

Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.oregon.gov/OWRD

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
MAILING ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization

NAME PORT OF PORTLAND, ATTN: BLAKE HAMALAINEN		PHONE 503.415.6566	FAX
MAILING ADDRESS PO BOX 3529			CELL
CITY PORTLAND	STATE OR	ZIP 97208	E-MAIL * BLAKE.HAMALAINEN@PORTOFPORTLAND.COM

Agent – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTN: BRUCE BRODY-HEINE		PHONE 971.200.8519	FAX
MAILING ADDRESS 147 SW SHEVLIN HIXON DR., SUITE 201			CELL
CITY BEND	STATE OR	ZIP 97702	E-MAIL * BBHEINE@GSIWS.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically.
 (Paper copies of the final order documents will also be mailed.)

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate.

<i>Blake Hamalainen</i>	Blake Hamalainen, Environmental Manager, Land & Water	6/14/2024
Applicant Signature	Print Name and Title if applicable	Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Vanport Wetlands				
Source*:	Precipitation and stormwater runoff	Tributary:	North Slough		
County:	Multnomah County				
Quantity:	22.74 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	1N	1E	4	NWNE, NENE, SWNE, SENE	400
Maximum Height of Dam:	5 feet. If excavated write "zero feet."				

* Provide the name of the water body or other source from which water will be diverted and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Wetland enhancement, invasive plant suppression, and wildlife

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses, which may include stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

- Yes (please check appropriate box below then skip to section 5)
 - There are no encumbrances.
 - This land is encumbered by easements, right of way, roads of way, roads or other encumbrances.
- No (Please check the appropriate box below)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

NA

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SECTION 5: ENVIRONMENTAL IMPACT

Channel: Is the Reservoir: in-stream or off channel?

Wetland: Is the project in a wetland? YES NO unknown

Existing: Is this an existing reservoir? YES NO

If YES, how long has it been in place? 30+ years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? YES NO unknown

If YES, how much? NA miles.

Existing: Have you been working with other agencies? YES NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project. **Multnomah County Drainage District (MCDD), Bill Owen, Director of Operations and Engineering, 503-281-5675 ext. 321. The Port pays MCDD to assist with water management of Vanport Wetlands..**

SECTION 6: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME Multnomah County PEN 1 Drainage District		ADDRESS 1880 NE Elrod Drive	
CITY Portland	STATE OR	ZIP 97211	

SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

Vanport Wetland mitigation site includes a 65.5 acre wetland/reservoir which seasonally accumulates precipitation, mostly in the form of rainfall but also some stormwater runoff. In 2001, a five-foot berm was constructed to confine precipitation within the reservoir along with a water control structure (i.e., slide gate weir) at the northern end of the reservoir to adjust water levels within the reservoir.

Stormwater runoff can enter the system on the east side, which flows into the reservoir, and are relatively small and only enter the reservoir from the east.

The wetland (or reservoir) is managed hydrologically in the rainy season to (1) suppress invasive species, such as reed canary grass, and (2) promote native plant establishment and diversity for wildlife habitat. Water is generally held within the wetland between mid-September through mid-June, with the goal to have at least 3 feet of water throughout the wetland for invasive species suppression. Day to day operations, including the weir and pump station, are managed by Multnomah County Drainage District via a Conservation Easement and intergovernmental agreement. The weir is inspected in the fall then closed before the rainy season to continue the annual cycle of storage and release. Water release (into the North Slough) during the late spring and summer months is done gradually to simulate natural conditions and promote native plant establishment.

If the diversion involves a dam, use this space below (or attached pages) for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

See Appendix C for diagrams of the berm and water control structure.

