

STATE OF OREGON

COUNTY OF MULTNOMAH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF FAIRVIEW
1300 NE VILLAGE ST
FAIRVIEW OR 97024

confirms the right to store water perfected under the terms of Permit R-12301. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-71435

SOURCE: FAIRVIEW CREEK, A TRIBUTARY OF COLUMBIA SLOUGH

STORAGE FACILITY: FAIRVIEW RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE MAINTAINED UNDER APPLICATION S-71436, PERMIT S-53272 FOR RECREATION, WILDLIFE HABITAT AND AESTHETICS.

MAXIMUM STORAGE VOLUME: 291.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: YEAR-ROUND

DATE OF PRIORITY: MARCH 26, 1991

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	20	SE SE	847 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 20

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	20	NE SE
1 N	3 E	WM	20	SE SE
1 N	3 E	WM	21	NE SW
1 N	3 E	WM	21	NW SW
1 N	3 E	WM	21	SW SW
1 N	3 E	WM	21	SE SW
1 N	3 E	WM	21	NE SE
1 N	3 E	WM	21	NW SE
1 N	3 E	WM	21	SW SE
1 N	3 E	WM	21	SE SE
1 N	3 E	WM	22	SW SW

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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director 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 water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user 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.

The water user shall operate diversion screening or fish passage facilities as required by the Oregon Department of Fish and Wildlife specifications.

The dam shall be maintained according to the approved as-builts on file with the Water Resources Department.

The existing dam shall have Multnomah County Drainage District 1 as the single named party responsible for all maintenance and repair of the existing dam, and for matters pertaining to safety of downstream life and property directly related to the dam. Transference of these responsibilities to any other individual, cooperative or association must include a provision that the new owner/operator have the lawful ability to negotiate contracts and to assume the liability for its operation, maintenance and repair.

The defined existing structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair or maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modifications to the dam, spillway or appurtenant structures.

Should an outlet conduit be required at some later date to satisfy priority water distribution needs, one shall be installed using appropriate safeguards and construction techniques, or the structure may be breached and reconstructed.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

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

This right 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, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plans.

The storage 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 the above purpose is restricted to beneficial use on the lands or place of use described.

APR 10 2015

Issued _____.



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