

Mailing List for Proposed Certificate

Application: S-87723

Permit: S-54925

Certificate:

Permit/Certificate Holder:

PORTLAND GENERAL ELECTRIC CO.
c/o TIM GOLIGHTLY, PLANT MAINT. MGR
121 SW SALMON ST
PORTLAND OR 97204

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Proposed Certificate to be sent to:

1. Watermaster District #: 5
2. File

Other persons to receive copies: (include map):

1. JEFFREY L. DANIELSON, CWRE *No Address*

Copies Mailed	
by: <u>K MWF</u>	(STAFF)
on: <u>MAR 01 2024</u>	(DATE)



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

Date Mailed:

MAR 01 2024

Reference: Application S-87723 Permit S-54925

PROPOSED

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Mary Bjork at 503-979-9895.

If you have any questions please contact Codi Holmes at 503-979-3184.

Sincerely,

Dwight French
Administrator
Water Right Services

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PORTLAND GENERAL ELECTRIC CO.
121 SW SALMON ST
PORTLAND OR 97204

confirms the right to the use of water perfected under the terms of Permit S-54925. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-87723

SOURCE OF WATER: CARTY RESERVOIR, CONSTRUCTED UNDER PERMIT R-6276, TRIBUTARY OF COLUMBIA RIVER

PURPOSE or USE: INDUSTRIAL/MANUFACTURING USES

MAXIMUM VOLUME: 2329.0 ACRE-FEET

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MAY 18, 2011

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	24 E	WM	34	SW SW	680 FEET NORTH AND 640 FEET EAST FROM SW CORNER, SECTION 34

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
3 N	24 E	WM	33	NE NE
3 N	24 E	WM	33	NW NE
3 N	24 E	WM	33	SW NE
3 N	24 E	WM	33	SE NE
3 N	24 E	WM	33	SE NW
3 N	24 E	WM	33	NE SW
3 N	24 E	WM	33	NW SW
3 N	24 E	WM	33	SW SW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q
3 N	24 E	WM	33	SE SW
3 N	24 E	WM	33	NE SE
3 N	24 E	WM	33	NW SE
3 N	24 E	WM	33	SE SE
3 N	24 E	WM	34	NE NW
3 N	24 E	WM	34	NW NW
3 N	24 E	WM	34	SW NW
3 N	24 E	WM	34	SE NW
3 N	24 E	WM	34	NE SW
3 N	24 E	WM	34	NW SW

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, the totalizing flow meter at each point of diversion, shall keep a complete record of the amount of water used 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 water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

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

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.

This right 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 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 right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued _____

PROPOSED

Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

PERMIT

MEMO -Proof to Satisfaction

Prop

Application # <u>S 87723</u>	Permit #	Permit Amendment (T-FILE)#
WRD Reviewer (CW)	<u>holmes</u>	Date <u>JAN 24</u>
WRD Peer Reviewer (PR)	<u>J Skaug</u>	Date <u>Jan 24</u>
Related Files:		

CW	PR	RESEARCH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Organize: file in chronological Order; Pull following items from paper file:
		<input type="checkbox"/> CBU Report/Map <input type="checkbox"/> App (Permit) Map <input type="checkbox"/> Assignment <input checked="" type="checkbox"/> Extension <input type="checkbox"/> n/a <input type="checkbox"/> n/a <input checked="" type="checkbox"/> n/a <input type="checkbox"/> n/a
		<input type="checkbox"/> Fish Screen Doc <input type="checkbox"/> Pump Test <input type="checkbox"/> SWL (paper) <input type="checkbox"/> Water Use Charts <input checked="" type="checkbox"/> n/a <input checked="" type="checkbox"/> n/a <input type="checkbox"/> n/a
		<input type="checkbox"/> Permit Amendment <input checked="" type="checkbox"/> n/a w/drawn
		Electronic Application Folder:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Create CBU folder <input type="checkbox"/> Create Work Packet folder
<input type="checkbox"/>	<input type="checkbox"/>	Scan: Above documents into "CBU Folder"
<input type="checkbox"/>	<input type="checkbox"/>	Save other docs electronically: save these in the Work Packet folder per naming conventions
		<input checked="" type="checkbox"/> Permit <input type="checkbox"/> Transfer Order <input checked="" type="checkbox"/> POU Report (conflict) <input checked="" type="checkbox"/> Water Use Report <input type="checkbox"/> n/a w/drawn <input type="checkbox"/> n/a 2015-2023
		<input type="checkbox"/> SWL (GW) <input checked="" type="checkbox"/> OrMap Tax Lot Map <input type="checkbox"/> Ownership Report <input checked="" type="checkbox"/> BLM Map <input checked="" type="checkbox"/> n/a <input type="checkbox"/> n/a <input type="checkbox"/> n/a
		<input type="checkbox"/> PT Approve/Deny <input type="checkbox"/> Dam Safety <input type="checkbox"/> Mitigation <input type="checkbox"/> Others <input checked="" type="checkbox"/> n/a <input checked="" type="checkbox"/> n/a <input checked="" type="checkbox"/> n/a
<input type="checkbox"/>	<input type="checkbox"/>	Search :
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Interactive Mapper <input type="checkbox"/> AOI <input checked="" type="checkbox"/> Map and TaxLot New Owner & Address: <input checked="" type="checkbox"/> n/a <input type="checkbox"/> n/a <u>3N24E 33/34</u>
		Research Comments: <u>LOT 121 LOT 114</u>

