

STATE OF OREGON
COUNTY OF MULTNOMAH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

CORBETT WATER DISTRICT
P.O. BOX 6
CORBETT, OR 97019

confirms the right to use the waters of NORTH FORK GORDON CREEK or the SOUTH FORK GORDON CREEK, tributary of GORDON CREEK for HYDROELECTRIC PRODUCTION of 41 THEORETICAL HORSEPOWER (THP). The maximum amount of water to be used under this right is 2.0 CUBIC FEET PER SECOND (cfs).

The use of water for hydroelectric purposes shall be in conjunction with water used under the rights of the Corbett Water District for municipal purposes, as evidenced by Certificates 81430 and 81431. Use of water shall be limited to periods when the water user's water right under Certificates 81430 and 81431 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 Certificates 81430 and 81431. The use of water shall be limited by rate, duty, season and any other limitations of Certificates 81430 and 81431. ORS 543.765(5)(b) and (c).

The applicant shall measure and report the quantity of water diverted. ORS 543.765(5)(d).

This right was filed under application PC 894.

The points of diversion are located:

North Fork: NORTH 67 DEGREES, 55 MINUTES, 40.96 SECONDS EAST, 2796 FEET FROM THE SW CORNER OF SECTION 1, being within the SE¼ SW¼, SECTION 1, TOWNSHIP 1 SOUTH, RANGE 5 EAST, W.M.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

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.

South Fork: SOUTH 67 DEGREES, 47 MINUTES 42.548 SECONDS EAST, 2748 FEET FROM THE NW CORNER OF SECTION 12, being within the NE¼ NW¼, SECTION 12, TOWNSHIP 1 SOUTH, RANGE 5 EAST, W.M.

The authorized place of use is located: Tax Lot 100, SW ¼ SE ¼, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 5 EAST, W.M.

PROJECT DESCRIPTION

Corbett Water District supplies water to its water treatment plant for subsequent distribution to its municipal service area via two pipelines which converge to one pipeline upstream of the water treatment plant. The difference in elevation between the diversion structures and the water treatment plant is 180 feet. A 10 kW turbine will be installed in an existing water pipe. After passing through the turbine, the water is discharged into one of three sand filters. Treated water is then piped to municipal customers of the Corbett Water District. The power produced offsets the District's utility bill through net metering of about 700 kilowatt-hours per month.

WATER RIGHT CONDITIONS

Upon review of the application, Oregon Water Resources Department (Department or OWRD) finds that the Corbett Hydroelectric Project (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. ORS 543.765 (10)
3. The water right holder shall construct, operate and maintain all fish screens, bypass devices and fish passages as required by the Oregon Department of Fish and Wildlife (ODFW). ORS 543.765(5)(a). The Corbett Water District shall also comply with its FISH PASSAGE PLAN AGREEMENT approved by ODFW on November 22, 2005.
4. The water right holder shall allow the OWRD Director and authorized agents and employees of the Oregon Department of Environmental Quality (ODEQ), ODFW, 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(s) authorized under Certificates 81430 and/or 81431. ORS 543.765(5)(g).
7. The Oregon Water Resources Department shall conduct a review of this certificate upon approval of any changes or adjustments made to the water user's existing water right to determine if a revised certificate should be issued. ORS 543.765(5) (h).

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. ORS 543.765 (i).
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 81430 and 81431. ORS 543.765 (6) and (7).
10. This certificate is subject to review by the Department 50 years after the date of issuance pursuant to ORS 543.765(9).
11. The water right holder 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. ORS 543.765 (11) and (12).
12. If at any time, unanticipated circumstances or emergency situations arise in which fish or wildlife are being killed, harmed or endangered by any of the project facilities the Corbett Water District shall immediately take appropriate action to prevent further loss. The Corbett Water District shall notify the nearest ODFW office within 24 hours and shall comply with measures required by ODFW to prevent additional injury or mortality.
13. 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 December 11, 2013


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



Recorded in State Record of Water Right Certificates numbered 89005