

STATE OF OREGON  
COUNTY OF WALLOWA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of , 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 Wallowa County. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 5 at Pages 115-156, 143-144, 182, 184-185, 197, 200-202, and 205. Portions of this right were also confirmed by Permits S-11695 and S-44750.

The description of the quantity, priority dates, and stream reaches in which flows are to be maintained are as follows:

**LOSTINE RIVER, tributary to the Wallowa River**

**Instream Point No. 1:**

At the Westside Ditch Point of Diversion (POD), described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	27	NW SE	WESTSIDE DITCH: 152 FEET SOUTH AND 200 FEET EAST FROM THE CENTER OF SECTION 27

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3 - 7/31	8/1 - 9/30	5/3 - 7/31	8/1 - 9/30	
93536	3/27/1901	0.030	0.010	5.40	1.20	May 3 through September 30

**Instream Reach No. 1:**

From immediately below the Westside Ditch POD to Miles-Magill Ditch POD (described below):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3 - 7/31	8/1 - 9/30	5/3 - 7/31	8/1 - 9/30	
93536	3/27/1901	0.029	0.010	5.29	1.18	May 3 through September 30

To: Miles-Magill Ditch POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	9	NE SE	MILES - MAGILL DITCH: Latitude: 45.4920258487; Longitude: -117.4380355698

**Instream Point No. 2:**

At the Miles-Magill Ditch POD:

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3 - 7/31	8/1 - 9/30	5/3 - 7/31	8/1 - 9/30	
93536	3/27/1901	0.029	0.010	5.29	1.18	May 3 through September 30
93525	1896	0.068	0.022	12.20	2.70	
Total		0.097	0.032	17.49	3.88	

**Instream Reach No. 2:**

Immediately below the Miles-Magill Ditch POD to the Miles Ditch POD (described below):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3 - 7/31	8/1 - 9/30	5/3 - 7/31	8/1 - 9/30	
93536	3/27/1901	0.029	0.010	5.29	1.18	May 3 through September 30
93525	1896	0.067	0.022	11.96	2.65	
Total		0.096	0.032	17.25	3.83	

To: The Miles Ditch POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	9	SE NE	MILES DITCH: Latitude: 45.494134; Longitude: -117.438922

**Instream Point No. 3:**

At the Miles Ditch POD (described in Reach No. 2 above):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3 - 7/31	8/1 - 9/30	5/3 - 7/31	8/1 - 9/30	
93536	3/27/1901	0.029	0.010	5.29	1.18	May 3 through September 30
93525	1896	0.067	0.022	11.96	2.65	
93525	1882	0.713	0.234	127.40	28.30	
Total		0.809	0.266	144.65	32.13	

**Instream Reach No. 3:**

From: Immediately below the Miles Ditch POD to the Foster/Mid-Valley Ditch POD (described below):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3 - 7/31	8/1 - 9/30	5/3 - 7/31	8/1 - 9/30	
93536	3/27/1901	0.029	0.010	5.29	1.18	May 3 through September 30
93525	1896	0.067	0.022	11.96	2.65	
93525	1882	0.699	0.229	124.85	27.73	
Total		0.795	0.261	142.10	31.56	

To: Foster/Mid-Valley Ditch POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER/MID-VALLEY DITCH - 350 FEET SOUTH AND 800 FEET WEST FROM THE CENTER OF SECTION 4 (Latitude: 45.50716; Longitude: -117.45096)

**Instream Point No. 4:**

At Foster/Mid-Valley POD (described in Reach No. 3 above):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3 - 7/31	8/1 - 9/30	5/3 - 7/31	8/1 - 9/30	
93536	3/27/1901	0.029	0.010	5.29	1.18	May 3 through September 30
93525	1896	0.067	0.022	11.96	2.65	
93525	1882	0.699	0.229	124.85	27.73	
93519	1889	0.166	0.055	29.70	6.60	
93519	1883	0.033	0.011	5.90	1.30	
93527	1889	0.005	0.002	0.90	0.20	
Total		0.999	0.329	178.60	39.66	

**Instream Reach No. 4:**

From: Immediately below the Foster/Mid-Valley Ditch POD to the Clearwater Ditch POD (described below):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
93536	3/27/1901	0.029	0.010	5.29	1.18	May 3 through September 30
93525	1896	0.067	0.022	11.96	2.65	
93525	1882	0.699	0.229	124.85	27.73	
93519	1889	0.163	0.054	29.11	6.47	
93519	1883	0.032	0.011	5.78	1.27	
93527	1889	0.005	0.002	0.88	0.20	
Total		0.995	0.328	177.87	39.50	

