

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 CRESCENT LAKE RESERVOIR, a tributary of Crescent Creek, constructed under Permit R-102, 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.

This right was perfected under Permit S-624. The date of priority is APRIL 7, 1911. The use is limited to 257.30 ACRE-FEET OF STORED WATER ONLY as follows:

Priority Date	Season	Period of Use	Volume (AF)
April 7, 1911	1	April 1 through April 30 and October 1 through October 31	22.31
	2	May 1 through May 14 and September 15 through September 30	14.87
	3	May 15 through September 14	220.12
	Total		257.30

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

From the authorized points of diversion for TID at the Crescent Lake Reservoir on Crescent Creek from January 1 through December 31:

Twp	Rng	Mer	Sec	Q-Q
24 S	6 E	WM	11	SE SW
24 S	6 E	WM	11	SW SE

To the mouth of CRESCENT CREEK and then into the LITTLE DESCHUTES RIVER from the mouth of Crescent Creek to the mouth of the Little Deschutes River and then into the DESCHUTES RIVER to LAKE BILLY CHINOOK at River Mile 120.

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 account for channel losses, an 18 percent loss factor shall be applied between the mouth of Crescent Creek on the Little Deschutes River to Benham Falls on the Deschutes River, and a 7 percent loss factor shall be applied on the Deschutes River between Benham Falls and the City of Bend. For example, if 9.18 cfs was protectable under this right at Crescent Creek Gauging Station No. 14060000, then 7.53 cfs would be protectable at Benham Falls and 7.00 cfs would be protectable at Bend.

The volume to be protected throughout the year, including any volume to be released outside the irrigation season, will be determined by the local Watermaster to ensure the seasonal and annual volumes are not exceeded.

This instream flow shall be additive to the 5.0 cfs flow release required at Crescent Creek Gauging Station Number 1406000, as specified in the Final Order Approving Allocation of Conserved Water CW-37, recorded at Special Order Volume 67, pp. 509 – 517, at p. 512. Additionally, a memorandum of agreement was approved on June 1, 2021, recorded at Special Order Volume 120, Page 773, and superseded and corrected on August 24, 2022, recorded at Special Order Volume 125, Page 635.

This instream certificate together with all other instream water rights and secondary water right Certificate 95177 that are supplied by primary storage right 76683 shall have full access to water if water is available under Certificate 76683. In the event that storage water under Certificate 76683 is not available, the instream and out of stream secondary uses shall be curtailed proportionately until such time that stored water is available.

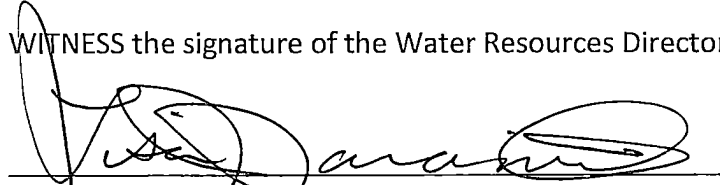
Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine 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 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 95177, 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 95177, 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