REV K0276
INDUST/MANU
3736 AF

2329 AF

REVIEW OF CLAIM: Comments on Second Page

Required By Permit/Order	Complied Y/N	CONDITIONS	NOTES:
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Fish Condition	<u>LTR 6.10.2015</u>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Meter/Measuring Device	<u>2016</u> <u>2019</u>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Water Use Reporting	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	Pump Test	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	SWL (Month)	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	Dam Safety	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	Well Id	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	Other:	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	C-date <u>5YR 5/14/2015</u> Ext C-date <u>10/1/20</u> claim <u>9/2018</u>	

REVIEW OF MAP: Yes No is a REVISED Map required?

CW	PR	Notes:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Verify POA/POD Location
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Verify POU
<input checked="" type="checkbox"/>	<input type="checkbox"/>	POU clearly identified use type
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DLC/GOV'T LOT <u>none</u>

RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA PERMIT	POD/POA CLAIM	PERMITTED RATE	CLAIM RATE	CALCULATED RATE	NOTES:

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	LETTER FOR CLARIFICATION	
<input type="checkbox"/>	<input type="checkbox"/>	DRAFT (PLEASE EXPLAIN)	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED	
<input type="checkbox"/>	<input type="checkbox"/>	FINAL	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW	
		<input type="checkbox"/> POA/POD/DAM TABLES/DESCRIPTIONS	<input type="checkbox"/> PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECKED DOC	
<input type="checkbox"/>		CERT NUMBER ISSUED	CERT #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW COMMENTS	
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECKED DOC BEFORE FINAL CERTIFICATE PRINTED	

CASEWORKER REVIEW COMMENTS:

PEER REVIEWER COMMENTS:

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

PORTLAND GENERAL ELECTRIC COMPANY
 73334 TOWER RD
 BOARDMAN OR 97818

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

APPLICATION FILE NUMBER: S-87723

SOURCE OF WATER: CARTY RESERVOIR, CONSTRUCTED UNDER PERMIT R-6276,
 TRIBUTARY TO COLUMBIA RIVER

PURPOSE OR USE: INDUSTRIAL/MANUFACTURING USES

MAXIMUM VOLUME: 3736 ACRE FEET *2329.0 AF*

DATE OF PRIORITY: MAY 18, 2011

PERIOD OF USE: YEAR-ROUND

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N ✓	24 E ✓	WM	34 ✓	SW SW ✓	680 FEET NORTH AND 640 FEET EAST FROM SW CORNER, SECTION 34

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q
3 N	24 E	WM	33	NE NE ✓
3 N	24 E	WM	33	NW NE ✓
3 N	24 E	WM	33	SW NE ✓
3 N	24 E	WM	33	SE NE ✓
3 N	24 E	WM	33	SE NW ✓
3 N	24 E	WM	33	NE SW ✓
3 N	24 E	WM	33	NW SW ✓
3 N	24 E	WM	33	SW SW ✓
3 N	24 E	WM	33	SE SW ✓
3 N	24 E	WM	33	NE SE ✓
3 N	24 E	WM	33	NW SE ✓
3 N	24 E	WM	33	SE SE ✓
3 N	24 E	WM	34	NE NW ✓
3 N	24 E	WM	34	NW NW ✓
3 N	24 E	WM	34	SW NW ✓
3 N	24 E	WM	34	SE NW ✓
3 N	24 E	WM	34	NE SW ✓
3 N	24 E	WM	34	NW SW ✓

Measurement, recording and reporting conditions:

- W
- Y
- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion, and maintain the meter(s) in good working order. The permittee shall keep a complete record of the amount of water used 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.
 - B. The permittee shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

Fish Screen not required

STANDARD 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. 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.
3. 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.
4. 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.
5. 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.
6. 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 Chapter 635, Division 415, shall be followed.
7. Completion of construction and application of the water shall be made within five 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.

