



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one		
<input checked="" type="checkbox"/> Permanent Transfer <input type="checkbox"/> Temporary Transfer (1 to 5 yrs.) • total number of years: _____ (begin year: _____) (end year: _____)	<input checked="" type="checkbox"/> Instream Transfer <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Time-Limited <input type="checkbox"/> Drought Transfer <input type="checkbox"/> Other	Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2. APPLICANT INFORMATION

Name: Deschutes River Conservancy
First Last

Address: 700 NW Hill St.
Bend, OR 97701
City State Zip

Phone: 541-382-4077, ext. 21
Home Work Other

Fax: 541-382-4078 E-Mail address: zach@deschutesriver.org

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Zachary Tillman
First Last

Address: Same as above
City State Zip

Phone: 541-382-4077, ext 21
Home Work Other

Fax: 541-382-4078 E-Mail address: zach@deschutesriver.org

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- If an agent is listed above, please check **one** of the following:
 - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	Squaw Creek (Whychus Creek)	T-8900, T-8902	85384
2.	Squaw Creek (Whychus Creek)	T-8900, T-8902	85385
3.	Squaw Creek (Whychus Creek)	T-8900, T-8902	85390
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - Place of Use Point of Diversion (POD) Additional Point of Diversion
 - Character of Use Point of Appropriation (POA, or well) Additional POA
 - Instream Transfer Surface Water POD to Ground Water POA
 - Substitution of Supplemental Groundwater right for Primary Surface water right
 - Historic POD change Other
- Reason(s) for change(s): Permanent instream transfer for restoration (no mitigation).

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5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

Three Sisters Irrigation District has operational control of the Uncle John Ditch. The diversion at Whychus Creek is a 5' standard contracted rectangular weir. There is gravity irrigation on the Lazy Z property via spreader ditches.

- System capacity: 15 cfs 15 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

Three Sisters Irrigation District has operational control of the Uncle John Ditch, but the 63 acres subject to transfer have been "excluded" from the district (district exclusion attached). Three Sisters ID, PO Box 2230, Sisters, OR 97759

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

City of Sisters-520 E Cascades Ave., P.O. Box 39-Sisters, OR 97759-
estein@ci.sisters.or.us

Deschutes County Planning Department-117 NW Lafayette Ave.-Bend, OR 97701-
planningcommission@co.deschutes.or.us

Jefferson County Planning Department-66 SE D Street-Madras, OR 97741-
sandy.mathewson@co.jefferson.or.us

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Wasco County Planning & Development-2705 East 2nd Street-The Dalles, OR 97058-
wcplanning@co.wasco.or.us

City of Maupin: City Hall-408 Deschutes Ave.-Maupin, OR 97037-
maupincity@centurytel.net

Confederated Tribes of Warm Springs-1233 Veterans St.-Warm Springs, OR 97761-
dsehgal@wstribes.org, rbrunoe@wstribes.org, Cc to: bhouslet@wstribes.org, j_manion@wspower.com

Three Sisters Irrigation District – P.O. Box 2230, Sisters, OR 97759 – tsid@uci.net

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9. LAND OWNERSHIP

- Does the applicant own the lands where the portion of water right proposed for transfer is currently located? Yes No

*If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):*

Names of Current Landowner(s): Lazy Z Meadows, LLC
First Last

Address: 750 Buckaroo Trail, Suite 204

Sisters, OR 97759
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?
 Yes No N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check **one** of the following:
 - The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
 - N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

10. Other Remarks (optional)

The water right was conveyed to the Deschutes River Conservancy. A water right conveyance agreement was filed with the Deschutes County Clerks office. Supporting documentation is attached per pg 7, #12 of this application.

