



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
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INTEROFFICE MEMO

TO: Kyle Gorman, Manager, South Central Region
Jeremy Giffin, Watermaster, District 11

FROM: Dwight French, Administrator, Water Right Division *DWF*

SUBJECT: Pelton/Round Butte Project Settlement Agreement and
Instream Water Right Certificates 73188 and 73237

Kyle and Jeremy,

In the course of negotiating the Settlement Agreement for the Pelton/Round Butte Hydroelectric Project new target minimum flows were set for the project.

In addition to the conditions on the attached Certificate number 82826 OWRD has agreed, as provided in the Settlement Agreement at 6.6.3 (July 13, 2004), and the attached Final Order:

The Department has found that the existence of the Project's water rights as reauthorized by the Department does not make a call for regulation for the benefit of the Lower Deschutes River instream water rights futile. If the Department finds or is notified that the Deschutes River instream water rights (certificate numbers 73188 and 73237) are not being met, the Department will regulate off upper basin water right holders that are junior to the Deschutes River instream water rights, in accordance with applicable statutes, rules, and the Department's Field Enforcement Manual.

Please file a copy of this memo with your files for the instream certificates above. The Salem office will add this to our web-based documents for these certificates.

Thank you.