8. 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.

5/14/20
claim
9/2018

Issued MAY 14 2015.

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

April 28, 2021

Portland General Electric Company
121 SW Salmon Street
Portland, OR 97204

On April 23, 2021, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-87723 Permit S-54925

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$200.00 COBU recording fee

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file
Jeffrey Danielson, CWRE.

Checklist for Claims of Beneficial Use Received at CSG Counter

Application # <u>S-87723</u>	WRD Reviewer <u>Cony M.</u>
Transfer #	
Date Received <u>4-23-2011</u>	
CWRE Name <u>Jeffrey Danielson</u>	

* COBU MAP # 1289 *

Priority Date: 5/18/2011

Fees Required:

NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example - A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION PERMIT TRANSFER:
CASH CHECK # OTHER (IDENTIFY):	TOTAL RECEIVED:
0163 TREASURY 4179 MISC CASH ACCT	
6407 COPIES OTHER (IDENTIFY):	
0243 Income Lease 0244 Min Water Right Perm 0245 Class Water	
0463 TREASURY 4276 WRO OPERATING ACCT	
MISCELLANEOUS	
6407 COPY & TAPE FEES <u>4611</u>	
0410 RESEARCH FEES	
0468 MISC REVENUE (IDENTIFY):	
1C162 DEPOSIT LIAB (IDENTIFY):	
0240 EXTENSION OF TERM	
WATER RIGHTS	EXAM FEE RECORD FEE
0201 SURFACE WATER	0202
0203 GROUNDWATER	0204
0205 TRANSFER	
WELL CONSTRUCTION	EXAM FEE RECORD FEE
0218 WELL DRILL CONSTRUCTION	0219
LANDOWNER'S PERMIT	0220
0200 OTHER (IDENTIFY) <u>COBU</u>	<u>200.00</u>
0467 TREASURY 0467 HYDROELECTRIC	
0233 POWER LICENSE FEE (FWWRD)	LIC NUMBER
0231 HYDRO LICENSE FEE (FWWRD)	
HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	

Report Review:

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

RETURN TO APPLICANT - LETTER ATTACHED

Groundwater File Review: MA

Pump Test Required? YES NO Pump Test Submitted? YES NO*

*If no, include pump test flyer w/acknowledgment letter

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172
 (503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135061**

INVOICE # _____

RECEIVED FROM: Portland General Electric

APPLICATION S-87723

BY: _____

PERMIT _____

CASH: CHECK # 537916 OTHER: (IDENTIFY) _____

TRANSFER _____
 TOTAL REC'D \$ 200.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES 46111 \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ _____ 0202 RECORD FEE \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ _____ 0219 LICENSE FEE \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

0200 OTHER (IDENTIFY) COBU \$ 200.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____

0231 HYDRO LICENSE FEE (FWWRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

PGE 80074 (FEBRUARY 2020)

Check Date: 16.Apr.2021		Supplier Number: 0000325481		Check No: 537916		
Invoice Number	PO No.	Invoice Date	Voucher ID	Gross Amount	Discount Taken	Paid Amount
S-87723	-	13.Apr.2021	10981962	200.00	0.00	200.00
			RECEIVED			
			APR 23 2021			
			OWRD			
Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount		
537916	16.Apr.2021	\$200.00	\$0.00	\$200.00		

RECEIPT: **135061**

DATED: 4-23-2021 BY: Mindy Carlson

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming more than 0.1 cfs**



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

RECEIVED

APR 23 2021

OWRD

**A fee of \$200 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Go to "Resources for Water Right Examiners (CWRE)" Page
<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/Pages/default.aspx>
The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see
<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

1. File Information:

APPLICATION # S-87723	PERMIT # S-54925	PERMIT AMENDMENT #
---------------------------------	----------------------------	--------------------