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11. ATTACHMENTS

*Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.*

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

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Land Use Information For Proposed Changes:

For Instream Transfers:

- Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

- Land Use Information Form is enclosed; *or*
- All** of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- Amount enclosed: \$975.00
((900+400+400+250)*0.5) WATER RESOURCES DEPT
See the Department's Fee Schedule at SALEM, OREGON
www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

▪ Check **one** of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

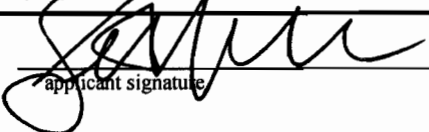
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

▪ I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	Scott McCaulon name and title if applicable (print)	9/8/09 date
 applicant signature	 name and title if applicable (print)	RECEIVED date

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 85384

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (*check and complete one of the following*):

<input checked="" type="checkbox"/> Certificated Right	<u>85384</u> Certificate Number	<u>Squaw Creek (Whychus Ck)</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: City of Sisters; Lazy Z Meadows, LLC
- County: Deschutes
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1880

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Whychus Creek

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Tributary to: Deschutes River

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*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

Yes No N/A – *No Change in Place of Use or Character of Use*

If "Yes", what are the Permit, Registration or Certificate Numbers? 85385, 85390

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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▪ Certificate Number or other identifying number: 85384

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Whychus Creek 1880	15 S	10 E	WM	21	SWSW		600 ft North & 1100 ft East from the SW Corner, Sec. 21

- Does the water right being transferred involve a ground water source(s)?

Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

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Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
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▪ Certificate Number or other identifying number: 85384

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: 85384

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

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Remarks: _____
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_____ SALEM, OREGON

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 85385

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (*check and complete one of the following*):

<input checked="checked" type="checkbox"/> Certificated Right	85385 <small>Certificate Number</small>	Squaw Creek (Whychus Ck) <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Non-certificated Right	 <small>Name of Decree</small>	 <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	 <small>Permit Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	 <small>Previous Transfer Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>

- Name on Permit, Certificate, or Decree: City of Sisters; Lazy Z Meadows, LLC
- County: Deschutes
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1881

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

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- Source(s) of Water to be Affected by Transfer: Whychus Creek

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Tributary to: Deschutes River

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights, Permits or Ground Water Registrations** associated with this land?

Yes No N/A – *No Change in Place of Use or Character of Use*

If "Yes", what are the Permit, Registration or Certificate Numbers? 85384, 85390

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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▪ Certificate Number or other identifying number: 85385

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Whychus Creek 1881	15 S	10 E	WM	21	SWSW		Uncle John Ditch – 140 ft North & 1190 ft East from the SW Corner, Section 21

- Does the water right being transferred involve a ground water source(s)?
 Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

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SALEM, OREGON

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
T 10952									

▪ Certificate Number or other identifying number: 85385

Will the ENTIRE water right be affected by this transfer? Yes No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Whychus Creek 1881	15 S	10 E	WM	10	NE SW	705	4.4
Whychus Creek 1881	15 S	10 E	WM	10	NW SW	705	21.1

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▪ Certificate Number or other identifying number: 85385

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

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Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 85390

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (*check and complete one of the following*):

<input checked="" type="checkbox"/> Certificated Right	85390	Squaw Creek (Whychus Ck)
	<small>Certificate Number</small>	<small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	<small>Name of Decree</small>	<small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	<small>Permit Number</small>	<small>Date Claim of Beneficial Use Submitted</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	<small>Previous Transfer Number</small>	<small>Date Claim of Beneficial Use Submitted</small>

▪ Name on Permit, Certificate, or Decree: City of Sisters; Lazy Z Meadows, LLC

▪ County: Deschutes

▪ Authorized Use(s) to be Affected by Transfer: Irrigation

▪ Priority Date(s): 1880

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

▪ Source(s) of Water to be Affected by Transfer: Whychus Creek

Tributary to: Deschutes River

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

▪ Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? 85384, 85385

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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SALEM, OREGON

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▪ Certificate Number or other identifying number: 85390

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Whychus Creek 1881	15 S	10 E	WM	21	SWSW		Uncle John Ditch – 140 ft North & 1190 ft East from the SW Corner, Section 21

▪ Does the water right being transferred involve a ground water source(s)?

Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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SALEM, OREGON

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▪ Certificate Number or other identifying number: 85390

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

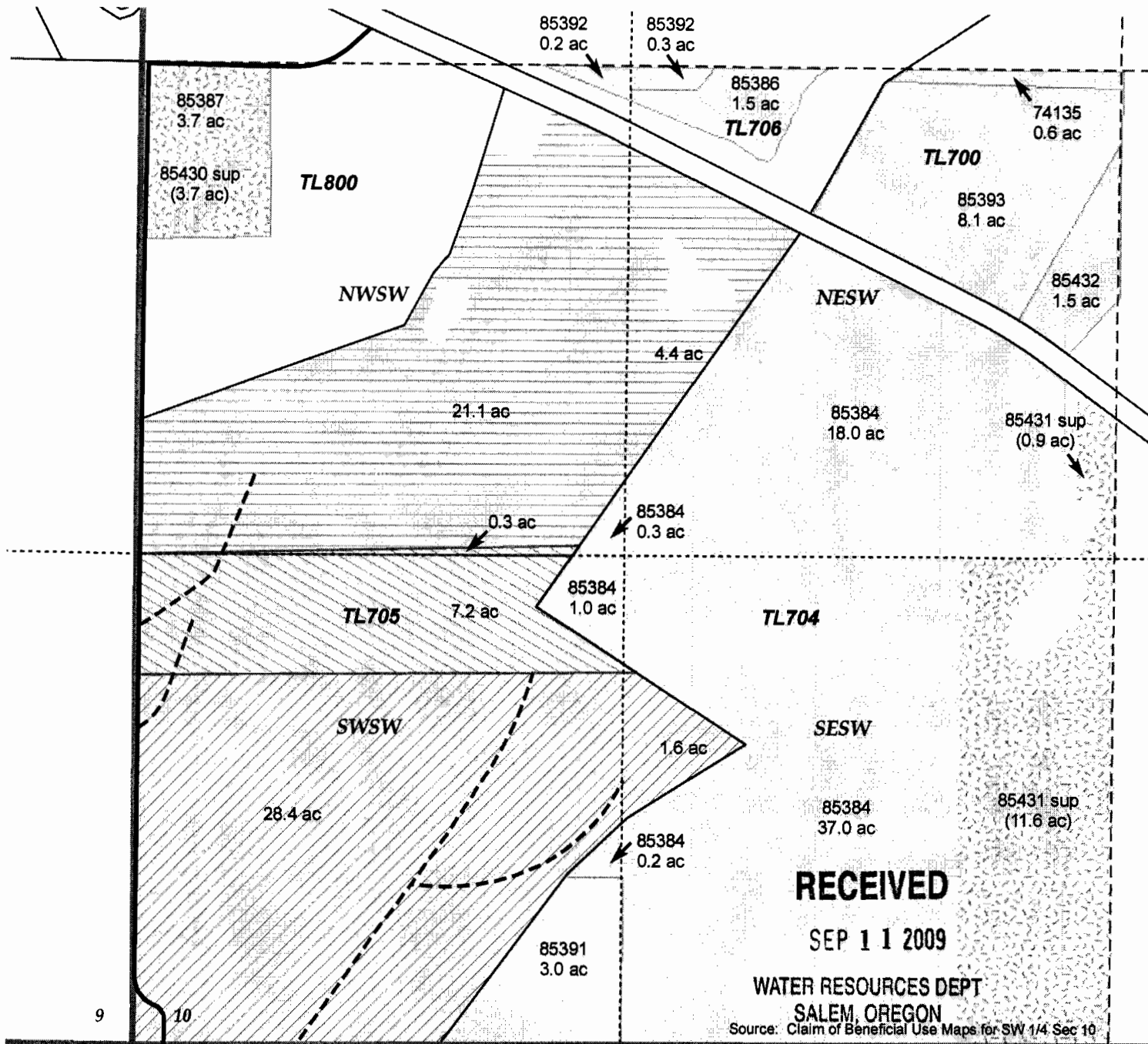
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 SALT LAKE COUNTY

DESCHUTES COUNTY SEC 10 T15S R10E



SCALE: 1" = 400'



- | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-------------------------------|----|------------------------------------|--|-------------------------------|--|-----------------------|--|--------|--|-------------------|--|------------------------------------|--|--------------|--|------------------|--|------------------|--|------------------|--|-------------------|--|----------------|--|----------------------|
| 9 | 10 | 16 | 15 | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0"> <tr> <td></td> <td>Off lands (63.0 acres)</td> <td></td> <td>Existing water rights</td> <td></td> <td>Taxlot</td> </tr> <tr> <td></td> <td>C-85385 (25.5 ac)</td> <td></td> <td>Existing supplemental water rights</td> <td></td> <td>PLSS Section</td> </tr> <tr> <td></td> <td>C-85384 (7.5 ac)</td> <td></td> <td>Uncle John ditch</td> <td></td> <td>PLSS 1/4 Section</td> </tr> <tr> <td></td> <td>C-85390 (30.0 ac)</td> <td></td> <td>Delivery ditch</td> <td></td> <td>PLSS 1/4 1/4 Section</td> </tr> </table> | | | | | Off lands (63.0 acres) | | Existing water rights | | Taxlot | | C-85385 (25.5 ac) | | Existing supplemental water rights | | PLSS Section | | C-85384 (7.5 ac) | | Uncle John ditch | | PLSS 1/4 Section | | C-85390 (30.0 ac) | | Delivery ditch | | PLSS 1/4 1/4 Section |
| | Off lands (63.0 acres) | | Existing water rights | | Taxlot | | | | | | | | | | | | | | | | | | | | | | |
| | C-85385 (25.5 ac) | | Existing supplemental water rights | | PLSS Section | | | | | | | | | | | | | | | | | | | | | | |
| | C-85384 (7.5 ac) | | Uncle John ditch | | PLSS 1/4 Section | | | | | | | | | | | | | | | | | | | | | | |
| | C-85390 (30.0 ac) | | Delivery ditch | | PLSS 1/4 1/4 Section | | | | | | | | | | | | | | | | | | | | | | |



10952

APPLICATION FOR PERMANENT INSTREAM TRANSFER Deschutes River Conservancy

DESCHUTES RIVER
CONSERVANCY

T15S, R10E, Section 10, Taxlot 705

63.0 acres

Date: 06-19-09

Water Right Transfer Supplemental Form C INSTREAM WATER RIGHT TRANSFER

- Permanent Instream Transfer** or **Time-Limited Instream Transfer**
Please contact the Department with any questions on filling out this form. Attach additional pages, if necessary.

1. Identify the public use for which the instream right is requested (check one).

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values. Recreation
 Navigation
 Pollution Abatement

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2. Instream use proposed to be created by the instream transfer:

Originating Water Right Number (as identified in the transfer application)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
85384	1880	Whychus Cr.	April 15-Oct. 15	0.150	54.74
85385	1881	Whychus Cr.	April 15-Oct. 15	0.510	186.13
85390	1880	Whychus Cr.	April 15-Oct. 15	0.950	241.11
Total Volume:					481.98

* To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

** To calculate volume, multiply the rate by the number of days in the period and then multiply by 1.983471.

The quantity allocated during any period may not exceed the quantity that may be used under the existing right during that period. The total volume of water for the year may not exceed the total volume of water that may be used during the year under the existing right.

Additional information: Rate listed above is max rate. Please See Attachment A for reach and season breakdowns

3. Identify the location of the proposed instream water right.

Water is requested to be protected at a point.
Location (i.e. the point of diversion (POD), or if the water right has more than one POD or if a POD is not described on the water right, please provide the legal description): _____

Water is requested to be protected within a reach.
Location of proposed reach (if an instream water right reach is requested, identify the upstream and downstream extent of the reach): T 15 S, R 10 E, Sec.21, SWSW – WM: Uncle John Ditch- 140 feet North and 1190 feet East from the SW corner, section 21 at the mouth of Whychus Creek, from Whychus Creek to Lake Billy Chinook, from Lake Billy Chinook to the mouth of the Deschutes River

4. Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

None

Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): _____

5. Are there any existing instream water rights at the same point or within the same requested reach(es) or lake, or on a portion thereof:

No Yes (identify other instream water rights):

C-73223, 73224, 73229, 73265, 76797, 76798, 81009, 81008. OWRD maintains a current list of instream water rights.

New instream water rights generally (but not always) are additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

Yes No. If no, please explain your intent below.

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If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. *Supporting documentation should include information from the Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).*

Additional instream flows are necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

The Oregon Department of Fish and Wildlife has established minimum instream flows for Whychus Creek. Whychus Creek was historically the strongest producer of steelhead in the Upper Deschutes Subbasin and is a priority for restoration. Reintroduction of spring Chinook and ESA listed summer steelhead rely heavily on the availability of instream flows during key time periods, particularly during the spring and summer. Habitat limitations for native fish include low streamflow and poor water quality in dewatered sections.

