

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of Whychus Creek (formally Squaw Creek), 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.

This right was confirmed by confirmed by Squaw (Whychus) Decree, entered of record at Salem in the Order Records in Volume 1, at page 120. The date of priority is 1897. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed:

Reach	Instream Rate (CFS)	Volume (AF)	Instream Period
Reach No. 1	0.277	101.2	April 15 through October 15
Reach No. 2	0.091	33.1	

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

Reach No. 1: At the POD as described below (approximately RM 9.5) to the mouth of Whychus Creek into the Deschutes River to the Madras Gage (approximately RM 100.1)

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	11E	WM	9	SE NE	W.E. CLAYPOOL DITCH – 800 FEET WEST AND 130 FEET NORTH OF THE EAST ¼ CORNER OF SECTION 9, RIVER MILE 9.5 LATITUDE: 44.37284 NORTH LONGITUDE: -121.41525 WEST

Reach No. 2: In the Deschutes River from immediately below the Madras Gage (approx. RM 100.1) to the mouth (RM 0.0)

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.

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 proposed reach on Whychus Creek, the instream rights established by this transfer shall be additive to other instream water rights established pursuant to ORS 537.336 (state agency application process), ORS 537.348 (instream transfer process and instream lease), and ORS 537.470 (allocation of conserved water process) for the period of June 1 through October 15. During the period of April 15 to June 1, the instream rights established by this transfer shall replace a portion of Certificate 73223 (established under ORS 537.336) with an earlier priority date and shall be additive to other instream water rights established pursuant to ORS 537.348 and ORS 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.

The instream rights established by this transfer, within the proposed reach on the Deschutes River, shall be additive to other instream water rights, established pursuant to ORS 537.348 (instream transfer process and instream lease) and ORS 537.470 (allocation of conserved water process), and shall replace the existing instream water rights established under ORS 537.336 (state agency application process) with an earlier priority date unless otherwise specified by an order approving a new instream water right under these statutes.

The right is subject to all other terms and conditions of Certificate 265, 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 122, Page 110, approving Transfer T-13615, supersedes Certificate 265, State Record of Water Right Certificate.

WITNESS the signature of the Water Resources Director, affixed DEC 01 2021.



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