2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME Portland General Electric Company		PHONE NO. 503-464-8149	ADDITIONAL CONTACT NO.
ADDRESS 121 SW Salmon Street			
CITY Portland	STATE OR	ZIP 97204	E-MAIL Jeff.danielson@pgn.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. *Each permit holder of record must sign this form.*

3. Permit or holder of record (this may, or may not, be the current property owner):

PERMIT HOLDER OF RECORD Portland General Electric Company			
ADDRESS 121 SW Salmon Street			
CITY Portland	STATE OR	ZIP 97204	

ADDITIONAL PERMIT HOLDER OF RECORD			
RECEIVED			
ADDRESS			
APR 23 2021			
CITY	STATE	ZIP	
OWRD			

4. Date of Site Inspection:

October 26-29, 2020

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Tim Golightly		Plant Maintenance Manager

6. County:

Morrow

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD			
ADDRESS			
CITY	STATE	ZIP	

Add additional tables for owners of record as needed

**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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CWRE NAME Jeffrey L Danielson		PHONE No. 503-793-4223	ADDITIONAL CONTACT No.
ADDRESS 121 SW Salmon Street			
CITY Portland	STATE OR	ZIP 97204	E-MAIL Jeff.danielson@pgn.com

Permit Holder of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Brad Jenkins	VP Utility Operations	4/13/2021

SECTION 3
CLAIM DESCRIPTION

1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
Intake Structure

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
Intake Structure	Carty Reservoir (constructed under permit R-6276)	Columbia River

3. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Intake Structure	Industrial	NA	Year-Round	2329 acre feet per year (based on water year 2017/2018)
Total Quantity of Water Used				2329 acre feet per year (based on water year 2017/2018)

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the place of use:

Beginning the Point of Diversion "Intake Structure" water is taken from Carty Reservoir by two pumps with a lift of 27.5' from the source to the discharge and then transported 2,400' through a 16" HDPE pipe with a lift of 79' to the Place of Use "Carty Generating Station" and surrounding area.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, or permit amendment final order? If yes, describe below.

YES NO

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

6. Claim Summary:

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Intake Structure	3736 ACRE FEET	5866 gpm (2 pumps 2933 each)	2329 acre feet (based on water yr 2017/2018)	Industrial		

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SECTION 4
SYSTEM DESCRIPTION

Are there multiple PODs?

YES NO

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

[Empty text box]

A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
3N	24E	WM	33	NE NE					
3N	24E	WM	33	NW NE					
3N	24E	WM	33	SW NE					
3N	24E	WM	33	SE NE					
3N	24E	WM	33	SE NW					
3N	24E	WM	33	NE SW					
3N	24E	WM	33	NW SW					
3N	24E	WM	33	SW SW					
3N	24E	WM	33	SE SW					
3N	24E	WM	33	NE SE					
3N	24E	WM	33	NW SE					
3N	24E	WM	33	SE SE					
3N	24E	WM	34	NE NW					
3N	24E	WM	34	NW NW					
3N	24E	WM	34	SW NW					
3N	24E	WM	34	SE NW					
3N	24E	WM	34	NE SW					
3N	24E	WM	34	NW SW					
Total Acres Irrigated									

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES NO

If "NO" items 2 through item 6 may be deleted.

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Flowserve	16EHM-1	1505ME0029 32-1	Turbine	48"	16"
Flowserve	16EHM-1	1505ME0029 32-2	Turbine	48"	16"

3. Motor Information:

MANUFACTURER	HORSEPOWER
Flowserve	150

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
2 pumps at 150 each	44	27.5 ft.	79 ft.	9.68 CFS

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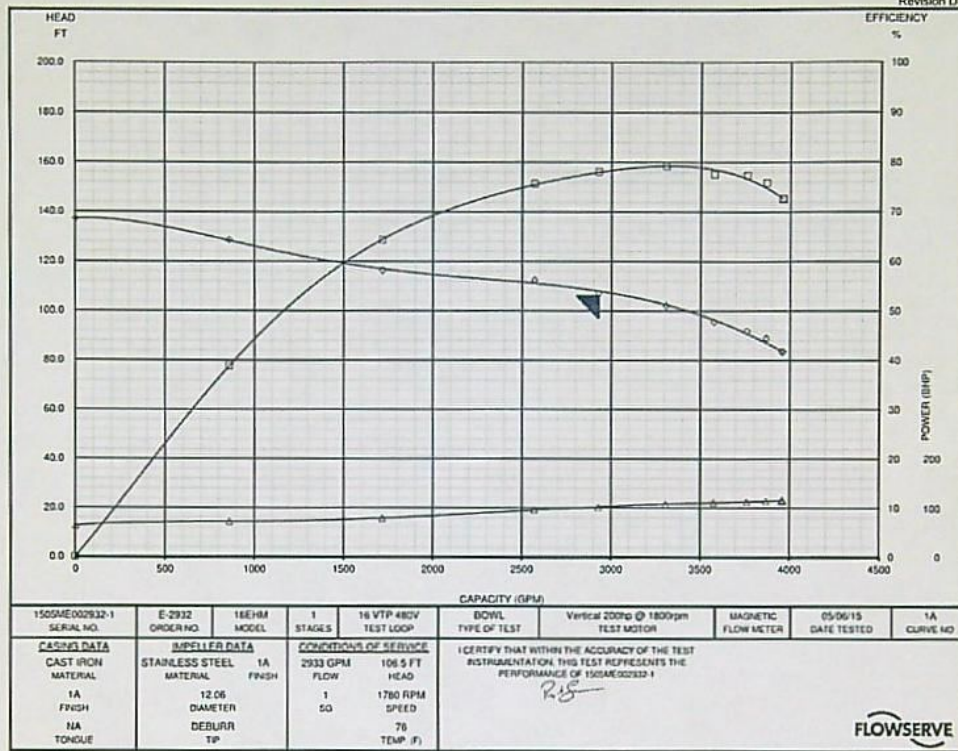
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5. Provide pump calculations:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$
 $(150)(7.04) / (79' + 27.5') = 4.84 \text{ capacity in cfs}$
 $4.84 \times 2 \text{ (for 2 pumps)} = 9.68 \text{ capacity in cfs}$

Purchaser's Name: Abeinsa EPC
 Station Name: Carly Generating Station 1
 Vendor's Order Number: E2932
 Document Number: 0006-INF-FLO-24-62-0001
 Pump Tag: 1WSA-P0001A, 1WSA-P0001B
 Service: Raw Water Pumps
 Document Title: Pump Performance Test Report
 Revision Number: A
 Revision Date: 05/07/15



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6. Measured Pump Capacity (using meter if meter was present and system was operating):

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
NA	NA	NA	*Not operating

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES NO

If "NO" items 8 through item 13 may be deleted.

8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
16"	2,400'	HDPE	Buried

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

YES NO

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank
 Bulge in System / Reservoir

YES NO
YES NO

Complete appropriate table(s), unused table may be deleted.

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Additional notes or comments related to the system:

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SECTION 5
CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	5/14/2015		
BEGIN CONSTRUCTION (A)	NA	Spring 2015	
COMPLETE CONSTRUCTION (B)	NA	July 2016	
COMPLETE APPLICATION OF WATER (C)	5/14/2020	September 2018	Water was diverted through the approved fish screen and totalizing flow meter and used for industrial use.

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)? YES NO

If "NO", items a and b relating to this section may be deleted.

a. Did the Extension Final Order require the submittal of Progress Reports? YES NO

If "NO", item b relating to this section may be deleted.

b. Were the Progress Reports submitted? YES NO

If the reports have not been submitted, attach a copy of the reports if available.

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? YES NO

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed? YES NO

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Intake Structure (cooling tower)	Schneider Elec. Systems	A18031228	Working	6512.14 acre feet (Nov 31, 2020)	2/2019
Intake Structure (water treatment)	Rosemount	0289795	Working	2275.81 acre feet (Nov 31, 2020)	2016

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If a meter has been installed, items d through f relating to this section may be deleted.

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d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES NO

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED

4. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department? YES NO

If "NO", item b relating to this section may be deleted.

b. Have the reports been submitted? YES NO

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening:

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES NO

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed? YES NO

c. When was the fish screening installed?

DATE	BY WHOM
NA	See attached waiver "ODFW fishscreen approval PGE Carty S-54925.pdf"

Reminder: If the permit was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

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d. If the diversion **involves a pump** and the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? NA YES NO

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx> complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? NA YES NO

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

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6. By-pass Devices:

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES NO

If "NO", items b and c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

7. Other conditions required by permit, permit amendment final order, or extension final order:

- a. Was the water user required to restore the riparian area if it was disturbed? YES NO
- b. Was a fishway required? YES NO
- c. Was submittal of a water management and conservation plan required? YES NO
- d. Other conditions? YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

SECTION 6
ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
0006-DFP-FLO-24-62-0001.pdf	Flowserve Installation, Operation & Maintenance Manual for Raw Water Pumps at Carty Generating Station
ODFW fishscreen approval PGE Carty S-54925.pdf	ODFW determination regarding not requiring fish screen for Carty S-54925.

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Survey was based on GPS and total station measurements during construction. Mapping of parcels is based on Partition Plat 2007-009 completed by Rodgers Surveying Inc.

Map Checklist

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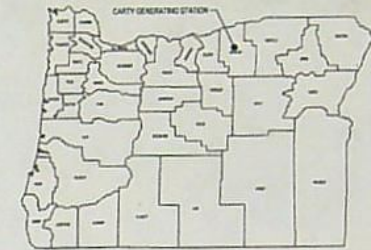
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Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

COBU MAP 1289

**PORTLAND GENERAL ELECTRIC COMPANY
CARTY PLANT - CLAIM OF BENEFICIAL USE MAP
PERMIT NO. S-54925
LOCATED IN SECTIONS 33 AND 34, TOWNSHIP 3 NORTH, RANGE 24 EAST OF
THE WILLAMETTE MERIDIAN**



OREGON STATE LOCATION MAP
SCALE: N.T.S.

NOTES

1. THE PURPOSE OF THIS MAP IS TO SHOW FEATURES FOR A CLAIM OF BENEFICIAL USE APPLICATION FOR PERMIT S-54925
2. THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

