

STATE OF OREGON  
COUNTY OF WALLOWA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

WALLOWA LAKE COUNTY SERVICE DISTRICT  
101 SOUTH RIVER STREET  
ENTERPRISE, OR 97828

confirms the right to use up to 0.5 CUBIC FEET PER SECOND (cfs) of the waters of an UNNAMED STREAM, tributary to WALLOWA LAKE, for HYDROELECTRIC PRODUCTION of 37 THEORETICAL HORSEPOWER (THP).

The use of water for hydroelectric purposes shall be in conjunction with water used under the right of Wallowa Lake County Service District for purposes, as evidenced by Certificate 93617. Use of water shall be limited to periods when the water right holder's water right under Certificate 93617 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 use under Certificate 93617. The use of water shall be limited by rate, duty, season and any other limitations of Certificate 93617. ORS 543.765(5)(c) and (d).

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

This right was filed under application PC 905.

The point of diversion is located: 1485 FEET NORTH AND 1050 FEET WEST from the S1/4 CORNER, SECTION 20, being within Tax Lot 6400, in the NE¼ SW ¼ of SECTION 20, TOWNSHIP 3 SOUTH, RANGE 45 EAST, W.M.

The authorized place of use is located: Tax Lot 100, SW¼ SE ¼, SECTION 20, TOWNSHIP 3 SOUTH, RANGE 45 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 project will be constructed within the Wallowa Lake County Service District's existing municipal water system. Water from the unnamed creek is collected in a spring box on the Wallowa-Whitman National Forest. It is then diverted into a 4" PVP pipe for approximately 2,400 feet, which has 645 feet of vertical drop, before it will enter the proposed powerhouse at Wallowa Lake State Park. The Project will have a capacity of up to 37 theoretical horsepower. The powerhouse is proposed to be 14' x 14' and will contain an impulse turbine and induction generator with 20kW of installed capacity. After passing through the turbine, the water will discharge into the municipal water line. There will be a 50' transmission line from the powerhouse to the Pacific Power powerline.


## **WATER RIGHT CONDITIONS**

Upon review of the application, Oregon Water Resources Department (OWRD) finds that the Wallowa Lake County Service District's Hydroelectric Demonstration Facility (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. ORS 543.765(13).
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. ORS 543.765(5)(a).
4. The water right holder shall allow the OWRD Director and authorized agents and employees of the Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife (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 authorized for the existing right under Certificate 93617. ORS 543.765(5)(g).
7. The 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(6).

8. 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 93617. ORS 543.765(9) and (10).
9. This certificate is subject to review by the Department 50 years after the date of issuance pursuant to ORS 543.765. ORS 543.765(12).
10. The water right holder shall pay, upon receiving an invoice from OWRD, an annual fee to OWRD under ORS 543.078(b). This amount shall be due by the date specified on the invoice. Failure to pay the required fee will invalidate this certificate. ORS 543.765(16) and (17).
11. 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 including the fish passage and screening facilities, the District shall immediately take appropriate action to prevent further loss. The District shall notify the nearest ODFW office within 24 hours and shall comply with measures required by ODFW to prevent additional injury or mortality.
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 February 13, 2018

  
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Dwight French, Administrator  
Water Rights Services Division  
{For} Thomas M. Byler, Director  
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates numbered 93618