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APPENDIX A

Application Map

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APPENDIX B

Legal Description

Exhibit A
Legal Description

A tract of land in the North one-half of Section 4, Township 1 North, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, said tract being more particularly described as follows:

Beginning at a point from which Station 45+36.04 on the Union Meat Company Base Line bears North 23°28'23" East, 794.50 feet; thence North 66°31'37" West, 756.03 feet; thence North 23°28'23" East, 722.00 feet, said Point of Beginning being further described as a point from which the Northeast corner of said Section 4 bears North 52°27'31" East, 1445.13 feet; thence from said point of beginning North 23°28'23" East along a line perpendicular to the Union Company Base Line, 263.70 feet to a point on the Westerly line of Expo Road (Co. Rd. No. 4205); thence Northerly along said Westerly line along the arc of a non-tangent curve (the radius point of which bears North 71°53'23" East, 353.25 feet) through a central angle of 02°36'54", 16.12 feet (chord bears North 16°48'10" West, 16.12 feet) to a point on a line which is parallel to and South 23°28'23" West, 1241.60 feet from, when measured at right angles to, said Union Meat Company Base Line; thence North 66°31'37" West along said line parallel to said Base Line, 1226.10 feet to a point on the Easterly line of that tract of land described as "Exhibit A" in Deed Document Number 96127264 as recorded August 22, 1996 in the Multnomah County Records; thence Southerly tracing the boundary of said tract the following courses and distances, South 28°45'23" West, 611.68 feet; thence South 60°23'23" West, 333.00 feet to a ¾ inch iron pipe marking the most Southerly corner of said Document No. 96127264 tract, which point is an angle point on the Northerly portion of the Easterly line of that tract of land described in Deed Book 2054, Page 313 as recorded March 27, 1961 in said Deed Records, and which point is an angle point on the Westerly line of that tract of land described in Deed Book 2508, page 1576 as recorded February 1, 1992 in said Deed Records; thence Southerly and Easterly tracing portions of the boundaries of said Deed Book 2054, Page 313 and Deed Book 2508, Page 1576 tracts the following courses and distances: South 08°00'00" West, 1096.03 feet to the most Northerly corner of that tract of land described in Deed Book 1910, Page 130 as recorded August 1, 1958 in said Deed Records; thence Southeasterly along the Northerly line of said Deed Book 1910, Page 130 tract the following courses and distances: South 52°06'00" East, 12.96 feet; thence along the arc of a 924.14 foot radius curve left through a central angle of 03°16'31", 52.83 feet (the chord of which bears South 53°44'15" East, 52.82 feet); thence South 55°22'31" East, 447.50 feet; thence along the arc of a 439.26 foot radius curve right through a central angle of 15°05'56", 115.76 feet (chord bears South 47°49'42" East, 115.42 feet) to a point on the Northerly line of said Deed Book 2054, Page 313 tract; thence South 55°44'58" East along said Northerly line, 63.43 feet; thence continuing along said Northerly line South 81°58'23" East, 1564.42 feet to a point on the Westerly line of Expo Road (Co. Rd. No. 4205); thence Northerly along said Westerly line the following courses and distances: North 12°37'43" East, 798.02 feet; thence

(Legal Description continues)

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Radio Tower MCDD1 Conservation Easement Amendment No. 1 - 4

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North 09°12'43" East, 346.81 feet; thence along the arc of a 416.19 foot radius curve left through a central angle of 61°14'30", 444.86 feet (chord bears North 21°24'33" West, 423.98 feet); thence North 52°01'47" West, 100.00 feet; thence along the arc of a 735.00 foot radius curve right through a central angle of 05°47'56", 74.39 feet (chord bears North 49°07'49" West, 74.36 feet) to the Southerly line of that certain tract of land described in Book 851 Page 259 as recorded February 1, 1972 in the said Deed Records; thence leaving said Westerly line of Expo Road and tracing said Southerly line, North 82°09'37" West, 290.42 feet to the Point of Beginning. Containing 3,963,387 square feet, 90.986 acres, more or less.