According to the Oregon DEQ Water Quality Assessment Database, Whychus Creek is water quality limited in alkalinity and temperature between river mile 13.4 – 40.3, and 0 – 40.3, respectively. Additional instream flows would help to reduce alkalinity and temperature in this reach.

The Deschutes Subbasin Plan involves increasing stream flow in reaches adversely affected by irrigation diversions. Key habitat objectives for Whychus Creek include increasing minimum instream flow to meet the instream water right of 33 cfs below Indian Ford Creek.

6. Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

No; *or*

Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); *or*

Yes, and it is presumed that flows that exceed the estimated average natural flow or natural

lake levels are significant because:

- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the aforementioned instream water right application;
and
- For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed *(A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page); **or***
- The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. *(The scientific information provided by DEQ should be included with the transfer application.)*

7. For a time-limited instream transfer, please answer the following:

- The time-limited instream transfer is for a specific number of years:
Begin Year _____ to End Year _____
- The time-limited instream transfer is to terminate based upon other conditions:
Conditions: _____

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Attachment A

DRC - Lazy Z Instream Transfer 2009

Instream Season April 15 - October 15

Reach 1, From Uncle John Ditch to POD for C-85384

Priority	Certificate	April 1-14	April 15-May 15	May 16-October 15	Oct 16-31	Duty
1881	85385	0.000	0.510	0.510	0.000	186.13
1880	85390	0.000	0.950	0.950	0.000	241.11
Totals		0.000	1.460	1.460	0.000	427.24

Reach 2, From the POD for C-85384 RM 19.2 - the point of return flows

Priority	Certificate	April 1-14	April 15-May 15	May 16-October 15	Oct 16-31	Duty
1881	85385	0.000	0.510	0.510	0.000	186.13
1880	85384	0.000	0.150	0.150	0.000	54.74
1880	85390	0.000	0.950	0.950	0.000	241.11
Totals		0.000	1.610	1.610	0.000	481.98

Reach 3, From RM 19.2 - the point of return flows to the Mouth of Whychus Creek to the Madras gage on the Deschutes River

Priority	Certificate	April 1-14	April 15-May 15	May 16-October 15	Oct 16-31	Duty
1881	85385	0.000	0.383	0.383	0.000	140.25
1880	85384	0.000	0.113	0.113	0.000	41.25
1880	85390	0.000	0.450	0.450	0.000	165
Totals		0.000	0.946	0.946	0.000	346.5

Reach 4, From the Madras Gage on the Deschutes River to the Mouth of the Deschutes at RM 0

Priority	Certificate	April 1-14	April 15-May 15	May 16-October 15	Oct 16-31	Duty
1881	85385	0.000	0.128	0.128	0.000	45
1880	85384	0.000	0.038	0.038	0.000	13.5
1880	85390	0.000	0.150	0.150	0.000	54
Totals		0.000	0.316	0.316	0.000	112.5

Full rate protected on C-85390 from April 15-May 15, then a reduced rate from May 16-October 15

Reaches 1 & 2 protect the "return flows" to the point of return

Reach 3 protects the amount beneficially used from the point of return flows to the mouth of Whychus Creek and to the Madras gage on the Deschutes River

Reach 4 protects from the Madras gage on the Deschutes River to the Mouth of the Deschutes River

Instreamed Acres and Certificate Details:

Priority	Certificate	Acres	Rate per Acre
1881	85385	25.5	0.02
1880	85384	7.5	0.02
1880	85390	30	0.031

63

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WATER RESOURCES DEPT
SALEM, OREGON

