

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

METRO PARKS AND GREENSPACES
600 NE GRAND AVE
PORTLAND, OREGON 97232

(503) 797-1729

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

APPLICATION FILE NUMBER: R-84711

SOURCE OF WATER: MULTNOMAH CHANNEL, A TRIBUTARY OF COLUMBIA RIVER

STORAGE FACILITY: MULTNOMAH CHANNEL NORTH RESERVOIR AND MULTNOMAH CHANNEL SOUTH RESERVOIR

PURPOSE OR USE OF THE STORED WATER: WETLAND ENHANCEMENT, WILDLIFE AND FISH LIFE

MAXIMUM VOLUME: 443.0 ACRE FEET (AF), BEING 203.0 AF IN MULTNOMAH CHANNEL NORTH RESERVOIR AND 240.0 AF IN MULTNOMAH CHANNEL SOUTH RESERVOIR

WATER MAY BE DIVERTED FOR STORAGE YEAR ROUND.

DATE OF PRIORITY: MARCH 26, 2001

The area submerged by MULTNOMAH CHANNEL NORTH RESERVOIR, when full, will be 68 ACRES and the maximum depth of water will be 9 FEET. The maximum height of the dam shall not exceed 8.6 FEET. The area submerged by MULTNOMAH CHANNEL SOUTH RESERVOIR, when full, will be 91.8 ACRES and the maximum depth of water will be 11.68 FEET. The maximum height of the dam shall not exceed 11.68 FEET.

DAM LOCATIONS:

MULTNOMAH CHANNEL NORTH RESERVOIR: NE 1/4, SECTION 1, T2N, R2W, W.M.; THE CENTER OF THE PROPOSED DAM IS LOCATED SOUTH 28° WEST 1162 FEET FROM THE NE CORNER OF SECTION 1.

MULTNOMAH CHANNEL SOUTH RESERVOIR: SW 1/4 NW 1/4, SECTION 7, T2N, R1W, W.M.; THE CENTER OF THE PROPOSED DAM IS LOCATED 324 FEET NORTH &

313 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 7, AS PROJECTED WITHIN DLC #41.

THE AREAS TO BE SUBMERGED BY THE RESERVOIRS ARE LOCATED AS FOLLOWS:

MULTNOMAH CHANNEL NORTH RESERVOIR

LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)

LOT 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)

NE $\frac{1}{4}$ SE $\frac{1}{4}$

LOT 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)

SECTION 1

TOWNSHIP 2 NORTH, RANGE 2 WEST, W.M.

MULTNOMAH CHANNEL SOUTH RESERVOIR

LOT 1 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$)

SW $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 7

TOWNSHIP 2 NORTH, RANGE 1 WEST, W.M.

LOT 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)

NE $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 12

TOWNSHIP 2 NORTH, RANGE 2 WEST, 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.

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

The earthen dams and their resultant reservoirs shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Dam Safety program. Any significant change in the approved design prior to or during construction shall be documented by the project engineer in a letter to Dam Safety. All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No fill shall be placed until preparation of the foundation has been completed and examined in its entirety by the project engineer, or by the Water Resources Dam Safety Engineer, or both.

No water shall be stored until the Water Resources Department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design a set of reproducible asbuilt drawings, including a revised reservoir capacity graph/table, must accompany the engineer's written certification of completion.

The completed 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 significant modification, alteration, or rehabilitation of the dam, spillway or appurtenant structures.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed hereunder is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

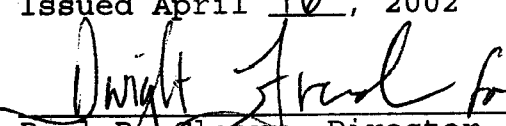
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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 water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued April 16, 2002


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.