

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 Whychus Creek (formally 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 recreation.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The date of priority is 1883. 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 Rate
	April 1 through October 31
Reach No. 1	0.143 Cubic Foot per Second (CFS)
Reach No. 2	0.04 CFS

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

Reach No. 1: From the location of the diversion authorized previously under Certificate 67284 and 81663, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	9	SE NW	BUCHANAN DITCH – 2050 FEET SOUTH AND 1250 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 9

To River Mile (RM) 16.5 on Whychus Creek

Reach No. 2: From RM 16.5 to the mouth of Whychus Creek and then into the Deschutes River to Lake Billy Chinook (RM 120).

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. 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.

Within the instream reach on Whychus Creek above the confluence with Indian Ford Creek, during the period April 1 through September 30, any instream water right established by this transfer application may be in addition to instream water rights established pursuant to ORS 537.341, ORS 537.346, ORS 537.348 and ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes. During the month of October, any instream water right

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.

established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or ORS 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.

Within the reach on Whychus Creek below the confluence with Indian Ford Creek, during the period April 1 through October 31, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or ORS 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.

Within the reach on the Deschutes River, during the period April 1 through October 31, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or ORS 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.

Mitigation Credit Award

Mitigation Project:	MP-165
Mitigation Credits Awarded:	20.0 credits
Zone of Impact:	These mitigation credits may be used to satisfy a mitigation obligation within the Whychus Creek 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 61.05 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.

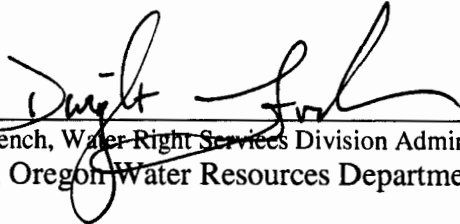
The mitigation credits or mitigation water established by this instream water right may be used to satisfy a mitigation obligation of a ground water permit application(s) and/or a ground water permit(s)/ certificate(s) within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.

Mitigation credits valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder.

The right is subject to all other terms and conditions of Certificates 67284 and 81663, 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 101, Page 346, approving Transfer T-11358, and along with Certificate 91486 and 91489 supersedes Certificates 67284 and 81663, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUN 27 2016.


Dwight French, Water Right Services Division Administrator, for
Director, Oregon Water Resources Department