STATE OF OREGON

COUNTY OF HOOD RIVER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FARMERS IRRIGATION DISTRICT
1985 COUNTRY CLUB RD
HOOD RIVER OR 97031

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

APPLICATION FILE NUMBER: R-88231

SOURCE OF WATER: GATE CREEK, CABIN CREEK, AND RAINY CREEK, TRIBUTARIES TO HOOD RIVER

STORAGE FACILITY: UPPER GREEN POINT RESERVOIR (ENLARGEMENT OF A RESERVOIR, CONSTRUCTED UNDER PERMIT R-698)

PURPOSE OR USE OF THE STORED WATER: IRRIGATION AND FLOW AUGMENTATION

MAXIMUM VOLUME: 650.0 ACRE-FEET (AF)

MAXIMUM COMBINED DIVERSION RATE FROM GATE CREEK, CABIN CREEK, AND RAINY CREEK PODS SHALL BE NO MORE THAN 14.0 CFS

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH APRIL 14

DATE OF PRIORITY: MAY 23, 2016

MAXIMUM DAM HEIGHT: 41.0 FEET

POINTS OF DIVERSION (POD):

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
GATE CREEK	2 N	9 E	WM	30	NE SW	1726 FEET NORTH AND 2493 FEET EAST FROM SW CORNER, SECTION 30
CABIN CREEK	2 N	9 E	WM	32	NW NE	66 FEET SOUTH AND 1951 FEET WEST FROM NE CORNER, SECTION 32
RAINY CREEK	2 N	8 E	WM	25	NE SE	1614 FEET NORTH AND 1070 FEET WEST FROM SE CORNER, SECTION 25

DAM LOCATION:

Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
UPPER GREEN POINT RESERVOIR	2 N	9 E	WM	22	NW SE	NORTH 32 DEGREES 47 MINUTES 1 SECOND WEST, 2746 FEET FROM SE CORNER, SECTION 22

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

Twp	Rng	Mer	Sec	Q-Q
2 N	9 E	WM	22	SW NE
2 N	9 E	WM	22	NE SW
2 N	9 E	WM	22	SE SW
2 N	9 E	WM	22	NW SE
2 N	9 E	WM	22	SW SE

MEASUREMENT DEVICES, RECORDING, AND REPORTING CONDITIONS

1. **Measurement Device Conditions:**

A. Before water use may begin under this permit, the permittee shall install measurement devices as described in the *Monitoring and Measurement Plan for Permit R-15387*. The permittee shall maintain the devices in good working order. All measurement devices shall be calibrated annually, if needed, be maintained within the manufacturer's range of accuracy, and comply with their standards of maintenance and operation. The Watermaster may require the installation of additional measurement devices or additional standards for the operation of devices.

B. The permittee shall allow the Watermaster access to the devices to confirm compliance with the permit conditions; provided, however, where any device is located within a private structure, the Watermaster shall request access upon reasonable notice.

C. The permittee shall work with the Department to establish appropriate flow monitoring and measurement. The Department shall provide guidance on the operation of the streamgages. The *Monitoring and Measurement Plan for Permit R-15387* shall be made part of the application file and shall be used as the basis for determining specific standards for streamflow monitoring and measurement. The Department may determine that equal or more appropriate measurement locations and devices may be required.

D. Streamgages and water level sensors shall be operated in compliance with Department streamgaging standards.

E. If Department staff are needed to operate a gage or otherwise monitor the instream flow in the reach for delivery of the released water, a fee may be associated with this delivery per ORS 540.410.

2. **Recording and Reporting Conditions for Storage, Seasonally Varying Flow (SVF), and Required 25 Percent Instream Flow Protection (RIFP)**:

A. The permittee shall notify the Watermaster when filling begins under this permit.

B. The permittee shall keep a complete record of the volume of water diverted each month from each POD, and shall submit a report, which includes stored water volume, to the Department annually or more frequently as may be required by the Director and documented in the *Monitoring and Measurement Plan for Permit R-15387*. 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.

C. Prior to the start of the irrigation season, the permittee shall submit to the Watermaster a measurement of the total volume of water stored under this permit outside the irrigation season in Upper Green Point Reservoir.

