

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 CROOKED RIVER, tributary to DESCHUTES 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 perfected under Permit S-11411. The date of priority is SEPTEMBER 11, 1934. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Reach	Instream Rates
Reach #1	0.25 Cubic Foot per Second (CFS)
Reach #2	0.10 CFS

or its equivalent in case of rotation, measured at the point of diversion, during the period May 24 through October 31.

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

Reach #1: From the location of the point of diversion previously authorized under Certificate 75486, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	15 E	WM	26	SE SE	AT THE SE CORNER OF SECTION 26

to the confluence with McKay Creek.

Reach #2: From the confluence with McKay Creek 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.

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 beneficial use in the place of use described and is subject to all other terms and conditions of Certificate 75486, 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-140
Mitigation Credits Awarded: 66.6, being 36.0 from Certificate 87249 and 30.6 from Certificate 87250
Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Crooked River Zone of Impact and the General Zone of Impact

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

Certificate 87249, together with Certificate 87250, is Mitigation Project MP-140.

The number of mitigation credits awarded is a portion of the total volume transferred instream, being 148.0 AF, being 80.0 AF under Certificate 87249 and 68.0 AF under Certificate 87250. 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 85, Page 512, approving Transfer T-11102, and supersedes Certificate 75486, State Record of Water Right Certificates.

OCT 07 2011

WITNESS the signature of the Water Resources Director, affixed _____.



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