

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PORT OF PORTLAND
700 N.E. MULTNOMAH - BOX 3529
PORTLAND, OREGON 97208

503-731-7505

to use the waters of WILLAMETTE AND COLUMBIA RIVERS, tributaries of PACIFIC OCEAN, for Municipal Use and Wetland Enhancement.

This permit is issued approving Application 72998. The date of priority is NOVEMBER 18, 1992. The use is limited to not more than 72.80 cubic feet per second (CFS); being 21.76 cfs from the Willamette River for municipal use; 15.41 cfs from the Columbia River for municipal use; and 35.63 cfs from the Columbia River for wetland enhancement, or its equivalent in case of rotation, measured at the points of diversion from the source. The use of water may be made at any time of the year that water can be put to beneficial use.

The points of diversion are located as follows:

WILLAMETTE RIVER

Swan Island Industrial District (Ship Repair Yard)

Diversion No. 1A: NE 1/4 SW 1/4, Section 21, T 1 N, R 1 E, WM;
1440 feet north and 1760 feet east of the SW
corner of Section 21.

Diversion No. 1B: NE 1/4 SW 1/4, Section 17, T 1 N, R 1 E, WM;
1760 feet north and 1840 feet east of the SW
corner of Section 17.

Terminal No. 4

Diversion No. 2A: NE 1/4 NE 1/4, Section 11, T 1 N, R 1 W, WM;
450 feet south and 1350 feet west of the NE
corner of Section 11.

Diversion No. 2B: SW 1/4 SW 1/4, Section 35, T 2 N, R 1 W, WM;
150 feet north and 825 feet east of the SW
corner of Section 35.

Rivergate Industrial District

Diversion No. 3: NE 1/4 SW 1/4, Section 23, T 2 N, R 1 W, WM;
1760 feet north and 2240 feet east of the SW
corner of Section 23.

COLUMBIA RIVER

PDX International Airport and Center

Diversion No. 1: SW 1/4 SW 1/4, Section 10, T 1 N, R 2 E, WM;
1000 feet north and 800 feet east of the SW
corner of Section 10.

Diversion No. 2: SE 1/4 NW 1/4, Section 6, T 1 N, R 2 E, WM;
3400 feet north and 2080 feet east of the NW
corner of Section 6.

Rivergate Industrial District

Diversion No. 3: SE 1/4 SE 1/4, Section 24, T 2 N, R 1 W, WM;
800 feet north and 200 feet west of the SE
corner of Section 24.

Application 72998

Water Resources Department

PERMIT 51547

A description of the proposed place of use under this permit is as follows:

Sections 23, 24, 25, 26, 35
Township 2 North, Range 1 West, WM

Sections 29, 30, 31, 32
Township 2 North, Range 1 East, WM

Sections 1, 12
Township 1 North, Range 1 East, WM

Sections 5, 6, 7, 8, 9, 10, 15, 16, 17
Township 1 North, Range 2 East, WM

Sections 17, 18, 20, 21
Township 1 North, Range 1 East, WM

Sections 2, 11
Township 1 North, Range 1 West, WM

Section 35
Township 2 North, Range 1 West, WM

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the rate and amount of water used each month and shall submit a report which includes the recorded water use measurement to the Department annually or more frequently as may be required by the Director. Further, the permittee shall report general water use information to the Department, including the place and nature of use of water under the permit along with the maintenance and operation of fish screening devices.
- B. The permittee shall allow the watermaster access to the meter; provided, however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Before water use may begin under this permit, the permittee shall install fish screening devices at each point of diversion to prevent fish from being drawn into or entering the diversion facilities. The fish screening devices shall be installed, maintained and operated in accordance with Oregon Department of Fish and Wildlife specification. A screen maintenance schedule shall be incorporated into the permittee's operations manual for the water system.

The permittee shall adopt and implement its Non-Potable Water System Preliminary Conservation and Curtailment Plan (Non-Potable Water System Plan). Within one year from the date the Water Resources Commission adopts conservation and management planning rules, the permittee shall submit its Non-Potable Water System Plan to the Department for a determination of whether the Non-Potable Water System Plan is consistent with such rules. If the Department determines the Non-Potable Water System Plan is inconsistent with the rules, the permittee shall have one year to remedy any defects in the Non-Potable Water System Plan.

Diversion and use of water by the permittee under this permit shall be conducted in compliance with state and federal water quality permitting requirements and water quality standards applicable to discharges made by the permittee. Before water is delivered under this permit, permittee shall deliver written directions concerning compliance with such water quality permitting requirements and water quality standards to each entity receiving water under this permit. Such compliance directions shall inform the water user of the need to comply with water quality permitting requirements and water quality standards.

The permittee shall submit a wetland enhancement plan or plans (Wetland Plan) for Smith, Bybee and Ramsey Lakes to the Water Resources Department within three years of the issuance of this permit. The Wetland Plan shall describe in detail the amount of water to be used for wetland enhancement and the rate and time of delivery of water to the wetland areas. The Wetland Plan shall describe in detail the environmental impacts of the project, including the effect on water quality and quantity in the lakes, Columbia Slough and the Willamette and Columbia Rivers. The permittee shall consult with the Departments of Water Resources, Environmental Quality, Fish and Wildlife, Oregon Division of State Lands, City of Portland, METRO and U.S. Army Corps of Engineers in preparing the Wetland Plan. Upon submittal of the Wetland Plan, the Department shall publish notice of the submittal in its weekly public mailing. The public shall be given 60 days to comment. The Director may require amendments or additions to the Wetland Plan as necessary to insure protection of the environment. The Wetland Plan as amended shall be submitted to the Water Resources Commission for approval. The Wetland Plan must be approved by the Commission prior to diversion of water for wetland enhancement.

Water appropriated under this permit for the purpose of wetland enhancement (35.63 cfs) shall be used only for that purpose and any water right certificate issued to perfect this permit shall be conditioned to prohibit any change in the use of that portion of the water right.

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

The permit is for the beneficial use of water without waste. The permittee is advised that new regulations may require the use of best practical technologies or conservation practices to limit or prohibit waste.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Within one year of permit issuance, the permittee shall prepare and submit a long-term water supply plan (Supply Plan) to the Water Resources Commission. The Supply Plan shall include an implementation schedule. The Supply Plan shall describe the permittee's existing and anticipated future non-potable water service areas, an estimate of its 10-, 20- and 50-year non-potable water demand projections, and any intergovernmental agreements related to water supply coordination and management. The Supply Plan shall compare its projected non-potable water needs to the size and reliability of the permittee's existing water rights and water supply contracts. Permittee shall consult and coordinate with the City of Portland and other affected regional water suppliers in the preparation of the Supply Plan. After a 60-day public comment period, the Commission shall review and approve, along with any condition, the Supply Plan. The Commission's review will include consideration of the relationship of the permittee's Supply Plan to other regional water supply plans and other applicable water management plans and policies.

Pursuant to ORS 537.230(2) and ORS 539.010(5), the Department or Commission review for any request for extension of time to perfect water use under this permit shall consider consistency with applicable basin programs and regional water supply plans.

Actual construction work shall begin on or before October 5, 1995, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

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 Water Resources Commission has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest on July 22, 1994.

Issued this date, October 5, 1994.

~~A. REED MARBUT~~
for Water Resources Department
Martha O. Pagel
Director