Excepting therefrom: a parcel of land located in the Northeast one-quarter of Section 4, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, being further described as follows:

Commencing at the Northeast corner of Section 4, Township 1 North, Range 1 East; thence South 69°15'46" West a distance of 1405.05 feet; thence South 07°44'00" East a distance of 9.80 feet, to a point on the Northerly line of Port of Portland tract, Fee No. 99-224531, recorded 12-15-99, Multnomah County Records; thence along said Northerly line, South 66°31'37" East a distance of 291.33 feet, to a point on the Southwesterly right-of-way line of Expo Road (Co. Rd. No. 4205); thence along said Southwesterly right-of-way line, along the arc of a 353.25 foot radius curve to the left, through a central angle of 02°36'53" a distance of 16.12 feet to a point that bears South 16°48'10" East a distance of 16.12 feet from the last described point; thence leaving said right-of-way line, along the Westerly line of Multnomah County tract recorded in Book 851, Page 259, on 2-10-1972, Multnomah County Records, South 23°28'23" West, a distance of 263.70 feet; thence along the Southerly line of said Multnomah County tract, South 82°09'37" East a distance of 235.74 feet to the True Point of Beginning; thence continuing along said Southerly line, South 82°09'37" East a distance of 54.68 feet to a point on the aforesaid Southwesterly right-of-way line of Expo Road; thence leaving said Southerly line along said Southwesterly right-of-way line the following five (5) courses: (1) along the arc of a 735.00 foot radius curve to the left, through a central angle of 05°47'57" a distance of 74.39 feet to a point that bears South 49°07'49" East a distance of 74.36 feet from the last described point; (2) thence South 52°01'47" East a distance of 100.00 feet; (3) thence along the arc of a 416.20 foot radius curve to the right, through a central angle of 61°14'30" a distance of 444.86 feet to a point that bears South 21°24'33" East a distance of 423.98 feet from the last described point; (4) thence South 09°12'43" West a distance of 346.81 feet; (5) thence South 12°37'43" West a distance of 66.81 feet; thence leaving said right-of-way line North 05°40'03" East a distance of 250.12 feet; thence North 07°25'36" East a distance of 192.13 feet; thence along the arc of a 370.00 foot radius curve to the left through a central angle of 59°59'41" a distance of 387.43 feet to a point that bears North 22°34'15" West a distance of 369.97 feet from the last described point; thence North 52°34'06" West a distance of 228.44 feet to the True Point of Beginning. Containing 20,144 square feet more or less.

(Legal Description continues)

Radio Tower MCDD1 Conservation Easement Amendment No. 1 - 5

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The bearings in this description are based upon Survey No. 57017, Multnomah County Survey Records, dated January 24, 2000 by OTAK, Inc.

And further excepting therefrom: a parcel of land located in the Northeast one-quarter of Section 4, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, being further described as follows:

Commencing at the Northeast corner of Section 4, Township 1 North, Range 1 East; thence South $69^{\circ}15'46''$ West a distance of 1405.05 feet; thence South $07^{\circ}44'00''$ East a distance of 9.80 feet, to a point on the Northerly line of Port of Portland tract, Fee No. 99-224531, recorded 12-15-99, Multnomah County Records; thence along said Northerly line South $66^{\circ}31'37''$ East a distance of 227.89 feet to the True Point of Beginning; thence continuing South $66^{\circ}31'37''$ East a distance of 63.44 feet to a point on the Southwesterly right-of-way line of Expo Road (Co. Rd. No. 4205); thence, leaving said Northerly line, along said Southwesterly right-of-way line, along the arc of a 353.25 foot radius curve to the left, through a central angle of $02^{\circ}36'53''$ a distance of 16.12 feet to a point that bears South $16^{\circ}48'10''$ East a distance of 16.12 feet from the last described point; thence leaving said right-of-way line, along the Westerly line of Multnomah County tract recorded in Book 851, Page 259, on 2-10-1972, Multnomah County Records, South $23^{\circ}28'23''$ West, a distance of 84.48 feet; thence leaving said Westerly line along the arc of a 418.00 foot radius curve to the right, through a central angle of $16^{\circ}14'46''$ a distance of 118.52 feet to a point that bears North $14^{\circ}02'03''$ West a distance of 118.13 feet from the last described point; thence North $08^{\circ}43'28''$ West a distance of 3.63 feet to the True Point of Beginning. Containing 3,859 square feet more or less.