Existing Permanent IS Water Rights

Water Rights Information Query Results

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
* Select	OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	IS70753		<u>73223</u>				NC
* Select	OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	IS70754		<u>73224</u>				NC
* Select	OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	IS70760		<u>73229</u>				NC
* Select	OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	IS73330		<u>73265</u>				NC
* Select	OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			<u>76797</u>		SQUAW CREEK [WHYCHUS CREEK]	▷ T8520	NC
* Select	OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	S34969	S27307	<u>76798</u>			▷ T8520 (Confirming)	NC
* Select	OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			<u>81009</u>		SQUAW CREEK [WHYCHUS CREEK]	▷ T9339	NC
* Select	OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271			<u>81008</u>		SQUAW CREEK [WHYCHUS CREEK]	▷ T9339	NC
Select	APPLICANT: THREE SISTERS IRRIGATION DISTRICT ▷ MARC THALACKER PO BOX 2230 SISTERS, OR 97759 APPLICANT: DESCHUTES RIVER CONSERVANCY ▷ SCOTT MCCAULOU PO BOX 1560 BEND, OR 97701	G16558						NC
Select	LESSEE: DESCHUTES WATER EXCHANGE MITIGATION BANK PO BOX 1560 BEND, OR 97709 LESSOR: ASPEN LAKES DEVELOPMENT LLC ▷ KEITH CYRUS 16900 ASPEN LAKES DRIVE SISTERS, OR	S23064	S18203	57567			▷ IL615	NC

Help understanding and working with the Water Rights Information System

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)

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WATER RESOURCES DEPT
SALEM, OREGON

T 10952

STATE OF OREGON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: SQUAW CR tributary to DESCHUTES R

County: Jefferson

Purpose: Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

SQUAW CREEK FROM INDIAN FORD CREEK RIVER MILE 19.5
(SESW, SECTION 3, T15S, R10E); TO THE MOUTH RIVER MILE
0.0 (SENE, SECTION 7, T13S, R12E)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 10/11/90.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
33.0	33.0	50.0	50.0	50.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,
affixed OCTOBER 21, 1996.


Martha O. Pagel

Recorded in State Record of Water Right Certificate number 73223.

IS 70753

T 10952

Supervisor
CMT No. 75839, 75797,
75798

RECEIVED

SEP 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: SQUAW CR tributary to DESCHUTES R

County: Deschutes

Purpose: Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

SQUAW CREEK FROM S FK SQUAW CREEK RIVER MILE 35.0
(NWNW, SECTION 32, T16S, R9E); TO INDIAN FORD CREEK
RIVER MILE 19.5 (SESW, SECTION 3, T13S, R12E)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 10/11/90.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1st%	30.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	50.0	30.0	30.0
2nd%	30.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	30.0	50.0	30.0	30.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,
affixed OCTOBER 21, 1996.


Martha O. Pagel

Recorded in State Record of Water Right Certificate number 73224.

IS 70754

RECEIVED

SEP 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

75839, 75797, 75798

T 10952

STATE OF OREGON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: INDIAN FORD CR tributary to SQUAW CR

County: Deschutes

Purpose: Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

INDIAN FORD CREEK FROM HEADWATERS (SPRINGS) (SWSW, SECTION 15, T14S, R9E); TO THE MOUTH RIVER MILE 0.0 (SESW, SECTION 3, T15S, R10E)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 10/11/90.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
6.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.4	6.0	6.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,
affixed OCTOBER 21, 1996.


Martha O. Pagel

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SEP 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

Recorded in State Record of Water Right Certificate number 73229.

IS 70760

T 10952

STATE OF OREGON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: THREE CREEK TRIB SNOW CREEK

County: Deschutes

Purpose: Migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

THREE CREEK FROM THREE CREEK LAKE (SE1/4, SECTION 15, TOWNSHIP 16S, RANGE 9E, WM); TO ITS INTERCEPTION BY SNOW CREEK (SE1/4, SECTION 36, TOWNSHIP 16S, RANGE 9E WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 4/5/93.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
4.81	4.2	4.05	4.05	7.81	10	7	7	7/7.66	4.35	5.11	4.05

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director, affixed OCTOBER 21, 1996.


Martha O. Pagel

RECEIVED

SEP 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

Recorded in State Record of Water Right Certificate number 73265.

IS 73330

T 10952

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

RECEIVED

SEP 11 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97301

confirms the right to use the waters of SQUAW CREEK, a tributary of the DESCHUTES RIVER, to maintain instream flows for FISHERIES ENHANCEMENT.

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 Page 120. The date of priority is 1884 AND 1904.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.56 CUBIC FOOT PER SECOND (CFS), being 0.34 CFS FOR 1884 and 0.26 CFS FOR 1904, or its equivalent in case of rotation, measured at the authorized point of diversion from the source, during the period APRIL 1 TO NOVEMBER 1 of each year.

