

**STATE OF OREGON  
COUNTY OF JEFFERSON  
CERTIFICATE OF WATER RIGHT**

THIS CERTIFICATE ISSUED TO

BLUE LAKE PROPERTIES LLC  
C/O DAN WIEDEN  
1227 NW DAVIS STREET  
PORTLAND OR 97209

for the right to use the waters of LINK CREEK, tributary of BLUE LAKE, for development of 18.8 theoretical horsepower for SUPPLEMENTAL POWER AT CAMP CALDERA.

The date of priority is APRIL 1, 1981. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 24.8 CUBIC FEET PER SECOND measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NE 1/4, SECTION 27, T 13 S, R 8 E, W.M.; 1000 FEET EAST AND 2330 FEET SOUTH FROM THE NORTH CORNER OF SECTION 27

The Director finds that the project is adapted to the development and utilization of the waterpower involved, that no application for this project or in conflict with this project has been filed by any municipality or utility district, and that the water right holder has paid to the Water Resources Department (Department) all fees required prior to the issuance of this certificate.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is a Final Order in other than a contested case. This order is subject to judicial review under ORS 536.075 and ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified in ORS 183.484(2). Pursuant to OAR 137-004-080 you may 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 is filed, the petition shall be deemed denied.

A description of the place of use to which this right is appurtenant is as follows:

SW 1/4 NE 1/4  
SECTION 27  
TOWNSHIP 13 SOUTH, RANGE 8 EAST, W.M.  
TAX LOT 303

#### **WATER RIGHT CERTIFICATE CONDITIONS**

1. The total net vegetation adjacent to project waterways that provides shading to the waterways and/or streambank soil stability shall not be degraded or lessened. The water right holder shall consult with the Oregon Department of Environmental Quality (DEQ) (phone 1-800-452-4011) before undertaking any activity which directly or indirectly results in removal of vegetation adjacent Link Creek above the dam that provides shade to the waterway(s) and/or provides streambank soil stability. During the consultation with DEQ, the water right holder shall provide a description of the activity that results in removal of vegetation and shall describe any mitigation or enhancement that is planned in exchange for the removal. Upon such consultation, the DEQ shall provide to the water right holder and to WRD a written summary of the conclusions from the consultation, including any new requirements and/or allowable changes to the project.
2. Notwithstanding any specific conditions established by this water right, the water right holder must comply with all water quality standards adopted by the Environmental Quality Commission pursuant to state and federal law (ORS 468B.048 and Section 303 of the Clean Water Act).
3. The Department may alter conditions of the certificate on a clear showing of a significant threat to the public health or safety or the environment that was not identified and addressed during the most recent project authorization proceeding, and that requires modification of the certificate (ORS 543A.145 (5)). Such changes could include, but are not limited to, the following:
  - a. New federal listing or a change in status or recovery plan of a threatened or endangered species that may be affected by the project.
  - b. Change in a water quality standard for a water quality parameter that may be affected by the project.
  - c. Development of a Total Maximum Daily Load (TMDL) for a water quality parameter that may be affected by the project.

If the Department proposes to alter conditions, the order shall be in writing and shall consist of



a concise statement of the underlying facts supporting the proposed order. Any appeal of the order shall be according to procedures outlined in ORS Chapter 183.

4. The water right holder shall obtain Department review and approval before undertaking any repair, maintenance activity, or any change to the project that might significantly and adversely affect water quality, fish and wildlife or public health and safety, including changes to project operation and flows (Oregon Administrative Rules 690-20-025, ORS 543A.025).
5. If an unanticipated situation arises where the operator observes or suspects that fish, wildlife, or their habitat may be harmed by any of the project facilities or as the result of project operation, they shall immediately notify and consult with the nearest office of the Oregon Department of Fish and Wildlife (ODFW); in no case shall such contact occur later than the next business day. The operator shall subsequently restore any damaged fish and wildlife protection features of the project consistent with direction provided by ODFW (ORS Chapter 543A.025).
6. The water right holder shall develop and implement an ODFW approved upstream fish passage study(s) to determine if the fish ladder provides safe, effective, and timely fish passage past the project. The study shall be developed in consultation with ODFW. The goal of upstream fish passage study(s) is to ensure the fish ladder provides an acceptable entry rate and fish passage past the project, while minimizing the duration fish spend searching for the entrance. If unsuitable passage conditions are identified, the Project owner in consultation with and the approval of ODFW shall design and implement measures to provide safe, effective, and timely upstream fish passage.
7. The Project owner shall work with ODFW to determine the flow parameters necessary for the fish ladder to operate within design criteria. Once determined, this amount of flow shall be a defined flow requirement to be maintained in the ladder at all times.
8. The water right holder shall develop and implement an ODFW approved downstream fish passage study to assess downstream fish passage at the project. The study is to determine if fish are able to pass downstream over the dam or through the fish ladder safely, effectively, and timely. The study shall be developed in consultation with ODFW. If unsuitable downstream fish passage conditions are identified, then the Project owner in consultation and with the approval of ODFW shall design and implement measures to achieve safe, effective, and timely downstream fish passage.
9. Prior to Project operation the water right holder shall install and maintain a headgate at the Project diversion that shall be calibrated to allow measurement and regulation of the amount of flow diverted.
10. Power generated and the amount of water diverted for power generation shall be recorded daily and maintained and reported quarterly to ODFW.