The bearings in this description are based upon Survey No. 57017, Multnomah County Survey Records, dated January 24, 2000 by OTAK, Inc.

(End of Legal Description)

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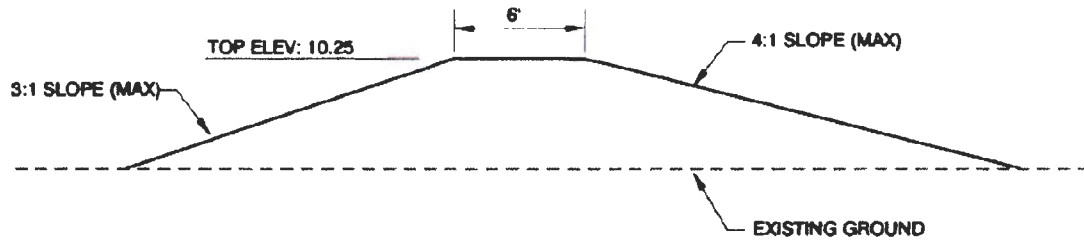
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APPENDIX C

Berm Diagrams

Sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe).

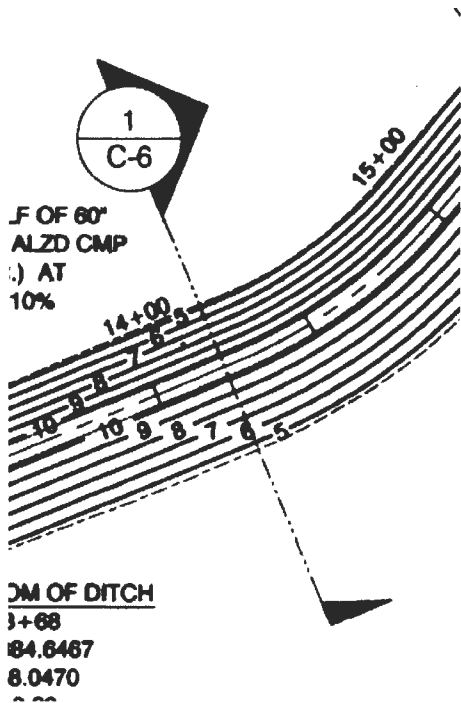
Below is a cross-section of the dam (or berm).



TYPICAL BERM W/O BENCH
SCALE: SCHEMATIC



As indicated in overhead view below, ground surface elevation is approximately 5 feet.

