

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) and Wallowa River tributaries of Wallowa River and Grande Ronde 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, 181, 184-185, and 193. Portions of this right were also confirmed by Permit S-11695.

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 Miles Ditch POD (described below):

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

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/1-7/31	8/1-9/30	5/1-7/31	8/1-9/30	
94906	1889	0.098	0.032	17.94	3.90	May 1 through September 30

Instream Reach No. 1:

From: Immediately below the Miles Ditch POD to the Foster Ditch POD (described below):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/1-7/31	8/1-9/30	5/1-7/31	8/1-9/30	
94906	1889	0.093	0.031	17.04	3.71	May 1 through September 30

Foster POD:

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 FROM THE CENTER OF SECTION 4 LATITUDE: 45.50716, LONGITUDE: -117.45096

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.

Instream Point No. 2:

At Foster POD (described above):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/1 – 7/31	8/1 – 9/30	5/1 – 7/31	8/1 – 9/30	
94906	1889	0.093	0.031	17.04	3.71	May 1 through September 30
94782	1882	0.164	0.054	29.90	6.50	
94780	1883	0.008	0.002	1.38	0.30	
Total		0.265	0.087	48.32	10.51	

Instream Reach No. 2:

From: Immediately below the Foster POD to the Clearwater Ditch POD (described below):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/1 – 7/31	8/1 – 9/30	5/1 – 7/31	8/1 – 9/30	
94906	1889	0.093	0.031	17.04	3.71	May 1 through September 30
94782	1882	0.156	0.051	28.41	6.18	
94780	1883	0.007	0.002	1.31	0.29	
Total		0.256	0.084	46.76	10.18	

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 OF THE SW CORNER OF SECTION 33; LATITUDE: 45.518688; LONGITUDE: -117.469878

Instream Point No. 3:

At the Clearwater Ditch POD (described above):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/1 – 7/31	8/1 – 9/30	5/1 – 7/31	8/1 – 9/30	
94906	1889	0.093	0.031	17.04	3.71	May 1 through September 30
94782	1882	0.156	0.051	28.41	6.18	
94780	1883	0.007	0.002	1.31	0.29	
94778	1883	0.086	0.028	15.64	3.40	
Total		0.342	0.112	62.40	13.58	

Instream Reach No. 3:

From: Immediately below the Clearwater Ditch POD 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):

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/1 – 7/31	8/1 – 9/30	5/1 – 7/31	8/1 – 9/30	
94906	1889	0.088	0.029	16.15	3.51	May 1 through September 30
94782	1882	0.147	0.048	26.91	5.85	
94780	1883	0.007	0.002	1.24	0.27	
94778	1883	0.077	0.025	14.08	3.06	
Total		0.319	0.104	58.38	12.69	

WALLOWA RIVER, tributary to the Grande Ronde River

Instream Reach No. 4:

From the authorized POD for Certificate 94160 (as described below) to the confluence of the Lostine River:

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
		5/1 – 7/31	8/1 – 9/30	5/1 – 7/31	8/1 – 9/30	
94160 (IS)	6/6/1935	0.355	0.117	64.86	14.10	May 1 through September 30

Instream Reach No. 5:

From the mouth of the Lostine River (approx. RM 25.9) to a location in the NWNW of Sec. 19, T1N, R43E, W.M. (approx. RM 25.6) at Latitude: 45.55639, Longitude: -117.48803:

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/1 – 7/31	8/1 – 9/30	5/1 – 7/31	8/1 – 9/30	
94906	1889	0.059	0.019	10.76	2.34	May 1 through September 30
94782	1882	0.098	0.032	17.94	3.90	
94780	1883	0.005	0.001	0.83	0.18	
94778	1883	0.051	0.017	9.38	2.04	
94160 (IS)	6/6/1935	0.213	0.070	38.92	8.46	
Total		0.426	0.139	77.83	16.92	

Instream Reach No. 6:

From the location in NWNW of Sec. 19, T1N, R43E, W.M. (approx. RM 25.63) to the location in the SESE of Sec. 11, T1N, R43E, WM (approx. RM 23.8) at Latitude: 45.57406, Longitude: -117.52571:

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/1 – 7/31	8/1 – 9/30	5/1 – 7/31	8/1 – 9/30	
94906	1889	0.039	0.013	7.18	1.56	May 1 through September 30
94782	1882	0.066	0.021	11.96	2.60	
94780	1883	0.003	0.001	0.55	0.12	
94778	1883	0.034	0.011	6.26	1.36	
94160 (IS)	6/6/1935	0.142	0.047	25.94	5.64	
Total		0.284	0.093	51.89	11.28	

Instream Reach No. 7:

From the location in the SESE of Sec. 11, T1N, R42E, WM (at approx. RM 23.8) at Latitude: 45.57406, Longitude: -117.52571 to the mouth of the Wallowa River at the confluence with the Grande Ronde River

Certificate	Priority	Instream Rate (CFS)		Instream Volume (AF)		Period Protected
		5/1 – 7/31	8/1 – 9/30	5/1 – 7/31	8/1 – 9/30	
94906	1889	0.029	0.010	5.38	1.17	May 1 through September 30
94782	1882	0.049	0.016	8.97	1.95	
94780	1883	0.002	0.001	0.41	0.09	
94778	1883	0.026	0.008	4.69	1.02	
94160 (IS)	6/6/1935	0.107	0.035	19.46	4.23	
Total		0.213	0.070	38.91	8.46	

Certificate 94160 is supplemental to Certificates 94782, 94906, 94780, and 94778. The portion of Certificate 94160 being transferred instream shall only be protected instream if the full rate and duty under Certificates 94782, 94906, 94780, and 94778 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.

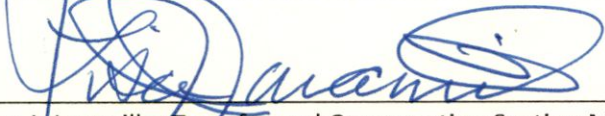
Within the specified stream reaches, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine 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 94160, 94782, 94906, 94780, and 94778 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 120, Page 247, approving Transfer T-13431, and together with Certificates 95646, 95648, 95649, 95650, supersedes Certificates 94160, 94782, 94906, 94780, and 94778, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed APR 21 2021.



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