

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 TUMALO CREEK, tributary to 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 decrees of the Circuit Court of the State of Oregon for Deschutes County. The decrees are of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at Page 135 and in Volume 16 at Page 188. The date of priority and rate associated with each priority is as described below. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.439 CUBIC FOOT PER SECOND during APRIL 15 to OCTOBER 15.

Priority Date	Rate (cfs)
August 5, 1900	0.039
September, 1900	0.272
April 28, 1905	0.029
May 27, 1907	0.004
June 1, 1907	0.095
Total	0.439

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

From the location of the diversion authorized previously under Certificate 95175, located at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	23	SW NE	TUMALO FEED CANAL POD 1: NORTH 70 DEGREES 21 MINUTES WEST, 1550 FEET FROM THE EAST 1/4 CORNER OF SECTION 23

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

To the mouth of TUMALO CREEK, and then into the DESCHUTES RIVER to LAKE BILLY CHINOOK at River Mile 120.

The instream water right shall allow the use of the water to provide fish screen bypass and cleaning flows at the Tumalo Feed Canal diversion provided such use does not interfere with use of instream flow to operate fish passage facilities at the same site.

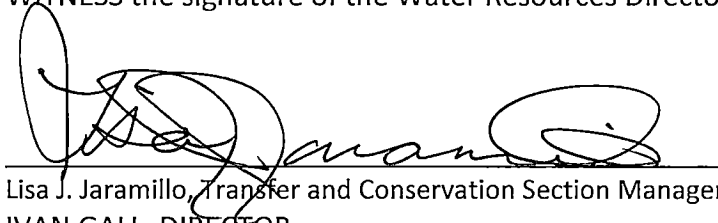
Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine 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 Certificate 95175, and any related decree.

This certificate is issued to confirm an ALLOCATION OF CONSERVED WATER approved by an order of the Water Resources Director recorded in Special Order Volume 133, Page 166, finalizing the conserved water under application CW-128, and modifies Certificate 95175, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed SEP 16 2024.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department