

STATE OF OREGON
COUNTY OF DESCHUTES AND JEFFERSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of POLE CREEK, tributary to WYCHUS CREEK (formerly SQUAW CREEK), for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values, and pollution abatement.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County. The date of priority is 1885. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.2 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion, from January 1 to December 31.

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

From the location of the diversion authorized previously under Certificate 67706 (as modified by Special Order Volume 85, Page 611), located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	9 E	WM	35	NW SE	3,285 FEET SOUTH AND 2,170 FEET WEST FROM NE CORNER OF SECTION 35

To the confluence with Whychus Creek and into Whychus Creek 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.

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled 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 all other terms and conditions of Certificate 67706 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-159
Mitigation Credits Awarded: 57.8 credits
Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Whychus Creek Zone of Impact for City of Sisters.

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 144.79 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) held by the City of Sisters for municipal use within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.

Mitigation credits 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 87, Page 331, approving Transfer T-11300, and supersedes Certificate 67706, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed

April 19, 2012


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