

STATE OF OREGON
COUNTY OF WALLOWA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

ARROWHEAD PIPELINE ASSOCIATION
83157 WEST DORRANCE LANE
ENTERPRISE, OR 97828

confirms the right to use up to 4.1 CUBIC FEET PER SECOND (cfs) of the waters of HURRICANE CREEK, tributary to WALLOWA RIVER, for HYDROELECTRIC PRODUCTION of 125 THEORETICAL HORSEPOWER (THP).

The use of water for hydroelectric purposes shall be in conjunction with water used under the right of Hurricane Creek Irrigating Ditch Company for purposes, as evidenced by Certificate 3062. Use of water shall be limited to periods when the water right holder's water right under Certificate 3062 is put to beneficial use without waste. The amount of water used shall not exceed the quantity of water diverted to satisfy the authorized specific use under Certificate 3062, nor shall it exceed the quantity of water authorized for hydroelectric use herein. The use of water shall be limited by rate, duty, season and any other limitations of Certificate 3062. ORS 543.765(5)(c) and (d).

To measure the quantity of water diverted, the water user shall install a totalizing flow meter on the pipe prior to the water entering the turbine and report the monthly amount diverted to the Oregon Water Resources Department annually. ORS 543.765(5)(e).

This right was filed under application PC 908.

The point of diversion is located: within Tax Lot 1400, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 16, TOWNSHIP 2 SOUTH, RANGE 44 EAST, W.M.

The authorized place of use is located: Tax Lot 400 within NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 23, TOWNSHIP 2 SOUTH, RANGE 44 EAST, W.M.

PROJECT DESCRIPTION

The project will be constructed within the existing Arrowhead Pipeline Association irrigation water system. Water currently diverted from Hurricane Creek will travel approximately five miles in the unlined Upper Alder Slope Ditch before being diverted into the Arrowhead Pipeline. The Arrowhead Pipeline diversion, located at Tax Lot 1400, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 16, TOWNSHIP 2 SOUTH, RANGE 44 EAST, W.M., will pass water through an ODFW approved fish screen.

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The water will then flow through approximately 5,800 feet of 14 inch buried steel irrigation pipe with 268 feet of elevation drop before entering the powerhouse (4.1 cfs multiplied by 268' divided by 8.8 = 125 Thp or 93kW). A Cornell 4TR2 reaction turbine and induction generator with 61 kW of installed capacity, engineered to limit the maximum amount of water it can accommodate to 4.1 cfs, will reside in the proposed 12 foot x 13 foot powerhouse. After passing through the turbine, the pressurized water will discharge into the irrigation mainline for irrigation use on 350 acres of land, specifically tax lots 02S44E000006100, 02S44E000006701, 02S44E000006702, 02S44E230000200, 02S44E230000300, and 02S44E230000400. There will be an approximately 40 foot transmission line from the powerhouse to the Pacific Power powerline.

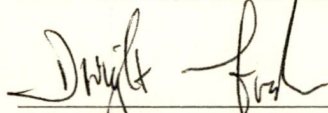
WATER RIGHT CONDITIONS

Upon review of the application, Oregon Water Resources Department (OWRD) finds that the Arrowhead Pipeline Hydroelectric Station (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 (ODFW). ORS 543.765(5)(a). The Arrowhead Pipeline Association has chosen to pay the annual Fish Passage Restoration fee identified in ORS 543.765(14) in lieu of providing fish passage.
4. The water right holder shall allow the OWRD Director and authorized agents and employees of the Oregon Department of Environmental Quality 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 water right holder shall measure and report the quantity of water diverted for hydroelectric purposes. ORS 543.765(5)(e).
6. This certificate shall be invalidated upon a change in the point of diversion authorized for the existing right under Certificate 3062. 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. 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 (5) (h).
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 the amount authorized herein in conjunction with the water right as used under Certificate 3062. ORS 543.765(9) and (10).
10. 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).
11. 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).
12. The water right holder shall pay, upon receiving an invoice from OWRD, an annual Fish Passage Restoration fee to OWRD under ORS 543.765(14). This amount shall be due by the date specified on the invoice. Pursuant to ORS 543.765(15), this annual Fish Passage Restoration fee may be terminated after the project commences operation if the project provides fish passages, or there is an agreement between the water right holder and ODFW providing for fish passages associated with the project, or a waiver or exemption has been issued under ORS 509.585 for the project.
13. 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 Arrowhead Pipeline Association shall immediately take appropriate action to prevent further loss. The Arrowhead Pipeline Association shall notify the nearest ODFW office within 24 hours and shall comply with measures required by ODFW to prevent additional injury or mortality.
14. 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 JAN 13 2020


Dwight French, Administrator
Water Right Services Division
{For} Thomas M. Byler, Director
Oregon Water Resources Department
PC 908

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