

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of WHYCHUS CREEK, a tributary of the DESCHUTES RIVER, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, other ecological values, and recreation.

This right was confirmed by decree of the Circuit Court of the State of Oregon for CROOK COUNTY. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 1, at Pages 121, 122, 123, 124, 435, 438, 445, 472, and 473. The date of priority is 1895. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 1.33 cfs from April 1 through October 31, or such other time as Three Sisters Irrigation District is diverting water for a beneficial use under Certificate 74135.

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

From the location of the diversion previously authorized under Certificate 74135, located at approximately River Mile 24.5:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	21	SW SW	998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER OF SECTION 21

To the mouth of Whychus Creek at the confluence with the Deschutes River at RM 0.0, then into the Deschutes River to Lake Billy Chinook as follows:

Whychus Creek, tributary to the Deschutes River

Priority Date	Period of Use	Location	Rate (CFS)
1895	April 1 through October 31	Reach 1: At the Authorized POD at approximately RM 24.5 to the confluence of Whychus Creek with the Deschutes River at RM 0.0	1.33

Deschutes River, tributary to the Columbia River

Priority Date	Period of Use	Location	Rate (CFS)
1895	April 1 through October 31	Reach 2: From the confluence of Whychus Creek with the Deschutes River (RM 0.0) to Lake Billy Chinook at RM 120	1.33

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 either 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.

Within the described instream reach, stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion and within the specified stream reach from the point of diversion to the mouth of Whychus Creek and whether the described instream flows below the point of diversion may be adjusted. If adjusted, instream flows from immediately below the point of diversion to the mouth of Whychus Creek and into the Deschutes River to Lake Billy Chinook may not exceed the quantities specified at the point of diversion. Unless otherwise specified by a subsequent order establishing a new instream water right, this instream right created shall be additive to any instream water rights established pursuant to ORS 537.341, 537.346, 537.348 or 537.470 from the authorized point of diversion to River Mile 19.5 for the period of April 1 through September 14. For the period of September 15 to October 31, the instream right created shall replace a portion of any instream water right created pursuant to ORS 537.341 or 537.346, and shall be additive to any instream water right created pursuant to ORS 537.348 or 537.470 from the authorized point of diversion to River Mile 19.5.

This instream right shall replace a portion of any instream water right established pursuant to ORS 537.341 and 537.346, and shall be additive to any instream water right established pursuant to 537.348 and 537.470 from River Mile 19.5 to the mouth of Whychus Creek, into the Deschutes River to Lake Billy Chinook, unless otherwise specified by a subsequent order.

This certificate is issued to confirm an ALLOCATION OF CONSERVED WATER approved by an order of the Water Resources Director recorded in Special Order Volume 103, Page ~~951~~ approving Allocation of Conserved Water Application CW-90, which modifies Certificate 74135, State Record of Water Rights.

The right is subject to all other terms and conditions of Certificate 74135, and any related decree.

WITNESS the signature of the Water Resources Director, affixed FEB 21 2017



Dwight French, Water Rights Services Administrator for
THOMAS M. BYLER, DIRECTOR