The authorized point of diversion is located as follows:

NE¼ SW¼, SECTION 26, T 14 S, R 10 E, W.M.; 1370 FEET NORTH AND 190 FEET WEST FROM THE S¼ CORNER, SECTION 26.

A description of the place of use to which this right is appurtenant is as follows:

From the authorized point of diversion in the NE¼ SW¼, SECTION 26, T 14 S, R 10 E, W.M.; 1370 FEET NORTH AND 190 FEET WEST FROM THE S¼ CORNER, SECTION 26, to the mouth of Squaw Creek.

This instream right shall replace a portion of the existing instream rights for Squaw Creek, evidenced by Certificate 73223, during the irrigation season from April 1 to November 1 of each year and for the stream reach described above.

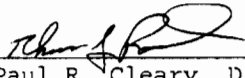
This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director approving Transfer 8520, and supersedes Certificate 275, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

T 10952

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,
affixed FEB 27 2001.



For Paul R. Cleary, Director

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SEP 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

Recorded in State Record of Water Right Certificates numbered 76797.

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97301

RECEIVED
SEP 11 2009
WATER RESOURCES DEPT
SALEM, OREGON

confirms the right to use the waters of SQUAW CREEK, a tributary of the DESCHUTES RIVER, to maintain instream flows for FISHERIES ENHANCEMENT.

This right was perfected under Permit 27307. The date of priority is MAY 31, 1961. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.43 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source, during the period JULY 10 TO NOVEMBER 1 of each year.

The authorized point of diversion is located as follows:

NE¼ SW¼, SECTION 26, T 14 S, R 10 E, W.M.; 1370 FEET NORTH AND 190 FEET WEST FROM THE S¼ CORNER, SECTION 26.

A description of the place of use to which this right is appurtenant is as follows:

From the authorized point of diversion in the NE¼ SW¼, SECTION 26, T 14 S, R 10 E, W.M.; 1370 FEET NORTH AND 190 FEET WEST FROM THE S¼ CORNER, SECTION 26, to the mouth of Squaw Creek.

This instream right shall replace a portion of the existing instream rights for Squaw Creek, evidenced by Certificate 73223, during the irrigation season, from July 1 to November 1 of each year and for the stream reach described above.

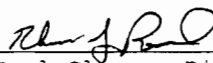
This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director approving Transfer 8520, and supersedes Certificate 28760, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources

Director, affixed FEB 27 2001



Paul Cleary, Director

RECEIVED
SEP 11 2009
WATER RESOURCES DEPT
SALEM, OREGON

Recorded in State Record of Water Right Certificates numbered 76798.

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 Big Slough (aka Indian Ford Creek), a tributary of Squaw Creek, to maintain instream flows for aquatic and fish life enhancement.

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 Page 120. The date of priority is 1871 and 1903.

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

From the location of the authorized point of diversion (SE 1/4 NW 1/4, Section 13, T14S, R9E, W.M., 2350 feet South and 2150 feet East from the NW Corner, Section 13);

To the NW 1/4 SE 1/4, Section 21, T14S, R10E, W.M.

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SEP 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

This is a final order in other than 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.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed

1871 Priority Date

0.455 Cubic Foot per Second (CFS) during the period June 10 through June 30,
0.91 CFS during the period July 1 through September 30, and
0.455 CFS during the period October 1 through October 21

Original Point of Diversion: CJ Hindman Ditches out of Big Slough (aka Indian Ford Creek)

1903 Priority Date

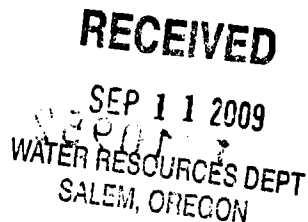
0.205 Cubic Foot per Second (CFS) during the period June 10 through June 30,
0.41 CFS during the period July 1 through September 30, and
0.205 CFS during the period October 1 through October 21

Original Point of Diversion: Ditches out of Big Slough (aka Indian Ford Creek)

(if available at the original point of diversion) or its equivalent in case of rotation. 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 as adjusted for stream channel losses and gains calculated based on available data and the use of senior appropriators.

