

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 the LOSTINE RIVER (aka SOUTH FORK WALLOWA RIVER), a tributary to the WALLOWA 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 Wallowa County. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 5 at Pages 177, 184-185, and 193.

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

**LOSTINE RIVER, tributary to Wallowa River**

**Instream Point No. 1:**

At the Foster Ditch at approximately River Mile (RM) 4:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH: 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; LATITUDE: 45.50716, LONGITUDE: -117.45096

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.62	112.65	May 1 through July 31
94327	1883	0.74	134.55	May 1 through July 31
Totals		1.36	247.20	

**Instream Reach No. 1:**

From immediately below the Foster Ditch (as described as Instream Point No. 1):

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.61	110.40	May 1 through July 31
94327	1883	0.73	131.86	May 1 through July 31
Totals		1.34	242.26	

To the Clearwater Ditch at approximately RM 3.2:

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. 2:**

At the Clearwater Ditch (as described in Instream Reach No. 1):

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.61	110.40	May 1 through July 31
94327	1883	0.73	131.86	May 1 through July 31
3153	1883	0.58	106.20	May 1 through July 31
Totals		1.92	348.46	

**Instream Reach No. 2:**

From immediately below the Clearwater Ditch (as described in Instream Reach 1):

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.56	101.39	May 1 through July 31
94327	1883	0.67	121.10	May 1 through July 31
3153	1882	0.52	95.58	May 1 through July 31
Totals		1.75	318.07	

To: The mouth of the Lostine River at RM 0.0, at the confluence of the Wallowa River:

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

**Instream Reach No. 3:**

From the mouth of the Lostine River at RM 0.0

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.37	67.59	May 1 through July 31
94327	1883	0.44	80.73	May 1 through July 31
3153	1882	0.35	63.72	May 1 through July 31
Totals		1.16	212.04	

To: The Wallowa River at the coordinates: Latitude: 45.55639, Longitude: -117.49803

**Instream Reach No. 4:**

From the Wallowa River at Latitude: 45.55639, Longitude: -117.49803

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.25	45.06	May 1 through July 31
94327	1883	0.30	53.82	May 1 through July 31
3153	1882	0.23	42.48	May 1 through July 31
Totals		0.78	141.36	

To: Latitude: 45.57406, Longitude: -117.52571 near the town of Wallowa

**Instream Reach No. 5:**

From the Wallowa River at Latitude: 45.57406, Longitude: -117.52571 near the town of Wallowa

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.19	33.80	May 1 through July 31
94327	1883	0.22	40.37	May 1 through July 31
3153	1882	0.17	31.86	May 1 through July 31
Totals		0.58	106.03	

To: The mouth of the Wallowa River at the confluence with the Grande Ronde River (approx. RM 100), located within the SWNW of Sec. 23, T3N, R40E, W.M.

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 allocation shall replace a portion of instream water rights established pursuant to ORS 537.341 OR 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified in an order approving a new instream water right under these statutes.

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 Allocation of Conserved Water 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 3053, 94327, 94163, and any related decree.

This certificate is issued to correct a scrivener's error of the latitude in the ending point of instream reach No. 4 and the beginning point of instream reach No. 5 located near the town of Wallowa. This certificate supersedes Certificate 94777.

WITNESS the signature of the Water Resources Director, affixed JAN 21 2020.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line. The signature is cursive and somewhat stylized.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department