

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.

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 Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

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

Reach No. 1: From the location of the Swalley Main Canal diversion No. 3 authorized previously under Certificate 74145, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	985 FEET NORTH AND 617 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 29

To the location of Diversion No. 5 authorized previously under Certificate 74145, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	20	SE NW	NORTH 60 DEGREES WEST, 117 FEET FROM THE CENTER OF SECTION 20

Reach No. 2: From the location of Diversion No. 5 to the location of Diversion No. 7 authorized previously under Certificate 74145, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	20	NE NW	590 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 20

Reach No. 3: From the location of Diversion No. 7 to Lake Billy Chinook, at approximately River Mile 120.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed:

Reach No.	April 1 through April 30 and October 1 through October 29	May 1 through May 14 and September 15 through September 30	May 15 through September 14
Reach No. 1	0.945 Cubic Foot per Second (CFS)	1.253 CFS	2.224 CFS
Reach No. 2	0.966 CFS	1.281 CFS	2.275 CFS
Reach No. 3	1.005 CFS	1.333 CFS	2.371 CFS

or its equivalent in case of rotation during the period from April 1 through October 25.

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.

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.

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 all other terms and conditions of Certificate 74145, and any related decree.

Mitigation Credit Award

Mitigation Project:	MP-110
Mitigation Credits Awarded:	283.3
Zone of Impact:	These mitigation credits may be used to satisfy a mitigation obligation within the Middle Deschutes Zone of Impact and/or General Zone of Impact.

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

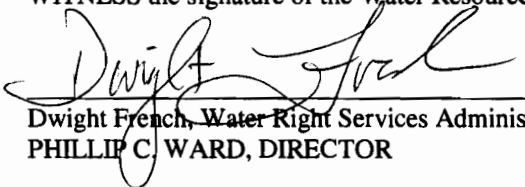
The number of mitigation credits awarded is a portion of the total volume transferred instream, being 149.62 AF. The remaining balance of water dedicated to instream use, and not used to satisfy the mitigation obligation of a ground water permit (and subsequent certificate(s)), will benefit instream 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 beginning January 1, 2010, and are then 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 91, Page 541, approving Transfer T-10463, and supersedes a portion of Certificate 74145, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed Dec. 5TH 2013.


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