E	WM	29	NE NW	PUMP: 1085 FEET SOUTH AND 970 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 29

Reach #6: At the location of diversion #6 authorized previously under Certificate 83857.

Reach #7: From just below the location of diversion #6 authorized previously under Certificate 83857 to River Mile 30 where Lone Pine Road crosses the Crooked River

Reach #8: From River Mile 30 to Lake Billy Chinook

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.

#### Mitigation Credit Award

Mitigation Project: MP-124  
 Mitigation Credits Awarded: 221.4, being 120.6 from Certificate 87057, 81.0 from Certificate 87056 and 19.8 from Certificate 87055  
 Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Little Deschutes River Zone of Impact

Each mitigation credit equals 1.0 AF of mitigation water, as determined by the Department.

Certificate 87057, together with Certificates 87055 and 87056, is Mitigation Project MP-124.

The number of mitigation credits awarded is a portion of the total volume transferred instream, being 492.0 AF, being 268.0 AF under Certificate 87057, 180.0 AF under Certificate 87056, and 44.0 AF under Certificate 87055. 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.

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 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 83857, and any related 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 84, Page 328, approving Transfer T-10730, and along with Certificate 87059 supersedes Certificate 83857, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUN 03 2011.

  
\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR