

3. WATER USE

A. Proposed Source and Amount of Water

Provide the certificate number or, if no confirming certificate has been issued, the decree reference, of the existing water right associated with this proposed project:

_____.

Identify the amount of water you propose to use from each source, for each powerhouse, in cubic feet-per-second (CFS).

(1 cubic foot per second = 448.8 gallons per minute 1 acre-foot = 43,560 cubic feet)

Source	Amount (AF, CFS, GPM)

C. Power Development

The project will utilize _____ (number of feet) of gross head to develop _____ (Amount) theoretical horsepower (THP).

THP is calculated by multiplying the quantity of water to be diverted in cubic feet per second by the vertical head in feet and dividing the product by 8.8). The head is the difference in elevation between the intake of the pipeline and the return discharge to the stream.

D. Location

Identify the following points on a copy of the final proof map for the certificate.

- 1) The point of diversion is in the : _____ ¼ of the _____ ¼ of
Section _____, Township _____, Range _____, W.M

- 2) The power plant is to be located within the _____ ¼ of the _____ ¼ of
Section _____, Township _____, Range _____, W.M.

- 3) After passing through the power plant, the water will be discharged to:

4. WATER MANAGEMENT

How will you monitor your diversion to ensure the volume of water use is within the limits of the water right and that no water is being wasted?

- Weir Meter Periodic Sampling

Describe measuring devices and the frequency of recording. _____

**5. FEDERAL ENERGY REGULATORY
COMMISSION (FERC) JURISDICTION**

Provide a copy of your FERC declaration of intent or exemption application:

<http://www.ferc.gov/industries/hydropower/gen-info/comp-admin/jur-deter.asp> .

If a FERC exemption is not needed, provide a copy of the Lease of Power Privilege if Project is on a U. S. Bureau of Reclamation facility, or similar document if jurisdiction is from any other federal agency.

Note: Oregon Water Resources Department will not issue a certificate for the proposed project until a FERC determination or exemption is issued. If another federal agency has jurisdiction then the appropriate approval document must be submitted before a certificate is issued by OWRD.

6. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

7. MAP REQUIREMENTS

Attach a copy of the final proof map for this certificate that clearly indicates the township, range, section, and quarter-quarter section of the existing diversion point from the stream and add any proposed diversions from the existing canal or pipeline. Indicate the location of the proposed powerhouse. Also, map existing and proposed canals, pipelines and or penstocks that will be part of the hydroelectric use. See the map guidelines sheet for detailed map specifications. **SEE PAGES 7-9.**

8. SIGNATURE

By my signature below I confirm that I understand and agree:

- I own the land that the point of diversion, conduit and powerhouse will be located or I have a recorded easement or written authorization permitting access.
- I will be billed annually based on the theoretical horsepower produced by the hydroelectric project. Failure to pay this invoice by the prescribed date may result in cancellation of the hydroelectric water right certificate.
- Use of water for hydroelectric purposes will not exceed the rate, duty, season and any other limitations of the existing certificated water right.
- Water may be used for hydroelectric use, only if the same water is being used for its original purpose as described in the attached certificate.
- If development of the hydroelectric use is not according to the terms of the certificate, the certificate may be canceled.
- I have provided all the exhibits identified below.

I affirm that all information provided in this application is true and correct to the best of my knowledge.

Signature of applicant

Date

END OF APPLICATION

9. EXHIBITS

The following Exhibits must be included as a part of this application:

- Exhibit A** Final proof map for attached certificate showing existing point of diversion and proposed additional canals, pipelines, penstocks, and powerhouse. **See the examples provided on pages 8 and 9.**
- Exhibit B** Copy of certificate to which hydroelectric use is to be added.
- Exhibit C** A narrative statement describing the proposed project from the point(s) of diversion to where the water re-enters the stream.
- Exhibit D** Copy of agreement with Oregon Department of Fish and Wildlife describing fish screening, bypass devices, and fish passage measures that may also be described in a FERC exemption order, a U.S. Bureau of Reclamation Lease of Power Privilege, or other federal agency's approval document. Attach a waiver or exemption from fish passage under ORS 509.585, if applicable. Or attach a statement the Applicant will pay annual fees into the Fish Passage Restoration Subaccount at ODFW. **See Page 11.**
- Exhibit E** Evidence of water use for at least one of the past five years for the attached certificate.
- Exhibit F** If the water to be used for the proposed hydroelectric project is delivered by a public entity other than the applicant for a certificate under this section, a statement from that entity that the entity will be able to deliver water as described in the application.
- Exhibit G** Land use form. Land use form must be signed by the local planning official, certifying that the use and structures associated with this project are allowed. The land use form is available from the OWRD Salem office or OWRD web site, <http://www1.wrd.state.or.us/pdfs/landuseform.pdf>
- Exhibit H** Final approval document from applicable federal agency (FERC determination of qualifying conduit facility or exemption order, USBR Lease of Power Purchase, or equivalent).

NARRATIVE STATEMENT

Provide a detailed written description of each component of the proposed Project from the point(s) of diversion to the water return area. The reader should be able to draw a basic picture of the Project based on the Narrative Statement. Such features include points of diversion, dams and appurtenant works and structures, storage, diverting or forebay reservoirs connected therewith, conduits or pipes, powerhouses, water wheels, and primary lines transmitting power to the point of junction with a distributing system, or with any interconnected primary system, miscellaneous works and structures used in connection with the Project or any part thereof, rights of way, lands, flowage rights and all other properties, rights and structures necessary or appropriate in the use, operation and maintenance of the Project.

Before you submit your application be sure you have:

- Answered each question completely.
 - Attached a legible map which includes township, range, section and quarter-quarter section.
 - Attached and labeled exhibits A thru G as appropriate.
 - Included a check payable to the Water Resources Department for \$500.
-

Section 4 of Oregon Laws 2013 Chapter 674:

- (5) At a minimum, a certificate issued under this section must contain the following conditions:
- a) Except as provided in paragraph “b)” of this subsection, fish screens, by-pass devices and fish passage as required by the State Department of Fish and Wildlife.
 - b) If the application is for a hydroelectric project that is to be installed in or on a conduit delivery system, the certificate does not need to include a requirement for fish passage at the diversion point for the conduit delivery system if:
 - A) The hydroelectric generating equipment for the project is not located on a dam;
 - B) the hydroelectric generating equipment for the project is installed within or at the end of a conduit delivery system;
 - C) The conduit delivery system is operated for the distribution of water for agricultural, municipal or industrial consumption; and
 - D) Except as provided in subsection (15) of this section, the certificate includes a condition for the making of annual payments under subsection (14) of this section.

- c) That use of the water be limited to periods when the applicant's existing water right is put to beneficial use without waste and that the amount used is not greater than the quantity of water diverted to satisfy the authorized specific use under the existing water right described in subsection (2)(a) of this section.
- d) That use of water be limited by rate, duty, season and any other limitations of the applicant's existing water right described in subsection (2)(a) of this section.
- e) That the applicant measure and report the quantity of water diverted.
- f) That the restrictions established in ORS 543.660 shall apply as conditions of use to a certificate issued under this section to a district as defined in ORS 543.655.
- g) That a certificate issued under this section shall be invalidated upon a change in the point of diversion of the existing water right described in subsection (2)(a) of this section.
- h) That the right to use water under a certificate issued under this section is invalidated if the federal exemption or authorization related to the certificate is canceled or invalidated.
- i) Any other conditions that the Water Resources Department deems necessary to protect the public interest.

MAP REQUIRMENTS

In order to properly examine your application, OWRD must have an accurate map showing the location of the water source and the area(s) of use. The maps submitted must meet the following criteria:

- Be of permanent quality and drawn clearly in ink on good quality paper.
- Maps larger than 11x17 inches must be drawn on tracing vellum or Mylar, or four copies must be submitted.
- Be drawn to a standard, even scale of not less than 4 inches = 1 mile. Small area maps may be more easily and clearly drawn to a larger scale, such as 1 inch = 400 feet. The scale must be indicated on the map.

