

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF EUGENE
EUGENE WATER & ELECTRIC BOARD
500 EAST 4TH AVENUE
P.O. BOX 10148
EUGENE, OREGON 97440-2411

confirms the right to use the waters of the MCKENZIE RIVER AND TRAIL BRIDGE RESERVOIR CONSTRUCTED UNDER PERMITS R-2137 AND R-2364, tributaries of WILLAMETTE RIVER, for ELECTRIC POWER GENERATION.

This right was perfected under Permit 26809. The date of priority is APRIL 18, 1960. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 380.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion from the source. The appropriation allowed herein is supplemental to or an enlargement of the right granted by Permit No. 25514, by the State Engineer on August 4, 1958.

The point of diversion is located as follows:

NW 1/4 SW 1/4, SECTION 12, TOWNSHIP 15 SOUTH, RANGE 6 EAST, W.M.
(UNSURVEYED AREA)

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NW 1/4 SW 1/4 - TRAIL BRIDGE POWERHOUSE
SECTION 12
TOWNSHIP 15 SOUTH, RANGE 6 EAST, W.M.
(UNSURVEYED AREA)

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 of the order must be filed within the 60 days of the date of service.

33885.SB

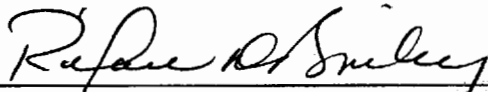
Certificate Number 80781

This right is granted subject to the condition that the water right holder will comply in all respects with the resolution of the State Water Resources Board of Oregon dated July 17, 1958, which resolution embodies a program for development of the water resources of the McKenzie River from Clear Lake downstream to River Mile 76.9 (below the mouth of Smith River) including Smith River and Bunch Grass Creek.

This right is granted subject to all terms and conditions of that certain agreement made and entered into the 1ST day of August 1958, by and between the City of Eugene, acting by and through the Eugene Water And Electric Board, party of the first part; and the State of Oregon, acting by and through the Oregon State Game Commission and the Fish Commission of Oregon, party of the second part, which agreement is recorded on Page 2 to 5, Volume 4, Miscellaneous Records of the State Engineer and be reference made a part hereof.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued June 21, 2004.



Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80781.

R-33885.SB