

STATE OF OREGON
COUNTY OF HOOD RIVER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BONNEVILLE POWER ADMINISTRATION
P.O. BOX 3621; TSR 3
PORTLAND, OR 97208

confirms the right to use the waters of MIDDLE FORK IRRIGATION DISTRICT POWERHOUSE NO. 3 TAILRACE AND ROGERS CREEK, tributary to MIDDLE FORK HOOD RIVER for OPERATION OF A FISH HATCHERY AND ADULT SALMON AND STEELHEAD HOLDING AND SPAWNING FACILITY.

This right was perfected under Permit S-53484.

The date of priority is JULY 8, 1997.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.59 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Rogers Creek – 107 FEET NORTH AND 44 FEET WEST FROM THE SE CORNER OF
NE ¼ SW ¼, SECTION 31,
Powerhouse #3 – 157 FEET NORTH AND 59 FEET WEST FROM THE SE CORNER OF
NE ¼ SW ¼, SECTION 31,
Both in Tax Lot 801, NE ¼ SW ¼, Section 31, Township 1 North, Range 10 East, W.M.

A description of the place of use is as follows:

TAX LOT 802, NE ¼ SW ¼,
SECTION 31,
TOWNSHIP 1 NORTH, RANGE 10 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.

The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the director may require the water user to report general water use information, including the place and nature of use of water under this right.

The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Water used shall be returned to Rogers Creek and the use may not completely de-water Rogers Creek from point of appropriation to point of return.

Water use is limited to uses that provide net benefits for native resident and native anadromous fish recovery as determined through consultation with affected fish and wildlife agencies and the appropriate Indian tribes.

The use of water shall be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the diversion of water through the turbine into the tailrace of Middle Fork Irrigation District's Powerhouse No. 3 for the purposes of satisfying the uses allowed under this permit.

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

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

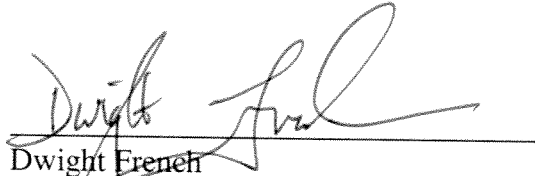
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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.

Issued February 24, 2016.

A handwritten signature in cursive script, appearing to read "Dwight French", is written over a horizontal line.

Dwight French
Water Right Services Division Administrator, *for*
Thomas M. Byler, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates Numbered 91268.