

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

CITY OF HILLSBORO
150 EAST MAIN STREET, THIRD FLOOR
HILLSBORO, OR 97123-4028

confirms the right to use up to 3.8 CUBIC FEET PER SECOND (cfs) of the waters of SAIN CREEK, a tributary to the SCOGGINS CREEK, and the waters of the TUALATIN RIVER, a tributary to the WILLAMETTE RIVER for HYDROELECTRIC PRODUCTION of 137 THEORETICAL HORSEPOWER (THP).

The use of water for hydroelectric purposes shall be in conjunction with water used under the rights of The City of Hillsboro for purposes, as evidenced by Certificates 67891, 81026, and 81027 and as diverted from the Spring Hill Intake from the Tualatin River. Use of water shall be limited to periods when the water user's water right under Certificates 67891, 81026, and 81027 are put to beneficial use without waste. The amount of water used shall not be greater than the quantity of water diverted to satisfy the authorized specific use under Certificates 67891, 81026, and 81027. The use of water shall be limited by rate, duty, season and any other limitations of Certificates 67891, 81026, and 81027.

The applicant shall measure and report the quantity of water diverted.

This right was filed under application PC 896.

The point of diversion is located: 500 FEET NORTH AND 410 FEET EAST FROM SW CORNER OF SECTION 8, being within the SW ¼ SW ¼, SECTION 8, TOWNSHIP 1 SOUTH, RANGE 3 WEST, W.M.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

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.

The authorized place of use is located: Tax Lot 600, SE ¼ SE ¼, SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

PROJECT DESCRIPTION

Water is diverted at the Spring Hill Intake from the Tualatin River to a treatment plant. Water discharged from the treatment plant is transported approximately 9.4 miles via a 72-inch-diameter pipe, the last 500 feet of which is 66 inches in diameter. Water is diverted from the 66-inch-diameter North Transmission Line, via a 24-inch-diameter pipeline, to a Hydro/Pressure Reducing Valve room where an approximately 4-foot-long, 12-inch-diameter intake pipe diverts water to a single 94-kW horizontal Francis type turbine. The water discharges through an approximately 6-foot-long, 12-inch-diameter pipe into a 24-inch-diameter outlet pipe which leads to the 10 million gallon Will Crandall Reservoir for later delivery to the City of Hillsboro's water users.


WATER RIGHT CONDITIONS

Upon review of the application, Oregon Water Resources Department (OWRD) finds that the 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 water power involved.

1. The water right holder shall comply with all statutes and rules applicable to the Project.
2. 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 or by any lawful extension thereof.
3. The water right holder shall construct, operate and maintain all fish screens, bypass devices and fish passages as required by the Oregon Department of Fish and Wildlife.
4. The water right holder shall allow the OWRD Director and authorized agents and employees of the Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife (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.
5. The restrictions established in ORS 543.660 shall apply as conditions of use.
6. This certificate shall be invalidated upon a change in the point of diversion of the water right for the Spring Hill Intake for the City of Hillsboro.

7. The Water Resources Department shall conduct a review of this certificate upon approval of any changes or adjustments made to the water users existing water right to determine if a revised certificate should be issued.
8. The right to use water under this certificate is invalidated if the Federal Energy Regulatory Commission exemption related to the certificate is canceled or invalidated.
9. This certificate does not have its own priority date. The Department 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 Certificates 67891, 81026, and 81027.
10. This certificate is subject to review by the Department 50 years after the date of issuance pursuant to ORS 543.765.
11. 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.
12. 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 the City of Hillsboro shall immediately take appropriate action to prevent further loss. The City of Hillsboro shall notify the nearest ODFW office within 24 hours and shall comply with measures required by ODFW to prevent additional injury or mortality.
13. 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 November 20, 2012



Dwight W. French, Administrator
Water Right Services Division, for
Phillip C. Ward, Director
Oregon Water Resources Department