D. If storage volumes are greater than 470 AF, storage releases are required to meet the RIFP requirement, and the permittee shall demonstrate that the requirement has been met by reporting releases from the Upper Green Point Reservoir to the Watermaster. The water-use measurement shall be submitted to the Watermaster bi-weekly or more frequently as requested by the Watermaster. This water shall be protected from junior out-of-stream diversions down to the confluence of Ditch Creek with the Hood River Mainstem and protected through a secondary permit.

E. The permittee shall submit an annual written report and supporting electronic data to the Watermaster providing:

   a. Gaged daily, average time series of streamflow from all streamgages operated in compliance with the *Monitoring and Measurement Plan for Permit R-15387*;

   b. Calculations of daily, average diversion rates from Gate/Rainy Creek PODs combined in a Department specified format; and

   c. Calculations of daily, average diversion rates from Cabin Creek POD in a Department specified format.

F. Gaging station records shall include rating curve derivation, shift curves, inspection notes, time series, and daily flow records/hydrographs. Additional supporting documentation for the streamgages may include copies of discharge measurements, level surveys, cross-section surveys, and any other material relevant to development of the rating curve and production of a daily flow record that meets Department standards. These notes shall be submitted in an annual report and will be in a format specified by the Department. Deviation from Department standards must be reviewed by the Department and approved by the Director.

G. Annual audits of records may be performed on submitted records throughout the life of the project. Operations that are routinely in violation of the permit conditions may be subject to fines and/or cancellation of the storage permit.

3. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

REQUIRED 25 PERCENT INSTREAM FLOW PROTECTION (RIFP) CONDITIONS

1. **Water Dedicated Instream (OAR 690-093-0110; ORS 541.651-541.696):**

   A. The permittee shall dedicate instream 25 percent of waters stored annually, up to 162.5 AF, pursuant to ORS 541.681.

   B. The RIFP requirement shall be met through Transfer CW-92, which transfers 117.5 AF of water instream. This water transferred instream shall be used to satisfy the initial requirements of up to 470 AF of newly developed water stored in the reservoir under this permit.

   C. If more than 470 AF of water is stored in the reservoir, the permittee shall meet the remaining RIFP requirements by releasing water from the Upper Green Point Reservoir using the following release schedule, to protect up to 45.0 AF instream with a maximum release rate of 1.0 CFS:

Month	Release of Stored Volume [%]	Maximum Release [AF]
July	15.0	7.0
August	42.5	19.0
September	42.5	19.0

   D. The Oregon Department of Fish and Wildlife (ODFW) may request that the permittee release water via an alternate schedule. If the permittee agrees, ODFW is required to contact the Watermaster for written authorization 60 days prior to the irrigation season to formalize the agreement, which includes the agreed upon release schedule and the signature of both the permittee and ODFW.

   E. In order to meet the RIFP requirement with stored water releases, this permit or a satisfactory replacement, must be non-cancelled.

   F. In order to meet the RIFP requirement with stored water releases, a secondary Flow Augmentation water right must be in place with the source of water identified as the reservoir, with protected releases from the reservoir down to the confluence of Ditch Creek and the Hood River Mainstem.

   G. If the Department of Environmental Quality (DEQ) notifies the Department that the quality of the source stream or downstream waters has decreased to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows, the Department will consult with ODFW and DEQ to determine a revised release scheduled for the RIFP requirement that best protects instream uses with regards to sensitive, threatened, and endangered species.

   H. The permittee may propose to satisfy the requirements of this section through additional time limited or permanent transfers of water instream within the tributary if the Department finds that there is no injury associated with the transfer and if, in consultation with ODFW, the Department finds that the transfer provides equal or greater environmental benefit to the release of water from the reservoir.

SEASONALLY VARYING FLOW (SVF) CONDITIONS

1. **Ecological Baseflow Diversion Restrictions:**

Water may only be diverted when the following ecological baseflows are met, measured as daily average streamflow as follows:

Reach 1 – Gate Creek POD

BASEFLOW REQUIREMENTS FOR GATE CREEK POD	
Month	***Minimum Flow (CFS)***
November 1 – February 28/29	4.7
March 1 – 31	13.0
April 1 – 14	18.0

Reach 3 - Green Point Creek Stream Gage

BASEFLOW REQUIREMENTS FOR GREEN POINT CREEK STREAMGAGE	
Month	***Minimum Flow (CFS)***
November 1 – April 14	90.0

2. **Diversion Rate Restrictions:**

During March and April, if daily average streamflow at the Gate Creek POD drops below 19.0 CFS, total storage diversions under this permit shall be limited to 3.0 CFS.