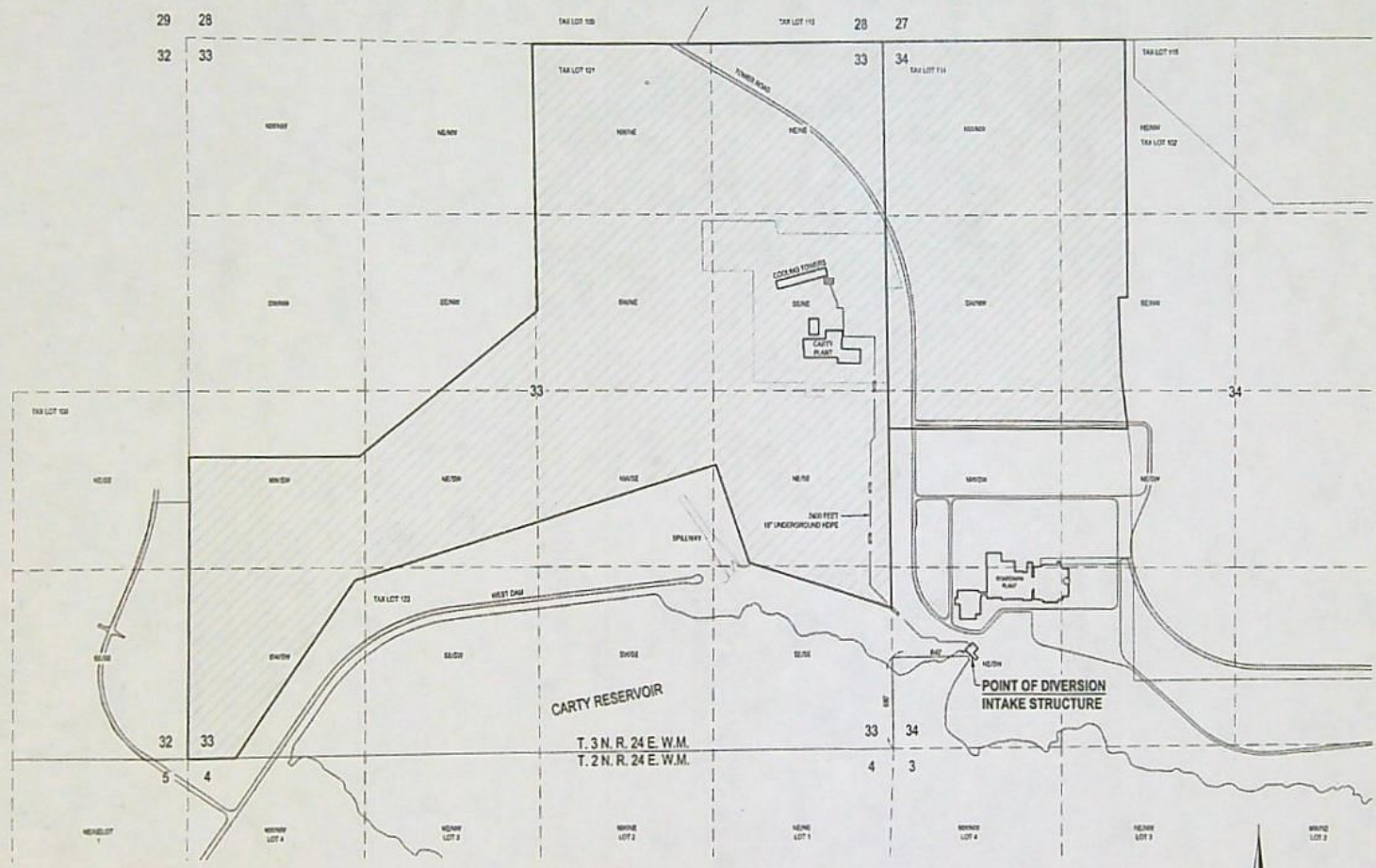
PROJECT ADDRESS:
CARTY GENERATING STATION
7308 TOWER ROAD
BOARDMAN, OR 97110

OWNER:
PORTLAND GENERAL ELECTRIC
121 SW SALMON ST.
PORTLAND, OR 97204

SURVEYOR:
PORTLAND GENERAL ELECTRIC
121 SW SALMON ST.
PORTLAND, OR 97204
PHONE: 503-464-8148
CONTACT: JEFF DANIELSON

LEGEND

- PROPERTY LINE
- - - QUARTERS/SECTION BOUNDARY LINE
- - - FENCE LINE
- - - UNDERGROUND WATER LINE
- ▭ PLACE OF USE (SEE PROPERTY)
- ▨ WATER BATES



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Public
Access Not Limited

DATE	MADE/PYTS	HOW DERIVED	CHECKED BY
			MANAGER - JEFF DANIELSON
DRAWN BY	FOR	CAD FILE NAME	PROJECT NO.
		COBU PERMIT S-54925.DWG	
SCALE	AS SHOWN	PORTLAND GENERAL ELECTRIC CO. 121 SW SALMON ST. PORTLAND, OR 97204	
CARTY PLANT MAP TO ACCOMPANY CLAIM OF BENEFICIAL USE APPLICATION PERMIT NO. S-54925 MORROW COUNTY, OREGON			
DRAWING NO.	CARTY-COBU	SHEET NO.	-V1



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6201

FAX (503) 947-6202

www.dfw.state.or.us/

John Esler
Hydro Licensing - Project Manager
Portland General Electric
121 SW Salmon St (3-WTC-BRHL)
Portland OR 97204

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John,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed Portland General Electric Companies water use permit S – 54925 for use of water from Carty Reservoir. ODFW has determined that a fish screen is not required for use of water under permit S – 5425. Carty Reservoir has no native fish species present which require screening protection.

Bill Duke
Umatilla District Fish Biologist
Phone: 541-276-2344
Fax: 541-276-4414
William.b.duke@state.or.us



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

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121 SW Salmon St (3-WTC-BRHL)
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Bill Duke
Umatilla District Fish Biologist
Phone: 541-276-2344
Fax: 541-276-4414
William.b.duke@state.or.us

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JUN 10 2015

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GRAINEY Mary S

From: GRAINEY Mary S
Sent: Wednesday, June 10, 2015 11:33 AM
To: DUKE William B; John Esler
Cc: FAUCERA Danette L
Subject: RE: Water Right and requirement for screening

Bill, John,

The letter from ODFW has been received and date stamped and added to the file. So the requirement of the permit has been met and PGE may proceed with implementing all the other aspects of the permit. If you have other questions or concerns, please contact me again. -- Mary Grainey

Mary S. Grainey P.E., C.W.R.E.
Hydroelectric Program Coordinator
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0833
Mary.s.grainey@wrd.state.or.us

From: William Duke [<mailto:william.b.duke@state.or.us>]
Sent: Wednesday, June 10, 2015 9:57 AM
To: John Esler; DUKE William B
Cc: FAUCERA Danette L; GRAINEY Mary S
Subject: RE: Water Right and requirement for screening

Hi John,

Attached is ODFW's review of PGE's Permit S-54025.

