

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND, OR 97756

confirms the right to use up to 480 CUBIC FEET PER SECOND (cfs) of the waters of THE DESCHUTES RIVER, tributary to the COLUMBIA RIVER for HYDROELECTRIC PRODUCTION of 7909 THEORETICAL HORSEPOWER (thp).

The use of water for hydroelectric purposes shall be in conjunction with water used under the rights of Central Oregon Irrigation District evidenced by Certificates 83571 and 76714 and as delivered through the District's North Canal. Use of water shall be limited to periods when the applicant's water rights under Certificates 83571 and 76714 are put to beneficial use without waste. The amount of water used shall not be greater than the quantity of water diverted to satisfy the authorized specific uses under Certificate 83571 and 76714. The use of water shall be limited by rate, duty, season and any other limitations of Certificates 83571 and 76714.

The applicant shall measure and report the quantity of water diverted.

This right was filed under application PC 890.

The point of diversion is located: 850 FEET NORTH AND 630 FEET WEST OF THE E1/4 CORNER OF SECTION 29, being within the SE ¼ NE ¼, SECTION 29, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

The authorized place of use is located: Tax Lot 800, NW ¼ SE ¼, SECTION 34, TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M.

Appeal Rights

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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law.

Project Description

Water will be diverted from the Deschutes River, via Central Oregon's North Canal and Pipeline, approximately 6.25 miles to a vertical Francis turbine and generator located within a reinforced concrete vault. The turbine will use up to 480 cubic feet per second (cfs) of water for hydroelectric generation with an operating head of 145 feet. This provides approximately 7909 theoretical horsepower (thp) of capacity. After the water flows through the turbine it will continue in the North Canal (Pilot Butte Canal) another 36 miles to the remainder of the irrigation district's laterals and water users. The Project will have a capacity of 5000 KW.


WATER RIGHT CONDITIONS

Upon review of the application, Oregon Water Resources Department (OWRD) finds that the Project, with the conditions set forth below is consistent with the public interest. The Project is well adapted to the development and utilization of the water power involved.

1. The water right holder shall comply with all statutes and rules applicable to the Project.
2. The water right holder shall construct and build the Project according to the maps, plans and specifications filed with the application within five years of issuance of this water right certificate or by any lawful extension thereof.
3. The water right holder shall construct, operate and maintain all fish screens, by-pass devices and fish passages as required by the Oregon Department of Fish and Wildlife.
4. The Owner shall allow the OWRD Director and authorized agents and employees of the Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, and OWRD free and unrestricted access in, through, and across the Project in the performance of their official duties, and shall allow free access to all reports, accounts, records, and other data relating to said Project.
5. The restrictions established in ORS 543.660 shall apply as conditions of use.
6. This certificate shall be invalidated upon a change in the point of diversion of the water right for the Central Oregon North Canal and Pipeline.
7. The Water Resources Department shall conduct a review of this certificate upon approval of any changes or adjustments made to the applicant's existing water right for the Central Oregon North Canal and Pipeline to determine if a revised certificate should be issued.
8. The right to use water under this certificate is invalidated if the Federal Energy Regulatory Commission exemption related to the certificate is canceled or invalidated.

9. This certificate does not have its own priority date. The Department shall not regulate for or against this certificate. This certificate does not grant a right to divert water for hydroelectric purposes other than in conjunction with the water right as used under Certificates 83571 and 76714.
10. This certificate is subject to review by the Department 50 years after the date of issuance pursuant to ORS 543.765.
11. The Owner shall pay, upon receiving an invoice from OWRD, an annual fee to OWRD under ORS 543.078. This amount shall be due by the date specified on the invoice.
12. Failure to comply with any of the provisions of this water right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the water right.

Issued January 15, 2010


Dwight W. French, Administrator
Water Rights and Adjudications Division, for
Phillip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates numbered 86026.