Each copy of the map must clearly show the elements of the project.

- The location of the dam or water diversion. The location should be described by distance from a corner.
- The location of main canals, ditches, pipelines, flumes and powerhouse.
- The section number, township, range, tax lot lines and numbers, nearest quarter-quarter section, and a north directional symbol.

A platted and recorded subdivision map, deed description survey map or county assessor tax lot map may be submitted as the application map if all the required information listed above is clearly shown on each print.

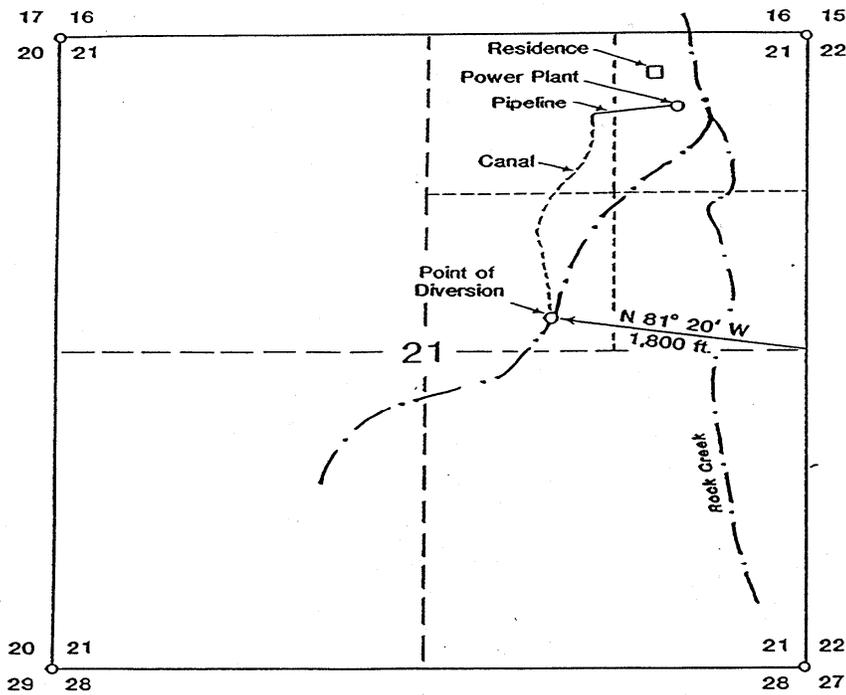
See the examples below.

NOTE: Due to re-sizing, this sample map is not to scale.

EXHIBIT A

MAP TO ACCOMPANY APPLICATION FOR HYDROELECTRIC LICENSE

A.C. Smith
January, 1988



SECTION 21
TOWNSHIP 2 SOUTH, RANGE 2 WEST, W.M.

Scale: 1" = 1,000'



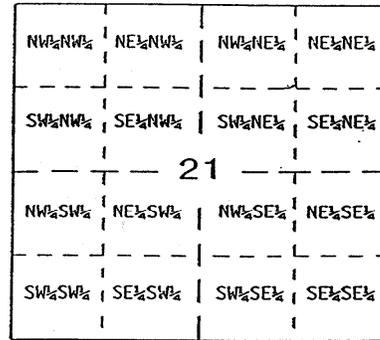
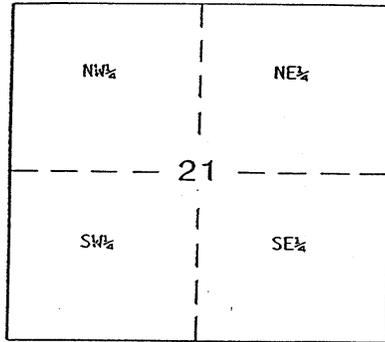
SAMPLE

