

STATE OF OREGON

COUNTIES OF DESCHUTES AND JEFFERSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of WHYCHUS CREEK, a tributary of the DESCHUTES RIVER, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, other ecological values, and recreation.

This right was confirmed by decree of the Circuit Court of the State of Oregon for CROOK COUNTY. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 1, at Pages 121, 122, 123, 124, 435, 438, 445, 472, and 473. The date of priority is 1895. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.33 CFS, further limited to 140.1 Acre-Feet from April 1 through October 31, or such other time as Three Sisters Irrigation District is diverting water for a beneficial use under Certificate 95971 or any superseding certificate.

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

From the location of the diversion previously authorized under Certificate 95971, located at approximately River Mile 24.5:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	15 S	10 E	WM	21	SW SW	998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER OF SECTION 21

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 either 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 Whychus Creek at the confluence with the Deschutes River at RM 0.0, then into the Deschutes River to Lake Billy Chinook as follows:

Whychus Creek, tributary to the Deschutes River

Priority Date	Period of Use	Location	Rate (CFS)	Volume (AF)
1895	April 1 through October 31	Reach 1: At the authorized POD at approximately RM 24.5 to the mouth of Whychus Creek	0.33	140.1

Deschutes River, tributary to the Columbia River

Priority Date	Period of Use	Location	Rate (CFS)	Volume (AF)
1895	April 1 through October 31	Reach 2: From the confluence of Whychus Creek with the Deschutes River to Lake Billy Chinook at RM 120	0.33	140.1

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 under these statutes.

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 129, Page 1179 approving Allocation of Conserved Water Application CW-137, which modified Certificate 95971, State Record of Water Rights.

The right is subject to all other terms and conditions of Certificate 95971, and any related decree.

WITNESS the signature of the Water Resources Director, affixed APR 22 2024.

  
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Lisa J. Varamillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
OREGON WATER RESOURCES DEPARTMENT