

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EUGENE WATER AND ELECTRIC BOARD
PO BOX 10148
EUGENE, OR 97440-2148

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

APPLICATION FILE NUMBER: S-87675

SOURCE OF WATER: WILLAMETTE RIVER, A TRIBUTARY OF COLUMBIA RIVER

PURPOSE OR USE: MUNICIPAL USES

MAXIMUM RATE: 30.9 CUBIC FEET PER SECOND

THE USE OF WATER UNDER THIS PERMIT OR SUBSEQUENT CERTIFICATE(S), IN COMBINATION WITH SURFACE WATER REGISTRATION SW-354 OR ANY SUBSEQUENT RELATED DECREED RIGHT, SHALL NOT EXCEED 30.9 CUBIC FEET PER SECOND.

FURTHER, THE USE OF WATER UNDER THIS PERMIT OR SUBSEQUENT CERTIFICATE(S), IN COMBINATION WITH RIGHTS ORIGINATING UNDER APPLICATIONS G-15857, S-10168, S-22037, AND S-35037, SHALL NOT EXCEED A TOTAL OF 300.08 CUBIC FEET PER SECOND.

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 3, 2011

POINT OF DIVERSION (POD) LOCATIONS:

POD 1: NE ¼ SE ¼, SECTION 30, T17S, R3W, W.M.; 1710 FEET NORTH AND 555 FEET WEST FROM SE CORNER, SECTION 30

POD 2: NW ¼ NW ¼, SECTION 32, T17S, R3W, W.M.; 843 FEET SOUTH AND 1123 FEET EAST FROM NW CORNER, HILYARD SHAW DLC 56

POD 3: NW ¼ SW ¼, SECTION 34, T17S, R3W, W.M.; 2525 FEET NORTH AND 1255 FEET EAST FROM SW CORNER, SECTION 34

POD 4: SW ¼ NW ¼, SECTION 2, T18S, R3W, W.M.; 1510 FEET SOUTH AND 1315 FEET EAST FROM NW CORNER, SECTION 2

THE PLACE OF USE IS LOCATED WITHIN THE SERVICE BOUNDARY OF EUGENE WATER AND ELECTRIC BOARD

Application S-87675 Water Resources Department

PERMIT S-54805

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

This permit is not a determination regarding SW-354.

In the event an adjudication affirms surface water registration SW-354 and a certificate is issued for that right, this permit or subsequent certificate(s) shall expire or, in the event the certificate for SW-354 is for less than 30.9 CFS, this permit or subsequent certificate(s) shall be diminished by the amount of that decreed right.

Water shall be diverted only when the combined flows of the Goshen gage on the Coast Fork Willamette River (USGS gage 14157500) and the Jasper gage on the Middle Fork Willamette River (USGS gage 14152000) meet or exceed the minimum instream flows established by Water Rights Certificate 59549. Those flows are:

Period	Flows in cubic feet per second
January 1 - May 31	2500
June 1 - October 31	2000
November 1 - December 31	2500

A suitable replacement gage, as approved by the Director, may be used to monitor these flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (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, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

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 by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Prior to any associated construction or use of water from points of diversion 3 and 4, the permittee shall submit documentation to the Department that the use complies with the City of Springfield's acknowledged comprehensive land-use plan.

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.

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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.

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.

Completion of construction and application of the water shall be made within 20 years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued February 28 , 2013



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director