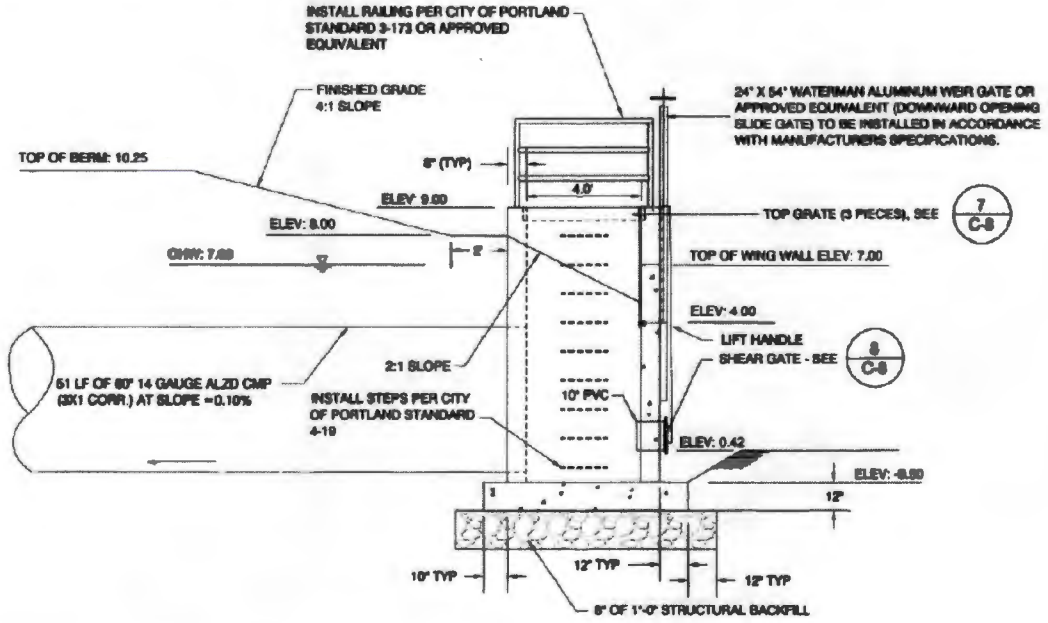


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The image below is a cross-section of the water control structure.

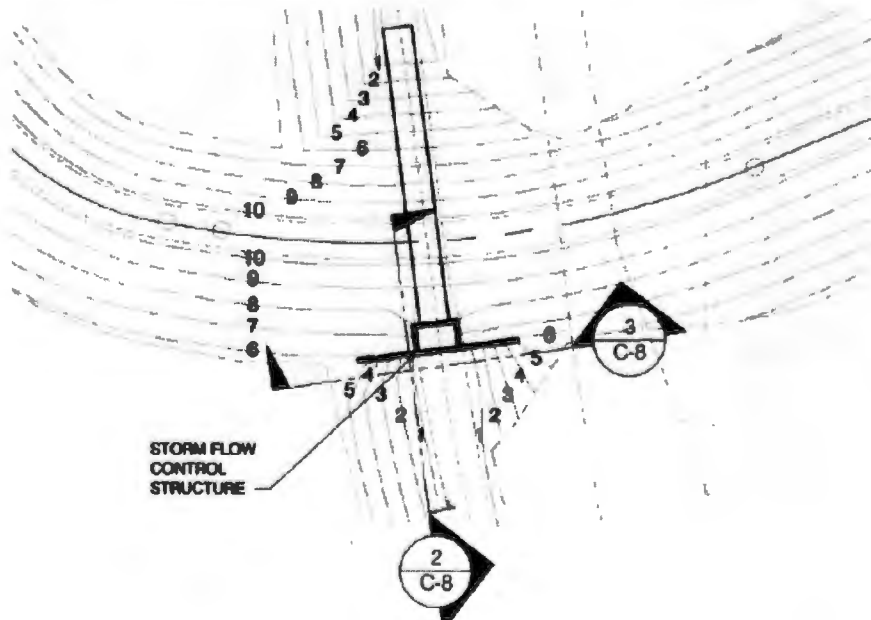


FLOW CONTROL STRUCTURE SECTION

SCALE: NTS



The image also shows where the water control structure is located along the dam.



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APPENDIX D

Watermaster Alternate Reservoir Application Review Sheet

Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name: Port of Portland Attn: Blake Hamalainen		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain:		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: Jan 1 End: Dec 31		
Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c)) No Water Availability tables for this area. Water will likely be available year-round for the proposed use.		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Name:	Agency:	Date:
Name:	Agency:	Date:

Watermaster Name: Amy Landvoigt, WM District 20

Watermaster Signature: Amy Landvoigt Date: 4/24/2024

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NOTE: This completed form must be returned to the applicant

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APPENDIX E

Oregon Department of Fish and Wildlife Alternate Reservoir
Application Review Sheet

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.	
Applicant Name: <u>Port of Portland</u>	Received by OWRD JUN 20 2024
Address: <u>PO Box 3529, Portland OR.</u>	Salem, OR
Phone/Email: <u>503-415-6566, blake.hamalainen@portofportland.com</u>	
Reservoir Name: <u>Vanport Wetlands</u>	Volume (AF): <u>22.74</u>
Source: <u>Precipitation and stormwater run off</u>	<input type="checkbox"/> in-channel
Basin Name: <u>Columbia Slough</u>	<input checked="" type="checkbox"/> off-channel
Twp Rng Sec QQ: <u>1N 1E 4 NWNE, NENE, SWNE, SENE</u>	
Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.	

