

STATE OF OREGON
COUNTY OF JEFFERSON
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS ISSUED TO:

DESCHUTES VALLEY WATER DISTRICT (DVWD)
881 SW CULVER HWY
MADRAS, OR 97741

for the use of the waters of CROOKED RIVER, a tributary of DESCHUTES RIVER for the purpose of the development of 10,393 theoretical horsepower at the Opal Springs Hydroelectric Project and to provide fish passage at the dam.

DVWD developed the Opal Springs hydroelectric project under Permit S-47591.

The date of priority is FEBRUARY 10, 1982, for 1500 Cubic Feet per Second (CFS) and JUNE 10, 1982, for 272.5 CFS. The project as amended develops 51.6 feet of head.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1772.5 CFS measured at the point of diversion.

The point of diversion is located within the
NW ¼ SE ¼, Section 33, Township 12 South, Range 12 East W.M.

The powerhouse is located within the
SW ¼ NE ¼, Section 33, Township 12 South, Range 12 East W.M.

In order to accomplish the goal of increasing water flow for fish passage, DVWD is authorized to raise the elevation of the diversion inlet from 2000 feet mean sea level (msl) to a maximum elevation of 2012 feet msl (construction drawings are in a local project datum (LPD). The maximum pool elevation will be 2010.12 feet National Geodetic Vertical Datum of 1929 (NGVD '29).

A minimum bypass flow of 50 CFS shall be maintained at all times. In addition, a Bypass Flow Accrual Account (BFAA) shall provide additional bypass flows to aid upstream and downstream fish passage. Water credits shall be accumulated in acre-feet based on water flow through the turbines. A BFAA Annual Allocation Plan shall record withdrawal requests and actual discharged bypass flows and a monthly status report of available BFAA water credits.

DVWD shall comply with the provisions of the Opal Springs Fish Passage and Protection Plan and the Settlement Agreement with Oregon Department of Fish and Wildlife signed on September 23, 2015¹.

¹ Other parties to the Settlement Agreement include U.S. Department of Interior's Bureau of Indian Affairs, Bureau of Land Management and Fish and Wildlife Service; National Marine Fisheries Service, and Trout Unlimited

The right granted herein is expressly made inferior in right and subsequent in time to any appropriation of water from this source which may hereafter be made for domestic, municipal, irrigation or any other beneficial consumptive use, or for storage for such purposes.

The project shall be constructed under the supervision of a registered professional engineer.

DVWD shall comply with the provisions of the order of the Water Policy Review Board dated September 17, 1982 and by reference herein made part of this permit.

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 right to the use of the water for hydroelectric purposes is restricted to the lands or place of use described.

This superseding permit is issued under ORS 543.092 and OAR 690-053 to amend a hydroelectric water right or claim for the Opal Springs Project per amendment application filed October 8, 2015, and approved at Special Order Volume 103, Pages 424 to 436. This Permit supersedes Permit S-47591.

Issued: November 22, 2016



Dwight French, Water Right Services Administrator, *for*
Thomas M. Byler, Director
Oregon Water Resources Department