3. **Limitations of Use:**

A. If the permittee chooses to store water under Water Right Certificate 48819 from November 1 through January 1, this permit cannot be exercised during the storage season from November 1 to April 14.

B. After January 1 of each year, the permittee can continue to fill Upper Green Point Reservoir under this permit until it is satisfied or switch to filling under Water Right Certificate 48819.

C. If the permittee chooses to switch to Water Right Certificate 48819 after January 1, the permittee can switch back to this permit, once Water Right Certificate 48819 is satisfied for that season.

D. The permittee shall notify the Watermaster within 15 days of when the storage of water begins or resumes under this permit.

WATER QUALITY CONDITIONS AND RECOMMENDATIONS

1. Permittee shall not cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1). If the Department of Environmental Quality (DEQ) determines that pollution of waters of the state is occurring, the permittee is not in compliance with

ORS 468B.025(1), and DEQ shall notify the Watermaster of the violation through written, signed notice. DEQ shall work with the Watermaster on options to eliminate the violation.

2. 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.

3. DEQ recommends the following best management practices to protect water quality:

   A. Minimize impacts to aquatic life in the North Fork Green Point watershed by setting maximum withdrawal rates or minimum instream flows for each tributary below the POD to ensure that no tributary is completely dewatered by the diversions.

   B. Develop a monitoring plan to assess the impacts of the diversions on the North Fork Green Point watershed. Collect baseline data and post-project data on peak flows at these locations to show that the flows needed for hyporheic recharge, sediment flushing, floodplain connection, and biological triggering are still occurring. Visually monitor the extent of wetland inundation and side channel connection in mid-March to gage the impact of the diversion on the hydrology of the wetland. Collect baseline and post project pH and temperature data at locations of maximum impact of the diversions on these parameters.

   C. Develop a monitoring plan to assess the quality of the water stored in Upper Green Point Reservoir throughout the irrigation season.

   D. Test for algal toxins when algal blooms occur.

   E. Develop a nutrient, bacteria, and sediment plan to minimize upland sources of pollutants if reservoir monitoring reveals exceedances of water quality standards.

DAM CONDITIONS

1. All construction shall be performed under the supervision of the engineer of record. If the engineer of record cannot supervise construction, the Department's Dam Safety Engineer must be notified in writing, prior to construction activity, with the name of the engineer supervising construction.

2. The State Engineer must be notified at least 5 days prior to the start of construction.

3. The constructed works shall conform to the approved plans and specifications on file with the Department's Dam Safety Program. The engineer of record shall notify the Department's Dam Safety Program before making any significant change to the approved design prior to or during construction.

4. No new water (associated with the dam raise) shall be stored until the Department receives written confirmation from the engineer of record that construction has been completed in accordance with the approved plans and specifications with all changes accurately noted on the as-built drawings.

5. Routine maintenance of the dam, its spillway, and all appurtenant structures shall be performed including, but not limited to, removal of woody or high vegetation from the embankment, abutments

and spillway, removal of debris from the reservoir, and annual or more frequent cycling of the valve or gate for the low level conduit.

6. Repair or replacement of defective or worn out equipment (including but not limited to gates, valves, and conduits) shall be completed as needed to keep the dam safe.

7. If the dam is enlarged, modified or otherwise altered, this work shall be based on design plans and specifications prepared by a Registered Professional Engineer licensed in Oregon. These plans shall be approved by the Department's Dam Safety Program prior to such alterations of the dam, its spillway, or any appurtenant structure(s).

8. There shall be an approved operations manual for the dam that describes pressurized operation, inspection procedures, and a schedule for pressurized conduits for the dam.

9. If used, flashboards shall be maintained in good condition, replaced as needed and, removed as necessary prior to potential winter storms, unusual rainfall, or snowmelt events at any time of the year.

OTHER CONDITIONS

1. 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.

2. A fishway to ensure adequate upstream and downstream passage for fish is required for any in-channel obstruction, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission.

3. The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current ODFW standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of water under this permit. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

4. The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through ODFW. The permittee is hereby directed to contact an ODFW Passage Coordinator before beginning construction of any in-channel obstruction.

5. 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.

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

7. 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.

8. Construction of the water system shall begin within ten years of the date of permit issuance.

9. The permitted volume of water shall be stored within ten years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

10. Within one year of storage of water and compliance with all permit conditions, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued May 21st, 2019

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