

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 97440-2148

confirms the right to use the waters of the SMITH RIVER AND SMITH RESERVOIR CONSTRUCTED UNDER PERMIT NO. R-2139 AND MCKENZIE RIVER AND CARMEN DIVERSION DAM RESERVOIR CONSTRUCTED UNDER PERMIT R-2138, a tributary of WILLAMETTE RIVER, for ELECTRIC POWER GENERATION.

This right was perfected under Permit 25515. The date of priority is FEBRUARY 25, 1958. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1900.0 CUBIC FEET PER SECOND(CFS); BEING 1400.0 CFS FROM THE MCKENZIE RIVER AND 500.0 CFS FROM THE SMITH RIVER, or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

SMITH RIVER AND SMITH RIVER RESERVOIR - NE 1/4 SW 1/4, SECTION 36, TOWNSHIP 14 SOUTH, RANGE 6 EAST, W.M.; AND

MCKENZIE RIVER AND CARMEN DIVERSION DAM RESERVOIR - NW 1/4, SECTION 20, TOWNSHIP 14 SOUTH, RANGE 7 EAST, W.M.

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:

SE 1/4 SW 1/4 - CARMEN POWERHOUSE
SECTION 1
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.

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.

THIS CERTIFICATE IS ISSUED TO CORRECT A CLERICAL ERROR DISCOVERED BY THE DEPARTMENT AND SUPERSEDES CERTIFICATE 80728 ISSUED JUNE 21, 2004. THIS CERTIFICATE IS ISSUED ONLY TO CORRECTLY DESCRIBE THE LOCATION OF THE SMITH RIVER AND SMITH RIVER RESERVOIR POINT OF DIVERSION.

Issued October 21, 2004.


Phillip C. Ward, Acting Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80987.

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