To: The Clearwater Ditch POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

**Instream Point No. 5:**

At the Clearwater Ditch POD (described in Reach No. 4 above):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
93536	3/27/1901	0.029	0.010	5.29	1.18	May 3 through September 30
93525	1896	0.067	0.022	11.96	2.65	
93525	1882	0.699	0.229	124.85	27.73	
93519	1889	0.163	0.054	29.11	6.47	
93519	1883	0.032	0.011	5.78	1.27	
93527	1889	0.005	0.002	0.88	0.20	
93513	1883	0.350	0.115	62.60	13.90	
93515	May 1897	0.033	0.011	5.90	1.30	
93517	1883	0.207	0.068	36.90	8.20	
Total		1.585	0.522	283.27	62.90	

**Instream Reach No. 5:**

From: Immediately below the Clearwater Ditch POD to the Tulley-Hill Ditch POD (described below):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
93536	3/27/1901	0.027	0.009	4.86	1.08	May 3 through September 30
93525	1896	0.061	0.020	10.98	2.43	
93525	1882	0.642	0.211	114.66	25.47	
93519	1889	0.149	0.050	26.73	5.94	
93519	1883	0.030	0.010	5.31	1.17	
93527	1889	0.005	0.002	0.81	0.18	
93513	1883	0.315	0.104	56.34	12.51	
93515	May 1897	0.030	0.010	5.31	1.17	
93517	1883	0.186	0.061	33.21	7.38	
Total		1.445	0.477	258.21	57.33	

To: The Tulley-Hill Ditch POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	29	SE SW	TULLEY-HILL DITCH: 1080 FEET NORTH AND 2559 FEET EAST FROM THE SW CORNER OF SECTION 29 (Latitude: 45.533175; Longitude: -117.469878)

**Instream Point No. 6:**

At the Tulley-Hill POD (described in Reach No. 5 above):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
93536	3/27/1901	0.027	0.009	4.86	1.08	May 3 through September 30
93525	1896	0.061	0.020	10.98	2.43	
93525	1882	0.642	0.211	114.66	25.47	
93519	1889	0.149	0.050	26.73	5.94	
93519	1883	0.030	0.010	5.31	1.17	
93527	1889	0.005	0.002	0.81	0.18	
93513	1883	0.315	0.104	56.34	12.51	
93515	May 1897	0.030	0.010	5.31	1.17	
93517	1883	0.186	0.061	33.21	7.38	
93523	1900	0.381	0.125	68.00	15.10	
93531	1881	0.043	0.014	7.70	1.70	
93533	3/27/1901	0.025	0.008	4.50	1.00	
Total		1.894	0.624	338.41	75.13	

**Instream Reach No. 6:**

From: Immediately below the Tulley-Hill POD to the mouth of the Lostine River (described below):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
93536	3/27/1901	0.027	0.009	4.86	1.08	May 3 through September 30
93525	1896	0.061	0.020	10.98	2.43	
93525	1882	0.642	0.211	114.66	25.47	
93519	1889	0.149	0.050	26.73	5.94	
93519	1883	0.030	0.010	5.31	1.17	
93527	1889	0.005	0.002	0.81	0.18	
93513	1883	0.315	0.104	56.34	12.51	
93515	May 1897	0.030	0.010	5.31	1.17	
93517	1883	0.186	0.061	33.21	7.38	
93523	1900	0.343	0.113	61.20	13.59	
93531	1881	0.039	0.013	6.93	1.53	
93533	3/27/1901	0.023	0.007	4.05	0.90	
Total		1.850	0.610	330.39	73.35	

To: The mouth of the Lostine River at RM 0.00 at the Confluence with the Wallowa River (approx. RM 25.9), located within the NWSE of Sec. 19, T1N, R43E, W.M. (Latitude: 45.5522272; Longitude: -117.490133)

**WALLOWA RIVER, tributary to the Grande Ronde River**

**Instream Reach No. 7:**

From the authorized POD for Certificate 11642 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	11	SW SE	CROSS COUNTRY CANAL: 912 FEET NORTH AND 2000 FEET WEST FROM THE SE CORNER OF SECTION 11

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
11642 (IS)	6/6/1935	1.238	0.041	222.8	49.5	May 3 through September 30

To: The authorized POD for Certificate 62054 (as described below):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	19	SE NE	3200 FEET NORTH AND 920 FEET WEST FROM THE SE CORNER OF SECTION 19

**Instream Reach No. 8:**

At the authorized POD for Certificate 62054 to the confluence of the Lostine River (as described below):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
11642 (IS)	6/6/1935	1.238	0.041	222.8	49.5	May 3 through September 30
62054	10/30/1979	0.240	0.240	43.40	29.40	
Total		1.478	0.281	266.2	78.90	

To: The confluence with the Lostine River in the NWSE of Sec. 19, T1N, R43E, WM (approx. RM 25.9) at Latitude: 45.552227, Longitude: -117.490133

