

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MULTNOMAH COUNTY DRAINAGE DISTRICT 1  
1880 NE ELROD DR.  
PORTLAND, OREGON 97211

PHONE: (503) 281-5675

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

APPLICATION FILE NUMBER: R-71435

SOURCE OF WATER: 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 53272 FOR RECREATION, WILDLIFE HABITAT AND AESTHETICS

MAXIMUM VOLUME: 291.0 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE YEAR-ROUND

DATE OF PRIORITY: MARCH 26, 1991

The area submerged by the reservoir, when full, will be 108.0 acres and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 10.2 feet.

DAM LOCATION: SW 1/4 SE 1/4, SECTION 21, T1N, R3E, W.M.; 150 FEET NORTH AND 1815 FEET WEST FROM THE SE CORNER OF SECTION 21

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4

NE 1/4 SE 1/4

SECTION 20

NW 1/4 SW 1/4

SW 1/4 SW 1/4

SE 1/4 SW 1/4

NW 1/4 SE 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

SECTION 21

SW 1/4 SW 1/4

SECTION 22

TOWNSHIP 1 NORTH, RANGE 3 EAST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device 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 permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee 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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

The dam shall be operated, and maintained according to the approved plans and specifications dated July 27, 1992 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 existing dam shall be defined to have a minimum crest width of 8 feet, with upstream and downstream slopes of 3:1 and 2:1, respectively. The maximum height of the existing structure is 10.2 feet, elevation 16.7 feet NGVD (Figure A). All embankment materials above or within the plan footprint of the existing dam shall be considered as integral, non-divisible portions of the existing dam.

The Department may modify the dam dimensions if evidence is submitted by an engineer on behalf of the permittee that demonstrates that a different dam size is appropriate.

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 and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any modification to the dam, spillway or appurtenant structures.

Installation of an outlet conduit could threaten the integrity of the existing structure. 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.

**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.

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.

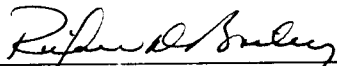
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use 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 Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2001.

Issued October 16, 1997



Martha C. Pagel, Director  
Water Resources Department