

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

OREGON DEPARTMENT OF FISH AND WILDLIFE
61374 PARRELL ROAD
BEND, OR 97702

confirms the right to use up to 16 CUBIC FEET PER SECOND (cfs) of the waters of OAK SPRINGS, tributary of DESCHUTES RIVER for HYDROELECTRIC PRODUCTION of 222 THEORETICAL HORSEPOWER (thp).

The use of water for hydroelectric purposes shall be in conjunction with water used under the right of Oregon Department of Fish and Wildlife evidenced by Certificates 27474. Use of water shall be limited to periods when the applicant's water right under Certificate 27474 is 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 27474. The use of water shall be limited by rate, duty, season and any other limitations of Certificates 27474.

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

This right was filed under application PC-893.

The point of diversion is located: Within the NW ¼ SE ¼, SECTION 17, TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.

The authorized place of use is located: Within the NW ¼ SE ¼, SECTION 17, TOWNSHIP 4 SOUTH, RANGE 14 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

The water source for the project is a natural spring located at 1054.5 feet of elevation. Water is collected in a small reservoir behind an 8 foot concrete dam. Water passes over a weir and gate valve and connects into a 24 inch steel pipeline. The existing 24 inch steel pipeline conveys water down a slope, approximately 900 linear feet, to a distribution system which feeds the upper fish rearing ponds of the fish hatchery. Water then flows through the hatchery to mid-level and low-level fish rearing ponds and is eventually discharged into the Deschutes River.

The point of diversion for the hydroelectric project is approximately 700 linear feet from the source, at an elevation of approximately 922 feet. A bifurcation will be installed in the 24 inch steel pipeline in order to supply the single reaction Cornell turbine. The turbine will be enclosed in a concrete powerhouse. The discharge water from the powerhouse will flow through a concrete tailrace, located in the powerhouse. The water will then be conveyed back into the existing 24 inch pipeline and into the existing distribution system, which supplies the fish rearing ponds, eventually being discharged into the Deschutes River.

The hydroelectric project will have an estimated capacity of 85kW and will generate electricity continuously. The electricity will be sold to the Wasco Electric Cooperative and will be supplied through new and existing distribution lines.

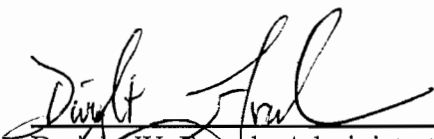
WATER RIGHT CONDITIONS

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 Oregon Revised Statute 543.765 and 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. The certificate shall be invalidated upon a change in the point of diversion of the water right Certificate 27474.
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 under Certificate 27474 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 Certificate 27474.
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 November 28 2011


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

Recorded in State Record of Water Right Certificates numbered 87314.