

STATE OF OREGON
 COUNTY OF KLAMATH
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
 WATER RESOURCES DEPARTMENT

confirms the right to use the waters of Big Marsh Creek, tributary to Crescent Creek, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; and pollution abatement.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County. The date of priority is September 1, 1898. 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 May 22
Reach No. 1	0.024 Cubic Foot per Second (CFS)
Reach No. 2	0.022 CFS
Reach No. 3	0.021 CFS
Reach No. 4	0.021 CFS
Reach No. 5	0.020 CFS

or its equivalent in case of rotation, measured at the point of diversion, during the specified instream period.

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 94936, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	7 E	WM	20	SW SW	975 FEET NORTH AND 260 FEET EAST FROM THE SW CORNER OF SECTION 20

To the northern boundary of the SW NE of Section 20, T24S, R7E, W.M.

Reach No. 2: From the northern boundary of the SW NE of Section 20, T24S, R7E, W.M to the mouth of Big Marsh Creek.

Reach No. 3: In Crescent Creek, from the confluence with Big Marsh Creek, to the mouth of Crescent Creek.

Reach No. 4: In the Little Deschutes River, from the confluence with Crescent Creek, to the mouth of the Little Deschutes River.

Reach No. 5: In the Deschutes River, from the confluence with the Little Deschutes River, to Lake Billy Chinook.

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.

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.

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.

Mitigation Credit Award

Mitigation Project: MP-235
Mitigation Credits Awarded: 2.0
Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Little Deschutes River, Upper Deschutes, Middle Deschutes and General Zones of Impact

Each mitigation credit equals 2.0 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 up to 4.25 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 are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder.

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 Certificate 94936, 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 117, Page 524, approving Transfer T-12860, and along with Certificate 95245 supersedes Certificate 94936, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed SEP 16 2020

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Tom M. Byler, Director, Oregon Water Resources Department