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.

1) Is the proposed project and AO¹ off channel?..... YES* NO
(if yes then proceed to #4; if no then proceed to #2)

**Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon’s fish passage laws.*

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan?..... YES NO
- b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be “Yes” to move forward with the application. If responses to 3(a) and 3(b) are “No”, then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period type here through type here poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

Applicant Name: Port of Portland

ODFW Review

Review Date: 6/4/2024

during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ODFW has determined that the proposed use solely for wetland enhancement, invasive species suppression and wildlife does not pose a significant detrimental impact to an existing fishery resource locally or downstream, as long as conditions identified below are included in the permit.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- NO (explain)
- YES (select from Menu of Conditions on next page)

- See applicable conditions selected from "Menu of Conditions" on next page

describe Mitigation Obligation here, if applicable

Janna Stevens

Digitally signed by Janna Stevens
Date: 2024.06.04 11:26:35 -07'00'

ODFW Signature: _____

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 6/4/2024

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12; reformatted 5/12/20

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

Use this menu to identify appropriate conditions to be included in the permit:

[X] Agricultural Water Quality Management Area Rules: The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

[] b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

[] b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment and other pollutants from water to the stream.

[] b51a The period of use has been limited to type here through type here.

[] b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

[] b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

[] blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

[] Bypass Flows: Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

[] fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

[] fishapprove: 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.

[] fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

[] fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

[] fishself: 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 prior to diversion of any water. Permittee

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Salem, OR

Applicant Name: Port of Portland

ODFW Review

Review Date: 6/4/2024

shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

- Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** 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.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not 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. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wq:** 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.

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Salem, OR

APPENDIX F

Land Use Information Form

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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JUN 20 2024

NOTE TO APPLICANTS

Salem, OR

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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**Received by OWRD
JUN 20 2024
Salem, OR**

JUN 20 2024

Land Use Information Form Salem, OR



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

NAME PORT OF PORTLAND, ATTN: BLAKE HAMALAINEN			PHONE 503.415.6566		
MAILING ADDRESS PO BOX 3529					
CITY Portland		STATE OR	ZIP 97208	EMAIL BLAKE.HAMALAINEN@PORTOFPORTLAND.COM	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
1N	1E	4	NWNE	400	Open Space (OS), Environmental Conservation (c), Aircraft Landing (h)	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Multipurpose storage
1N	1E	4	NENE	400	Open Space (OS), Environmental Conservation (c), Aircraft Landing (h)	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Multipurpose storage
1N	1E	4	SWNE	400	Open Space (OS), Environmental Conservation (c), Aircraft Landing (h)	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Multipurpose storage
1N	1E	4	SENE	400	Open Space (OS), Environmental Conservation (c), Aircraft Landing (h)	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Multipurpose storage

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Multnomah County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- Permit to Use or Store Water Water Right Transfer Permit Amendment or Ground Water Registration Modification
- Limited Water Use License Exchange of Water Allocation of Conserved Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) precipitation and stormwater runoff

Estimated quantity of water needed: up to 22.74 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other Multipurpose

Briefly describe:

The applicant is applying for a water right to store primarily precipitation with some stormwater runoff in an existing mitigation wetland, or reservoir. The wetland will potentially store up to 22.7 acre-feet during the rainy season.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____
- Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Environmental Review	Zoning Code Chapter 33.430, Environmental Overlay Zones	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Port of Portland use of this site as an off-site mitigation area including resource enhancements to an existing wetland is existing and was most recently reviewed and approved by a 2004 Environmental Review (Case File No. LU 04-043122 EN) in compliance with Portland Zoning Code Chapter 33.430.

