

STATE OF OREGON
 COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOINT WATER COMMISSION
 (HILLSBORO, FOREST GROVE, BEAVERTON,
 AND TUALATIN VALLEY WATER DISTRICT)
 150 E MAIN STREET
 HILLSBORO OR 97123

503-615-6702

This superseding permit is issued to describe an amendment for a change in point of diversion proposed under Permit Amendment Application T-11155 and approved by Special Order Vol. 85, Page 822, entered December 15, 2011, and to describe an extension of time for complete application of water approved September 9, 2010, a Water Management and Conservation Plan approved September 14, 2010, and an assignment approved November 18, 2010. This permit supersedes Permit S-50879.

to use the waters of SCOGGINS CREEK, a tributary of TUALATIN RIVER, for MUNICIPAL USE.

This Permit is issued approving Application 69637. The date of priority is JUNE 9, 1988. The use is limited to not more than 75.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the original point of diversion, (NE¼ NE¼, Sec. 20, T 1 S, R 4 W, W.M.; 707 feet South and 441 feet West from the NE Corner of Section 20), from the source.

AUTHORIZED POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	8	SW SW	SPRINGHILL INTAKE - 500 FEET NORTH AND 410 FEET EAST FROM THE SW CORNER OF SECTION 8

AUTHORIZED PLACE OF USE:

MUNICIPAL USE		
Twp	Rng	Mer
1 N	1 W	WM
1 N	2 W	WM
1 N	3 W	WM
1 N	4 W	WM
1 S	1 W	WM
1 S	2 W	WM
1 S	3 W	WM
1 S	4 W	WM
2 S	3 W	WM
2 S	4 W	WM

THE USE OF WATER UNDER THE TERMS OF THIS PERMIT WILL BE FURTHER RESTRICTED AS FOLLOWS:

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion on Scoggins Creek; and

Water shall be acquired from the same surface water source (Scoggins Creek) as the original point of diversion; and

The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department; and

The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion. Any increase of the pumping facility capacity will result in the need to upgrade the fish screens to be consistent with fish screen criteria in place at the time of the increase in capacity. The water user shall operate, inspect and maintain the existing intake system (checking seals, integrity of screens, etc.) as needed to function as designed, but not less frequently than annually.

The diversion will be limited to the period from October 1 through May 31; and

A bypass flow of 20 cubic feet per second (cfs) will be maintained in Scoggins Creek from Scoggins Dam to the mouth from October 1 through November 30 and 15 cfs will be maintained from December 1 through May 31; and

The use of water for municipal use will be subordinate to the fill schedule of Scoggins Reservoir; and

The Joint Water Commission will report to the Water Resources Commission by February 1994 on the use of water under the terms of this permit and determine if other water rights from the Tualatin River are surplus and should be cancelled.

This project was considered and approved by the Water Resources Commission on February 12, 1990.

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

Conditions to Maintain the Persistence of Listed Fish:

A. Minimum Fish Flow Needs

Minimum fish flow needs on the Tualatin River as recommended by the Oregon Department of Fish and Wildlife (ODFW) are:

TABLE 1 ODFW'S Recommended Minimum Fish Flow Needs on the Tualatin River Measured at Golf Course Gage (USGS No. 14204800) (or its equivalent)	
Month	Cubic Feet per Second (CFS)
June 1 - September 30	No Withdrawal Permitted
October 1 - May 31	100 CFS

B. Determining Water Use Reductions - Generally

The use of the undeveloped portion of Permit S-54737 that impacts Tualatin River surface water and legally can be diverted must be reduced in proportion to the amount by which the flows shown in Table 1 are not met as calculated using ODFW's formula, $1 - [(Q-E)/Q_T]$, where Q is the stream flow at the point of diversion, E is the amount of the extension (75 cfs), and Q_T is the target flow of 100 cfs at the Golf Course Gage. The flows will be based on a seven-day rolling average of mean daily flows, and curtailment will be based on the remaining flows measured at the Golf Course Gage (USGS No. 14204800), or its equivalent, as shown in Table 2.

TABLE 2 Calculated curtailment and resulting diversion for Permit S-54737 for different flows at the POD (CFS)				
Flow at POD	% Missed	Curtail	Diversion	Remaining Q as measured at Golf Course Gage (USGS 14204800)
200	0%	0.0	75.0	125.0
175	0%	0.0	75.0	100.0
170	5%	3.8	71.3	98.8
160	15%	11.3	63.8	96.3
150	25%	18.8	56.3	93.8
140	35%	26.3	48.8	91.3
130	45%	33.8	41.3	88.8
120	55%	41.3	33.8	86.3
110	65%	48.8	26.3	83.8
100	75%	56.3	18.8	81.3
95	80%	60.0	15.0	80.0
90	85%	63.8	11.3	78.8
85	90%	67.5	7.5	77.5
80	95%	71.3	3.8	76.3
75	100%	75.0	0.0	75.0

The Joint Water Commission shall submit an updated Water Management and Conservation Plan no later than **September 14, 2020**, and shall submit a progress report containing the information required under OAR 690-086-0120(4) by **September 14, 2015**.

Actual construction work shall begin on or before FEBRUARY 16, 1991, and shall be completed on or before October 1, 2071. Complete application of the water to the use shall be made on or before October 1, 2071.

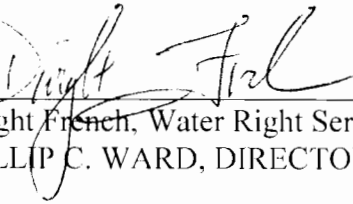
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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 shall be limited when it interferes with any prior surface or ground water rights.

Issued 15 December, 2011

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line. The signature is cursive and somewhat stylized.

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR