

STATE OF OREGON

COUNTY OF HOOD RIVER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BONNEVILLE POWER ADMINISTRATION; JOHN COWGER  
PO BOX 3621; TSR 3  
PORTLAND, OREGON 97208

(503)230-3258

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-83485

SOURCE OF WATER: MIDDLE FORK IRRIGATION DISTRICT POWERHOUSE NO 3 AND  
ROGERS CREEK, TRIBUTARIES TO MIDDLE FORK HOOD RIVER

PURPOSE OR USE: OPERATION OF A FISH HATCHERY AND ADULT SALMON AND  
STEELHEAD HOLDING AND SPAWNING FACILITY

MAXIMUM RATE ALLOWED: 5.59 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 8, 1997

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 31, T1N, R10E, W.M.;  
1333 FEET NORTH AND 2532 FEET WEST FROM THE SE CORNER SECTION 31

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4  
SECTION 31  
TOWNSHIP 1 NORTH, RANGE 10 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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Water for use under this permit shall be returned to Rodgers Creek and the use may not completely de-water Rodgers Creek from point of appropriation to point of return.

Water for use under this permit is limited to uses that provide net benefits for native resident and native anadromous fish recovery as determined through consultation with affected fish and wildlife agencies and the appropriate Indian tribes.

The use of water shall be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the diversion of water through the turbine into the tailrace of Middle Fork Irrigation District's Powerhouse No. 3 for the purposes of satisfying the uses allowed under this permit.

#### STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit 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.

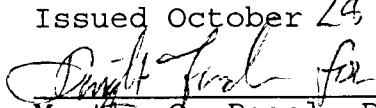
By law, land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin by July 29, 1999. Complete application of the water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 24, 1998

  
Margha O. Pagel, Director  
Water Resources Department

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District 3