

STATE OF OREGON
COUNTY OF HOOD RIVER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

CITY OF HOOD RIVER
211 2ND STREET
HOOD RIVER, OR 97031

confirms the right to use up to 4.4 CUBIC FEET PER SECOND (cfs) of the waters of STONE SPRINGS, SOUTH STONE SPRINGS, and NORTH STONE SPRINGS with 422 feet of head to develop HYDROELECTRIC CAPACITY of 211 THEORETICAL HORSEPOWER (THP).

The use of water for hydroelectric purposes shall be in conjunction with water diverted under the rights of the City of Hood River (City) for purposes, as evidenced by certificates 14276 and 97147, and is put to beneficial use without waste. The amount of water used shall not exceed 4.4 cfs the quantity of water diverted to satisfy the authorized use under certificates 14276 and 97147, and is further limited by rate, duty, season, and any other limitations of the certificate. 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 916.

The points of diversion are located:

Stone Springs 1 (Certificate 14276) TOWNSHIP 1 NORTH, RANGE 9 EAST, SECTION 30, LOT 7 and from and Stone Springs 2 (Certificate 97147) TOWNSHIP 1 NORTH, RANGE 9 EAST, SECTION 30, LOT 7, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The authorized place of use is located:

Within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 7, TOWNSHIP 1 NORTH, RANGE 10 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 City has water rights for municipal use from Stone Springs, certificate 14276, and North Stone Springs and South Stone Springs, certificate 97147 in the Hood River basin. This application would use water currently diverted year-round through a pipeline for municipal purposes. No additional water shall be diverted for hydroelectric purposes.

Water will be diverted from Stone Springs 1 (Certificate 14276) TOWNSHIP 1 NORTH, RANGE 9 EAST, SECTION 30, LOT 7 and from and Stone Springs 2 (Certificate 97147) TOWNSHIP 1 NORTH, RANGE 9 EAST, SECTION 30, LOT 7, NW ¼ SE ¼. After flowing through the hydroelectric project, the water will return to the City's transmission system for distribution to its residential and commercial customers.

WATER RIGHT CONDITIONS

Upon review of the application, Oregon Water Resources Department (OWRD) finds that the City's Hydroelectric 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 waterpower involved.

1. The water right holder shall comply with all statutes and rules applicable to the Project.
2. The applicant elected to install an electromagnetic flow meter immediately prior to the turbine, to continuously record flow rate; assuring compliance. The meter shall be maintained in proper working order, and if needed replaced, for the life of this project.
3. 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).
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.
4. The restrictions established in ORS 543.660 shall apply as conditions of use.
5. This certificate shall be invalidated upon a change in the point of diversion authorized for the existing right under Certificate 85914. ORS 543.765(5)(g).

6. The OWRD 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).
7. The right to use water under this certificate is invalidated if the Federal Energy Regulatory Commission exemption related to this certificate is canceled or invalidated. ORS 543.765(5)(h).
8. This certificate does not have its own priority date. The OWRD 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 14276 and 97147 . 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. 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 City shall immediately take appropriate action to prevent further loss. The City 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 **OCT 20 2023**



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

Recorded in State Record of Water Right Certificates numbered 97429.