

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 5 CUBIC FEET PER SECOND (cfs) of the waters of SAIN CREEK, (and SCOGGINS RESERVOIR), and the waters of the TUALATIN RIVER, a tributary to the WILLAMETTE RIVER under 118 of head for HYDROELECTRIC PRODUCTION of 67 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 rights 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. ORS 543.765(5)(c) and (d).

The applicant shall measure and report the quantity of water diverted. ORS 543.765(5)(e).

This right was filed under application PC 907.

The point of diversion is located:

500 FEET NORTH AND 410 FEET EAST FROM SW CORNER OF SECTION 8, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 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.

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 1050, NE ¼ SE ¼, SECTION 22, TOWNSHIP 1 NORTH, RANGE 2 WEST, W.M.

PROJECT DESCRIPTION

The source of water for the Gordon Faber Hydroelectric Project (Project) is the Spring Hill Intake on the Tualatin River at River Mile 56.3. The diversion site is owned by the Bureau of Reclamation. The intake has traveling screens and strainers to prevent debris, fish and wildlife from entering the pump well. The National Marine Fisheries Service, prepared a biological opinion: *“Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) Consultation for the Operation and Maintenance of the Tualatin Project Scoggins Creek (HUC 1709001003) Washington County, Oregon”* on October 1, 2014, for this facility. Reasonable and Prudent Measures and Terms and Conditions were specified for the Incidental Take Statement at that time.

The Joint Water Commission’s (JWC) pumps water from the intake structure about ½ mile to its Water Treatment Plant (WTP) which supplies up to 75 million gallons of water per day (MGD). The City of Hillsboro is a partner and serves as the managing agency for the Joint Water Commission.

After treatment, water for City of Hillsboro enters a 9.4 mile long, 72-inch-diameter pipeline, the North Transmission Line. The last 500 feet of this pipeline is 66 inches in diameter. Water is also moved from the Fernhill Reservoirs through the South Transmission Line to the North Transmission Line. At the Gordon Faber Stadium, pressure in the pipeline is reduced from 130 psi to 80 psi by a pressure reducing valve (PRV). A new 50-kW horizontal Francis type turbine will be installed in parallel with the PRV. The water will discharge back into the city’s distribution system for later delivery to the City of Hillsboro’s water users. No additional water shall be diverted for hydroelectric purposes.

The proposed Gordon Faber Hydroelectric Project is to be operated automatically based on available pressure and flow (customer demand). Existing water transfer will not be disrupted, but rather through the proposed project or through the existing conduit (existing PRVs). The project is composed of compatible intake and discharge pipes, a single turbine generating unit, control valves and sensors and meter. The controlling device will be housed in an appropriate electrical box. The project will be on a 15x7 ft concrete slab roughly 10 ft (center of pipe to center of pipe) from the existing conduit. There will be a 13x5x5 ft fiberglass enclosure housing the entire project with appropriate sound protection, landscaping, and aesthetics suitable for the recreation complex and various site uses.

Energy generated at this site will be used to offset the electricity in the City of Hillsboro, water operations and at the ballpark facilities.

The facility boundary is contained at the existing vault area. There is already a functioning PRV in this location. The new hydroelectric facility will operate and function the same as the existing facility, incurring no additional environmental or operational impacts. The vegetative

cover around the existing vault area is and will continue to be maintained by the City of Hillsboro who maintains the facilities and landscaping at the Gordon Faber Recreation Complex.

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. ORS 543.765(13).
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. The City has chosen to pay the annual Fish Passage Restoration fee identified in ORS 543.765(5)(b) and 543.765(14)(a)(D) in lieu of providing fish passage.
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. 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. ORS 543.765(5)(g)
6. 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. ORS 543.765(6)
7. 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. ORS 543.765(5)(h).
8. 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. ORS 543.765 (9) and (10).
9. This certificate is subject to review by the Department 50 years after the date of issuance pursuant to ORS 543.765(12).

10. The water right holder shall pay, upon receiving an invoice from OWRD, an annual fee to OWRD under ORS 543.078(2)(b). This amount shall be due by the date specified on the invoice. ORS 543.765(16).
11. The water right holder shall pay, upon receiving an invoice from OWRD, an annual Fish Passage Restoration fee to OWRD under ORS 543.765(14). 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

JANUARY 29, 2020



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

Recorded in State Record of Water Right Certificates numbered 94896.