

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 6.68 CUBIC FEET PER SECOND (cfs) of the waters of BARNEY RESERVOIR, with 100 feet of head to develop HYDROELECTRIC CAPACITY of 75.9 THEORETICAL HORSEPOWER (THP).

The use of water for hydroelectric purposes shall be in conjunction with water diverted under the rights of the City of Hillsboro (City) for purposes, as evidenced by certificate 81020 and as delivered through the Joint Water Commission South Transmission Line. Use of water shall be limited to periods when the water right holder's right under certificate 81020 is put to beneficial use without waste. The amount of water used shall not exceed the quantity of water diverted to satisfy the authorized use under certificate 81020 and is further limited by rate, duty, season, and any other limitations of the certificate. ORS 543.765(5)(c) and (d).

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

This right was filed under application PC 915.

The point of diversion is located:

within the NE ¼ NW ¼, SECTION 35, TOWNSHIP 1 SOUTH, RANGE 6 WEST, W.M.

The authorized place of use is located:

Within the Tax Lot 9701 NE ¼ NE ¼, SECTION 29, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M.

Appeal Rights

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

PROJECT DESCRIPTION

The City has water rights for municipal use from Barney Reservoir via diversion from the Tualatin River in the Willamette River basin. This application would use water already diverted through a pipeline for municipal purposes. No additional water shall be diverted for hydroelectric purposes.

Water will be diverted from Barney Reservoir located in the NE ¼ NW ¼, SECTION 35, TOWNSHIP 1 SOUTH, RANGE 6 WEST, W.M. The water will be rediverted from the Tualatin River at the Joint Water Commission's (JWC), Spring Hill Pumping Intake Plant 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. The diverted water is treated at the JWC water treatment plant and pumped to the two 20 million-gallon (MG) Fernhill Reservoirs. Water from the Fernhill Reservoirs is delivered to the City of Beaverton (Beaverton's) through a 48-inch diameter JWC South Transmission Line, which conveys water for approximately 13.9 miles, until it transitions to a 30-inch line that fills the 15 MG and 5 MG Sexton Mountain Reservoirs. The hydropower project will be installed at the same location as the Sexton Mountain Pump Station and the 15 MG Sexton Mountain Reservoir. After flowing thorough the hydroelectric project, the water will return to Beaverton's transmission system for distribution to its residential and commercial customers.

WATER RIGHT CONDITIONS

Upon review of the application, Oregon Water Resources Department (OWRD) finds that the City's Hydroelectric Facility (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 waterpower 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. 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, unless they choose 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. The City has chosen to pay the annual fee.
4. The water right holder shall allow the OWRD Director and authorized agents and employees of the Oregon Department of Environmental Quality, 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 authorized for the existing right under Certificate 85914. ORS 543.765(5)(g).
7. The OWRD shall conduct a review of this certificate upon approval of any changes or adjustments made to the water user's existing water right to determine if a revised certificate should be issued. ORS 543.765(6).
8. The right to use water under this certificate is invalidated if the Federal Energy Regulatory Commission exemption related to this certificate is canceled or invalidated. ORS 543.765(5)(h).
9. This certificate does not have its own priority date. The OWRD 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 Certificate 81020. ORS 543.765(9) and (10).
10. This certificate is subject to review by the Department 50 years after the date of issuance pursuant to ORS 543.765. ORS 543.765(12).
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. Failure to pay the required fee will invalidate this certificate. ORS 543.765(16) and (17).
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 including the fish passage and screening facilities, the City shall immediately take appropriate action to prevent further loss. The City 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 **SEP 09 2022**



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 96624.