

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 DESCHUTES RIVER, a tributary of 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; pollution abatement; and recreation.

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 Department, in Volume 12, at Page 282 and in Volume 16, at Pages 1 and 390. The date of priority is October 31, 1900. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Instream Reach	April 1 through April 30 and October 1 through October 26	May 1 through May 14 and September 15 through September 30	May 15 through September 14
1	0.962 Cubic Foot per Second (CFS)	1.282 CFS	2.374 CFS
2	0.034 CFS	0.045 CFS	0.084 CFS
3	0.021 CFS	0.021 CFS	0.021 CFS

or its equivalent in case of rotation, measured at the point of diversion, from April 1 through October 26.

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

Instream Reach 1: From the location of the diversion authorized previously under Certificate 83571, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	POD No. 11 (COID NORTH CANAL): 850 FEET NORTH AND 630 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 29

To Lake Billy Chinook, located approximately at River Mile (RM) 125

Instream Reach 2: From Lake Billy Chinook (RM 125) to the Madras Gage (RM 100.1)

Instream Reach 3: From the Madras Gage (RM 100.1) to the Mouth of the Deschutes River (RM 0)

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 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.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

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 to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other terms and conditions of Certificate 83571, and any related decree.

Mitigation Credit Award

Mitigation Project: MP-126
Mitigation Credits Awarded: 242.9
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 for mitigation purposes, being 735.38 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 of mitigation water established by this instream water right may be used to satisfy a mitigation obligation of a groundwater 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 groundwater 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 ____, Page ____, approving Transfer T-10826, and supersedes a portion of Certificate 83571, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUL 06 2017.


Dwight French, Water Right Services Division Administrator, for
Thomas M. Byler, Director, Oregon Water Resources Department