

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; recreation; and pollution abatement.

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	Instream Period and Instream Rates		
	April 1 to April 30 and October 1 to October 25	May 1 to May 14 and September 15 to September 30	May 15 to September 14
Reach #1	0.064 CFS	0.082 CFS	0.145 CFS
Reach #2	0.055 CFS	0.065 CFS	0.101 CFS

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

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 74145, located approximately at:

Township	Range	Meridian	Sec	¼ ¼	Survey Coordinates
17	S	12 E	W.M.	29	SE NE SWALLEY MAIN CANAL POD #3: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29

to River Mile 157 near Tumalo State Park.

Reach #2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120.

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 74145, 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.

Mitigation Credit Award

Mitigation Project: MP-111
Mitigation Credits Awarded: 18.0 credits
Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Middle Deschutes Zone of Impact and/or the 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 47.22 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 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 **536**, approving Transfer T-10490, and supersedes a portion of Certificate 74145, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed **JUN 17 2011** .



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