Name: Gina Messa Title: City Planner
 Signature: *Gina Messa* Date: April 30, 2024
 Governmental Entity: City of Portland Phone: 503-865-6425

Receipt Acknowledging Request for Land Use Information	
Note to Local Government Representative:	
Please complete this form and return it to the applicant. For new water right applications <u>only</u> , if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.	
Applicant Name: _____	
Staff Name: _____	Title: _____
Staff Signature: _____	Date: _____
Governmental Entity: _____	Phone: _____



Received
JUN 20 2024
OWRD

LETTER OF TRANSMITTAL

To: Nick Reece, Oregon Water Resource Department
Address: 725 Summer Street NE, Suite A, Salem, OR 97301
From: Renee Fowler, GSI Water Solutions, Inc.
CC: Blake Hamalainen, Port of Portland
Date: June 17, 2024

Enclosed are documents related to temporary application number NR-18, including the email from Oregon Water Resource Department acknowledging the Port of Portland's application and the application fee.

Date of Publication	Number of Copies	Description
June 14, 2024	1	Oregon Water Resource Department's email acknowledging accepting the Reservoir e-application for Port of Portland, Attn: Blake Hamalainen. The temporary application number is: NR-18
June 12, 2024	1	Application and recording fee for NR-18

Received by OWRD
JUN 20 2024
Salem, OR

Renee Fowler

To: REECE Nick A * WRD
Subject: RE: Application for a Permit to Store Water - Port of Portland

Received
JUN 20 2024
OWRD

From: REECE Nick A * WRD <Nick.A.REECE@water.oregon.gov>
Sent: Friday, June 14, 2024 2:35 PM
To: Renee Fowler <rfowler@gsiws.com>; WRD_DL_customerservice <WRD_DL_customerservice@water.oregon.gov>
Cc: Hamalainen, Blake <Blake.Hamalainen@portofportland.com>; Butler, Carrie <carrie.butler@portofportland.com>; Bruce Brody-Heine <BBheine@gsiws.com>
Subject: RE: Application for a Permit to Store Water - Port of Portland

Hi Renee,

It looks like the directions from the reference corner may have been flipped (North/South, East/West). We can still accept the application, if you would like to send an updated map, I will add it to the file when we receive payment.

OWRD has received and accepted the Reservoir e-application for Port of Portland, Attn: Blake Hamalainen. The temporary application number is: **NR-18**

Please print this email and include a copy of it when mailing in the payment. The fees due for this application are: **\$ 1423.00 (If opting to include recording fee: \$2033.00)**

A copy of the fee calculator is included for your reference:

Base Application Fee		\$480.00
Proposed Dam Height in feet	5	
Proposed Reservoir volume in Acre Feet	22.74	\$943.00
	Subtotal:	\$1,423.00
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,033.00

Received by OWRD
JUN 20 2024
Salem, OR



Water Solutions, Inc.

Via electronic mail to wrd_dl_customerservice@water.oregon.gov

June 14, 2024

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

To Whom It May Concern:

Please find enclosed an application for a permit to store water in a reservoir, alternate review, which is being filed on behalf of the Port of Portland. The Applicant is proposing to store up to 22.74 acre-feet of rainfall and some stormwater during the rainy season at Vanport Wetlands.

The permit application fee of \$2,033 will be mailed to OWRD after we receive the temporary number for this application.

Please let me know if you have any questions or if there's any additional information I can provide. I can be reached at 541.390.0591 or bbheine@gsiws.com.

Sincerely,
GSI Water Solutions, Inc.

A handwritten signature in blue ink that reads "Bruce Brody-Heine".

Bruce Brody-Heine
Principal Hydrogeologist

CC: Blake Hamalainen, Port of Portland

Enclosers: Application for a Permit to Store Water in a Reservoir and Appendices

Received by OWRD

JUN 20 2024

Salem, OR