

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CONDUIT 3 HYDROELECTRIC PROJECT LLC
2420 NE SANDY BLVD SUITE 203
PORTLAND, OR 97232

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-17987

SOURCE OF WATER: WELL EW-1 IN JOHNSON CREEK BASIN

PURPOSE OR USE: COMMERCIAL USES, INCLUDING GEOTHERMAL (HEATING AND COOLING)

MAXIMUM RATE: 0.045 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 26, 2015

WELL LOCATIONS:

PRODUCTION WELL EW-1: SWNW, SECTION 12, T1S, R2E, W.M.; 390 FEET SOUTH AND 130 FEET WEST FROM THE CENTER OF THE NW 1/4, SECTION 12

INJECTION WELL IW-1: SWNW, SECTION 12, T1S, R2E, W.M.; 375 FEET SOUTH AND 135 FEET WEST FROM THE CENTER OF THE NW 1/4, SECTION 12

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW ¼ NW ¼
SECTION 12
TOWNSHIP 1 SOUTH, RANGE 2 EAST, W.M.

Measurement devices, and recording/reporting of annual water use conditions:

- A. The Director may require the permittee to install a totalizing flow meter at each point of diversion. If the Director notifies the permittee to install a measuring device, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order, and shall allow the watermaster access to the device.

- B. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.

Prior to use of water under this permit, the permit holder must register the injection activity with the Oregon Department of Environmental Quality's Underground Injection Control Program, which can be contacted at 2020 SW 4th Ave, Ste 400, Portland OR 97201, or 503-229-5263.

Groundwater production shall be allowed only from the alluvial groundwater reservoir.

The production well and the injection well shall be constructed to extract or inject groundwater from and to the same water-bearing zone.

All groundwater extracted from the production well must be injected in the authorized injection well and use must be non-consumptive.

Prior to use of water under this permit, the permit holder shall submit documentation affirming that all applicable requirements of OAR 690-230 have been met.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to

mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

This permit 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 plan.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued October 8, 2015



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director