

STATE OF OREGON

COUNTIES OF DESCHUTES AND KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of the Little Deschutes River, tributary to the Deschutes River, 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 decree is of record at Salem in the Order Record of the Water Resources Director, in Volume 16, at Page 185. The date of priority is 1897.

The location of the diversion authorized previously under Certificate 90239 is located approximately at:

Twp	Rng	Mer	Sec	Q Q	Measured Distance
23 S	9 E	W.M.	34	SW SW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

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

Instream Reach 1: From authorized point of diversion for Certificate 90239 to the confluence of the Little Deschutes River and Long Prairie Slough (approximately River Mile 28.6)

Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1897	0.58	93.2	July 7 through August 19
	0.29		August 20 through October 31

Instream Reach 2: From the confluence of the Little Deschutes River and Long Prairie Slough (approximately River Mile 28.6) to the mouth of the Little Deschutes River

Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1897	0.18	41.9	July 7 through October 31

Instream Reach 3: In the Deschutes River from the confluence with the Little Deschutes River to Lake Billy Chinook (approximately River Mile 120.0)

Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
1897	0.17	39.0	July 7 through October 31

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.

Mitigation Credit Award

Mitigation Project: MP-266
Mitigation Credits Awarded: 41.9
Zone of Impact: These mitigation credits may be used to satisfy a mitigation obligation within the Little Deschutes River Zone of Impact. Of the 41.9 credits awarded, 39.0 credits may be used within the Upper Deschutes, Middle Deschutes, and General Zones 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, being up to 93.2 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.

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 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.

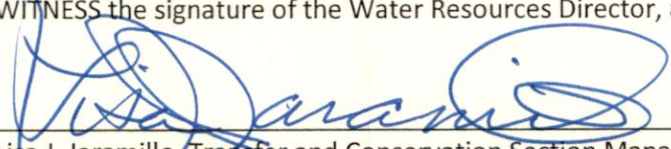
The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right is subject to all other terms and conditions of Certificate 90239, 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 807, approving Instream Transfer T-13456, and along with Certificate 95746 supersedes Certificate 90239, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed _____

JUN 14 2021



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