

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234

confirms the right to the use of water perfected under the terms of Permit S-51439 and Exchange T-6621E. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBERS: S-71293 and T-6621E

SOURCE OF WATER: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE or USE: UMATILLA RIVER INSTREAM FLOW ENHANCEMENT THROUGH AN EXCHANGE WITH IRRIGATION WATER FROM THE UMATILLA RIVER. Such use is to implement the Bureau of Reclamation's (BOR) Umatilla Basin Project, Phase II, authorized by Congress as P.L. 100-557, Section 201 through 213, and shall be consistent with said legislation.

MAXIMUM RATE: 240.0 CUBIC FEET PER SECOND (CFS)

DATE OF PRIORITY: FEBRUARY 14, 1991

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	29 E	WM	12	SE SE	COLUMBIA RIVER PUMP SITE - 280 FEET NORTH AND 460 FEET WEST FROM SE CORNER, SECTION 12

Divert water at the Columbia River Pump Site, convey and release the waters in the Cold Springs Reservoir for use in the Hermiston Irrigation District; convey and release the waters into the Stanfield Irrigation District system.

The water user shall operate and maintain fish screening devices to the specifications of the National Marine Fisheries Service.

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.

A description of the place of use is as follows:

The place of use and benefitted stream reach is for flows to be maintained in the Umatilla River from the Furnish Canal diversion at approximately River Mile 32.3 in the SW 1/4 Section 31, Township 3 North, Range 30 East, W.M. to its confluence with the Columbia River, located in the SE 1/4 SE 1/4, Section 18, Township 5 North, Range 28 East, W.M. The reaches of McKay Creek and the Umatilla River from McKay Reservoir to the Furnish Canal diversion are benefitted to the extent that exchange storage releases are protected from diversion by all appropriators throughout the reach.

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 total amounts of water that can be diverted from the Columbia River as described above shall not exceed 240.0 cfs and, when operating under the exchange, shall reduce the appropriations under existing rights from the Umatilla River and McKay Reservoir in accordance with the following:

For Hermiston Irrigation District, the total quantity diverted from the Columbia River for exchange together with diversions of direct flow from the Umatilla River during a complete year shall be no greater than the limits of their Oregon water rights. To operate the exchange, Hermiston Irrigation District will divert from the mainstem Umatilla River only those flows in excess of the flows needed for fish. These flows will be as determined by the Oregon Department of Fish and Wildlife and the Confederated Tribes of the Umatilla Indian Reservation. Columbia River water will be pumped into Cold Springs Reservoir to replace the foregone diversions.

For Stanfield Irrigation District, the total quantity diverted from the Columbia River during a complete year, together with diversions from direct flow from the Umatilla River shall be equal to its legal historical average supply of Umatilla River and McKay Reservoir water. This amount shall not be greater than 34,700 acre-feet and shall be consistent with the legal limits of State of Oregon water rights.

To operate the exchange, Stanfield Irrigation District will forego its 38% share of storage in McKay Reservoir and divert from the mainstem Umatilla River only those flows in excess of the flow needed for fish. These flow needs will be determined by the Oregon Department of Fish and Wildlife and the Confederated Tribes of the Umatilla Indian Reservation.

To the extent permitted by federal law, the water user shall comply with the requirements of the Oregon Conservation Plan for the Umatilla River Basin as it is developed; and, to the extent that said plan prescribes compliance schedules to achieve conservation standards, the water users shall comply with said schedules.

The right to use water under this right is contingent upon the establishment and continued operation of a system to monitor and regulate all project related water supplies, as prescribed in Section 203 of P.L. 100-557.

In order to achieve effective water management for the exchange project and to allow the Watermaster the ability to regulate the amount of water being diverted from the Columbia River and to shepherd and monitor the exchange and maintain the water in stream, telemetric measuring devices connected with the BOR's HYDROMET system and other suitable gaging stations and water measuring devices shall be put into operation, to the satisfaction of the Watermaster, prior to any diversion of water under the exchange at the following locations:

HYDROMET gaging stations identified in the Final Environment Impact Statement (FEIS) and required:

1. Westland Canal Nr. Echo
2. Furnish Canal Nr. Echo
3. Feed Canal Nr. Echo
4. West Extension I.D. Canal Nr. Umatilla
5. Maxwell Canal Nr. Hermiston (if diversion continues)
6. Inflow pumped into Cold Springs Reservoir from Columbia

7. Inflow pumped into Stanfield I. D. system from Columbia
8. West Extension Exchange pumps
9. Cold Springs Reservoir elevation
10. McKay Reservoir elevation
11. Umatilla River at Pendleton
12. Umatilla River at Yoakum
13. Umatilla River above Feed Canal Nr. Echo
14. Umatilla River at Umatilla

Gaging stations, currently with HYDROMET capabilities, with continuing operation required:

1. McKay Creek at Pendleton (reservoir outflow)
2. McKay Creek Nr. Pilot Rock (reservoir inflow)

Gaging stations, installed with HYDROMET capabilities:

1. Allen Canal Nr. Echo
2. "A" line canal at Cold Springs Reservoir
3. Umatilla River at Umatilla Meadows Nr. Stanfield
4. Umatilla River Nr. Cottonwood Bend
5. Birch Creek Nr. Rieth

Pump station that may need HYDROMET capabilities:

1. Brown/Prior pumping station #1

After consultation with the Oversight Committee, the Watermaster may add, change, or eliminate gaging stations or water measuring devices as needed to properly administer the exchange.

In addition to the gaging stations required to record flows within the Umatilla River system, the diversion from the Columbia River shall be metered to monitor the exchange of water.

Prior to the exchange of water or adjustments on the exchange of water allowed under right, the BOR shall get approval from the Watermaster, and provide reasonable notice to the irrigation districts, ditch companies, and other parties that may be impacted. An emergency procedure will be developed by the Watermaster, BOR, and Oversight Committee.

The water right holder is authorized to divert up to 240 cfs of water at the Columbia River Pump Site, convey and release the waters in Cold Springs Reservoir for use in the Hermiston Irrigation District, and to release the waters into the Stanfield Irrigation District system.

The exchange is for Umatilla River water with priority dates of 1894, 1904, 1905 and 1965, and for releases from storage in McKay Reservoir under Bureau of Reclamation contracts and Oregon water rights.

The amount of water under this exchange to be left in the Umatilla River from foregone diversions and McKay storage shall be determined by the Oregon Department of Fish and Wildlife (ODFW) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The natural flows left in the Umatilla River for fish flows under the exchange shall retain the priority date and rate and duty limitations of the of the water rights involved in the exchange and shall be protected from appropriation by all other users. The water released from McKay Reservoir for fish flows under this exchange shall be protected by the Watermaster from appropriation by all other users at any time during the year when ODFW and CTUIR determine that flows are needed for fish purposes.

The "Oversight Committee" established in the FEIS shall be open to interested parties and shall assist in the following:

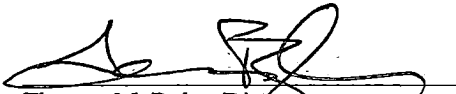
1. Developing operational objectives used in determining the actual operation plan for exchange of pumped and storage release waters.
2. Developing and implementing an operational model.

3. Analyzing and advising the BOR of potential impacts to the project of proposed district boundary expansions or other proposed changes.
4. Identifying and securing the resources necessary for monitoring and regulating all project-related supplies and operations, including reporting and staffing requirements.
5. Other duties as is appropriate.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

JUN 22 2018

Issued _____.



Thomas M. Byler, Director
Oregon Water Resources Department