Land descriptions used to locate various project features are based on Section, Township, and Range. A Township is divided into 36 Sections, as shown below:

	6	5	4	3	2	1
	7	8	9	10	11	12
Township 2 South	18	17	16	15	14	13
	19	20	21	22	23	24
	30	29	28	27	26	25
	31	32	33	34	35	36

Range 2 West

When describing a particular location, Sections are further divided into quarter sections (160 acre portions), and sixteenth sections (40 acre portions), as shown below:



For example, the 40 acre portion shown in black on the diagram above right would be described as follows:

"The SW_{1/4} of the NE_{1/4} of Section 21, Township 2 South, Range 2 West, W.M."

A SAMPLE PROJECT MAP IS SHOWN ON THE REVERSE SIDE OF THIS PAGE

Options for Meeting Fish Passage Requirements for Inconduit Hydroelectric Projects Under ORS 543.765

Oregon's Integrated Water Resources Strategy recommends taking advantage of existing infrastructure to develop hydroelectric power (Recommended Action #4b). To implement this action, the strategy recommends utilizing the state's expedited application process to develop inconduit hydroelectric projects on existing infrastructure. A conduit may be an open canal or a pipeline in an irrigation district, a pipeline in a municipal water or wastewater system, or a pipeline within an industrial operation.



Oregon has an expedited application process (ORS 543.765) for those with existing water rights that want to add new hydroelectric projects to existing infrastructure that meet certain requirements. The amount, timing and primary use of water diverted must remain unchanged. Holders of water right certificates under these provisions can secure approval to install hydroelectric generation inside or at the end of existing transmission pipelines or conduits. One of the requirements of the law is that the certificate issued under this section requires the holder to comply with the Oregon Department of Fish and Wildlife's (ODFW) requirements for fish screens, by-pass devices, and fish passage.

Fish screens meeting current criteria are required, as is fish passage at the point of diversion. In 2013, the Oregon Legislature passed Senate Bill 837, providing additional flexibility in addressing fish passage requirements by establishing new provisions for inconduit hydroelectric projects generating less than 15 megawatts. Under the new law, persons wishing to install inconduit hydroelectric power using an existing water right may meet fish passage requirements by: (1) providing fish passage in accordance with an agreement with ODFW; (2) obtaining a waiver or exemption under ORS 509.585; or (3) paying annual fees into the Fish Passage Restoration Subaccount (Subaccount) as described below.

Eligibility to Pay Annual Fees Instead of Providing Fish Passage: In order to be eligible to pay an annual fee instead of providing fish passage, the following criteria must be met: (1) the hydroelectric generating equipment must be installed within or at the end of a conduit delivery system and not located in a dam; (2) the delivery system distributes water for agricultural, municipal, or industrial consumption; and (3) the water right certificate includes a requirement that annual payments are made to the Subaccount.

Calculation of the Fish Passage Fee: The fee is calculated using the base hydropower fee assessed on the project. For projects that have a base minimum fee of \$100 or less, the passage fee will be \$100. For projects with a base hydropower fee of more than \$100, the fee will be calculated as follows: years 1-5 will be assessed at four times the base hydropower fee; years 6-10, eight times the base hydropower fee; and, thereafter, 15 times the base hydropower fee. Payment of the fee will no longer be required if a project initially chooses the fee option, but later provides fish passage, or is granted a waiver or exemption.

Use of the Subaccount: Moneys in the Subaccount will be administered by ODFW and used to fund fish passage restoration projects. Priority for funding will be given to projects on the statewide inventory of artificial obstructions priority list, with an emphasis on projects that pay fees into the Subaccount, and projects that leverage matching dollars. The fund may not be used for culverts or state-owned structures.



KEY CONTACTS

Oregon Water Resources Department

Hydroelectric Program Coordinator – Mary Grainey 503-986-0833

Oregon Department of Fish and Wildlife

Fish Passage Program Coordinator – Greg Apke 503-947-6228

Hydropower Program Leader – Ken Homolka 503-947-6090