11. If the turbine outflow or penstock is changed during replacement or retrofitting of the Project turbine, and once the Project is operational, the water right holder shall consult with ODFW to assess whether the tailrace structure requires a tailrace exclusion feature. If deemed necessary, the water right holder in consultation and with the approval of ODFW shall design and install an approved exclusion device.
12. The water right holder shall maintain and operate the projects fish screen and fish ladder a consistent with ODFW criteria and approval. This includes being responsible for the operation and maintenance necessary to keep the fish screen in proper working order. All fish and wildlife mitigation features shall be properly maintained for the duration of the project (543A.025 (2) (a) and (5) (d)).
13. The water right holder shall maintain the fish screen, ladder, and bypass free of obstructions.
14. If it is determined that safe, effective, and timely upstream and downstream fish passage measures are necessary to bring the project into compliance, then the project owner shall implement corrective measures in a timely manner. Should the project operator fail to implement corrective measures timely, hydroelectric generation operation shall cease until an approved solution is fully implemented and deemed to be achieving the desired objectives as approved by ODFW.
15. Upon permanent cessation of power generation or a period of five years of non-power generation, the owner/operator shall remove or modify project facilities to meet decommissioning standards adopted by the Department.
16. A Project site visit shall be performed every 5 years to review the Project features and operation. The Department shall coordinate the 5-year reviews with the water right holder and the Hydroelectric Application Review Team (HART). The water right holder shall pay to the Department in accordance with the provisions of ORS 543.078 (2)(b) an annual fee of \$50 on or before the first day of January of each year after issuance of this certificate.
17. The right granted herein is expressly made inferior in right and subsequent in time to any authorized appropriation of water from this source for domestic, municipal, irrigation or any other beneficial consumptive use, or for storage for such purposes, that was made prior to the date this certificate is issued.
18. The water right holder shall allow the Director and authorized agents and employees of the Department of Environmental Quality and the Department of Fish and Wildlife 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.
19. No substantial change to the project shall be made unless approved by the Director and

incorporated into this certificate by appropriate amendment or special order.

20. Failure to comply with any of the provisions of this certificate may result in action including, but not limited to, civil penalties, restrictions on the use or cancellation of the certificate.
21. The land use associated with this water use must comply with statewide land-use goals and any local acknowledged land-use plan (ORS 197.180).
22. Any transfer or sale of a license, rights under a license, or property associated with a project must comply with the requirements of ORS 543.440 regarding prior approval of the Water Resources Department and rights and responsibilities transferred. These laws require that prior to any transfer, the water right holder shall notify the Department of the name of the new owner and complete forms provided by the Department assigning the hydroelectric project to the new owner. Any successor or assignee shall be subject to all terms and conditions of this certificate. Any mortgage, deed of trust or other lien are subject and subordinate to the terms and conditions of hydroelectric program law (ORS 543.440).
23. This certificate is issued for the period which is effective from the date of issuance through December 31, 2043. On termination of this certificate, such right to the use of water shall revert to an instream water right, unless the project owner applies to the Department to reauthorize the project.
24. The right to the use of water for power generation is restricted to beneficial use at the place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights issued before this use was initiated, including rights for maintaining instream flows.

Issued

**MAR 03 2023**



Dwight French, Administrator  
Water Right Services Division, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department