This instream right shall replace a portion of an existing instream right for Indian Ford Creek, evidenced by Certificate 73229, during the period June 10 through October 21 of each year.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director approving Transfer 9339, and supersedes Certificate 79704, State Record of Water Right Certificate.



Mitigation Project MP-2

Mitigation Water: 109.0 Acre-Feet (AF) of Mitigation Water is generated by this portion of MP-2

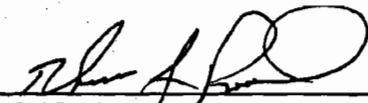
Zone of Impact: This Mitigation Water may be used to satisfy a mitigation obligation in the Squaw Creek Zone of Impact

Ground Water Mitigation: MP-2 is used to satisfy the Mitigation Obligation of Ground Water Permit Application G-15861, its succeeding permit and any subsequent certificate(s).

The amount of Mitigation Water generated by this portion of Mitigation Project MP-2 is a portion of the total volume dedicated to instream use, being 297.0 AF. The remaining balance dedicated to instream use, and not used to satisfy the Mitigation Obligation of Ground Water Permit Application G-15861, will benefit instream flows for aquatic and fish life enhancement.

The right to the use of the water for the above purpose is restricted to beneficial use in the place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights and is subject to all other terms and conditions of the original certificate, including those of the decree.

WITNESS the signature of the Water Resources Director,
affixed JANUARY 31, 2005



For Phillip C. Ward, Director

Recorded in State Record of Water Right Certificate numbered 81009.

RECEIVED

SEP 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

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 Big Slough (aka Indian Ford Creek), a tributary of Squaw Creek, to maintain instream flows for aquatic and fish life enhancement.

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 Page 120. The date of priority is 1905.

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

From the location of the authorized point of diversion (SE 1/4 NW 1/4, Section 13, T14S, R9E, W.M., 2350 feet South and 2150 feet East from the NW Corner, Section 13);

To the NW 1/4 SE 1/4, Section 21, T14S, R10E, W.M.

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SEP 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

This is a final order in other than 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.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.185 Cubic Foot per Second (CFS) during the period June 10 through June 30, 0.37 CFS during the period July 1 through September 30, and 0.185 CFS during the period October 1 through October 21 (if available at the original point of diversion) or its equivalent in case of rotation. 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 as adjusted for stream channel losses and gains calculated based on available data and the use of senior appropriators.

The original point of diversion is located as follows:

Oliver Ditch located within the SW 1/4 SW 1/4, Section 16, T14S, R10E, W.M.; 25 feet North and 790 feet East from the SW Corner of Section 16

This instream right shall replace a portion of an existing instream right for Indian Ford Creek, evidenced by Certificate 73229, during the period June 10 through October 21 of each year.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director approving Transfer 9339, and supersedes Certificate 79703, State Record of Water Right Certificate.

The right to the use of the water for the above purpose is restricted to beneficial use in the place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights and is subject to all other terms and conditions of the original certificate, including those of the decree.

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SEP 11 2009
WATER RESOURCES DEPT
SALEM, OREGON

Mitigation Project MP-2

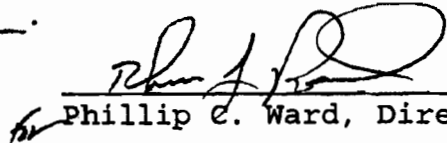
Mitigation Water: 30.4 Acre-Feet (AF) of Mitigation Water is generated by this portion of MP-2

Zone of Impact: This Mitigation Water may be used to satisfy a mitigation obligation in the Squaw Creek Zone of Impact

Ground Water Mitigation: MP-2 is used to satisfy the Mitigation Obligation of Ground Water Permit Application G-15861, its succeeding permit and any subsequent certificate(s).

The amount of Mitigation Water generated by this portion of Mitigation Project MP-2 is a portion of the total volume dedicated to instream use, being 82.8 AF. The remaining balance dedicated to instream use, and not used to satisfy the Mitigation Obligation of Ground Water Permit Application G-15861, will benefit instream flows for aquatic and fish life enhancement.

WITNESS the signature of the Water Resources Director,
affixed JANUARY 31, 2006.


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificate numbered 81008.

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SEP 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

T-9339 (MP-2) T 10952

Page 3 of 3

81008