**Instream Reach No. 9:**

From the mouth of the Lostine River (approx. RM 25.9) (as described in Reach No. 6):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
11642 (IS)	6/6/1935	0.743	0.025	133.68	29.70	May 3 through September 30
62054	10/30/1979	0.144	0.144	26.04	17.64	
93536	3/27/1901	0.018	0.006	3.24	0.72	
93525	1896	0.041	0.013	7.32	1.62	
93525	1882	0.428	0.140	76.44	16.98	
93519	1889	0.100	0.033	17.82	3.96	
93519	1883	0.020	0.007	3.54	0.78	
93527	1889	0.003	0.001	0.54	0.12	
93513	1883	0.210	0.069	37.56	8.34	
93515	May 1897	0.020	0.007	3.54	0.78	
93517	1883	0.124	0.041	22.14	4.92	
93523	1900	0.229	0.075	40.80	9.06	
93531	1881	0.026	0.008	4.62	1.02	
93533	3/27/1901	0.015	0.005	2.70	0.60	
Total		2.121	0.574	379.98	96.24	

To: A location in the NWNW of Sec. 19, T1N, R43E, W.M. (approx. RM 26.4) at Latitude: 45.55639, Longitude: -117.48803.

**Instream Reach No. 10:**

From the location in NWNW of Sec. 19, T1N, R43E, W.M. (approx. RM 26.4) (as described in Reach No. 9):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
11642 (IS)	6/6/1935	0.495	0.016	89.12	19.80	May 3 through September 30
62054	10/30/1979	0.096	0.096	17.36	11.76	
93536	3/27/1901	0.012	0.004	2.16	0.48	
93525	1896	0.027	0.009	4.88	1.08	
93525	1882	0.285	0.094	50.96	11.32	
93519	1889	0.066	0.022	11.88	2.64	
93519	1883	0.013	0.004	2.36	0.52	
93527	1889	0.002	0.001	0.36	0.08	
93513	1883	0.140	0.046	25.04	5.56	
93515	May 1897	0.013	0.004	2.36	0.52	
93517	1883	0.083	0.027	14.76	3.28	
93523	1900	0.152	0.050	27.20	6.04	
93531	1881	0.017	0.006	3.08	0.68	
93533	3/27/1901	0.010	0.003	1.80	0.40	
Total		1.411	0.382	253.32	64.16	

To: The location in the SESE of Sec. 11, T1N, R43E, WM (approx. RM 23.75) at Latitude: 45.57406, Longitude: -117.52571

**Instream Reach No. 11:**

From the location in the SESE of Sec. 11, T1N, R42E, WM (at approx. RM 23.75) at Latitude: 45.57406, Longitude: -117.52571

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/3-7/31	8/1-9/30	5/3-7/31	8/1-9/30	
11642 (IS)	6/6/1935	0.371	0.012	66.84	14.85	May 3 through September 30
62054	10/30/1979	0.072	0.072	13.02	8.82	
93536	3/27/1901	0.009	0.003	1.62	0.36	
93525	1896	0.020	0.007	3.66	0.81	
93525	1882	0.214	0.070	38.22	8.49	
93519	1889	0.050	0.017	8.91	1.98	
93519	1883	0.010	0.003	1.77	0.39	
93527	1889	0.002	0.001	0.27	0.06	
93513	1883	0.105	0.035	18.78	4.17	
93515	May 1897	0.010	0.003	1.77	0.39	
93517	1883	0.062	0.020	11.07	2.46	
93523	1900	0.114	0.038	20.40	4.53	
93531	1881	0.013	0.004	2.31	0.51	
93533	3/27/1901	0.008	0.002	1.35	0.30	
Total		1.060	0.287	189.99	48.12	

To: The mouth of the Wallowa River (RM 0.0) at the confluence with the Grande Ronde River (approx. RM 100.0) located within the SWNW of Sec. 23, R3N, R40E, WM.

Originating Certificate 11642 is supplemental to Certificates 93513, 93515, 93517, and 93525. The portion of Certificate 11642 being transferred instream shall only be protected instream if the full rate and duty under Certificates 93513, 93515, 93517, and 93525 is not available.

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.

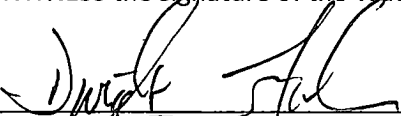
Within the specified stream reaches, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.

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 Certificates 11642, 62054, 93513, 93515, 93517, 93519, 93523, 93525, 93527, 93531, 93533, and 93536, 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 112, Page **182**, approving Transfer T-12853, and together with Certificates 94150, 94151, 94152, 94153, 94154, 94155, 94156, 94157, 94158, 94159, 94160, and 94163, supersedes Certificates 11642, 62054, 93513, 93515, 93517, 93519, 93523, 93525, 93527, 93531, 93533, and 93536, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed DEC 28 2018.

  
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Dwight French, Water Right Services Administrator, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department