If you need any additional information please feel free to contact me.

Thanks
Bill

Umatilla District Fish Biologist
Phone: 541-276-2344
Fax: 541-276-4414
William.b.duke@state.or.us

From: John Esler [<mailto:John.Esler@pqn.com>]
Sent: Friday, June 05, 2015 4:40 PM
To: Bill Duke (William.B.Duke@state.or.us)
Cc: Danette Faucera (danette.l.faucera@state.or.us); GRAINEY Mary S
Subject: Water Right and requirement for screening

Hey Bill –

Following up on the email I sent you earlier to see if you have any questions about PGE's Permit S-54925. We would like to get a letter from the Department over to water resources as soon as practical so that this requirement for screening can be removed from the permit in light of our diversion point for this new generating station being out of a process water reservoir (not waters of the State) that has already been screened when it is removed from the Willow Creek arm of the Columbia River. Please let me know what other information I can provide to you.

Regards,
JE

John Esler
Hydro Licensing - Project Manager
Portland General Electric
121 SW Salmon St (3-WTC-BRHL)
Portland OR 97204
503-464-8563 (w)
503-705-1786 (c)
John.Esler@PGN.COM

GRAINEY Mary S

From: William Duke <william.b.duke@state.or.us>
Sent: Wednesday, June 10, 2015 9:57 AM
To: John Esler; DUKE William B
Cc: FAUCERA Danette L; GRAINEY Mary S
Subject: RE: Water Right and requirement for screening
Attachments: PGE carty.pdf

Hi John,

Attached is ODFW's review of PGE's Permit S-54025.

If you need any additional information please feel free to contact me.

Thanks
Bill

Umatilla District Fish Biologist
Phone: 541-276-2344
Fax: 541-276-4414
William.b.duke@state.or.us

From: John Esler [<mailto:John.Esler@pgn.com>]
Sent: Friday, June 05, 2015 4:40 PM
To: Bill Duke (William.B.Duke@state.or.us)
Cc: Danette Faucera (danette.l.faucera@state.or.us); GRAINEY Mary S
Subject: Water Right and requirement for screening

Hey Bill –

Following up on the email I sent you earlier to see if you have any questions about PGE's Permit S-54925. We would like to get a letter from the Department over to water resources as soon as practical so that this requirement for screening can be removed from the permit in light of our diversion point for this new generating station being out of a process water reservoir (not waters of the State) that has already been screened when it is removed from the Willow Creek arm of the Columbia River. Please let me know what other information I can provide to you.

Regards,
JE

John Esler
Hydro Licensing - Project Manager
Portland General Electric
121 SW Salmon St (3-WTC-BRHL)
Portland OR 97204
503-464-8563 (w)
503-705-1786 (c)
John.Esler@PGN.COM

**BOARDMAN COAL PLANT
CARTY RESERVOIR MAKEUP WATER
AND
PLANT PROCESS WATER
FINAL PROOF REPORT AND
CLAIM TO BENEFICIAL USE**

PERMIT 39188

App 51521
Cert 86057

(screened &
metered)
-M6

PORTLAND GENERAL ELECTRIC COMPANY
PORTLAND, OREGON

TABLE OF CONTENTS

Permit 39188

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WATER RESOURCES DEPT.
SALEM, OREGON

A. Final Proof Report

B. Final Proof Map

Drawing D-10728

C. Reference Drawings

Drawing	HC-1079
"	D10820
"	1-C-100
"	1-C-108
"	1-M-219
"	1-C-035
"	1-C-041
"	1-C-042
"	1-C-045
"	1-C-046
"	1-C-047
"	16-001
"	1-C-028
"	14-100

D. Appendix

- Taggares Pump Station Individual Pump Curve for 1250 HP Pumps
- System Pump Curves for the 12 Pumps at the Taggares Pump Station
- Boardman Plant Circulating Water Pump Curve and Data Sheet
 - VP # 11230-M-8-12-1-3
 - VP # 11230-M-8-30-1-1
- Boardman Plant Service Water Pump Curve and Data Sheet
 - FP # 11230-M80 -13-1-3
 - FP # 11230-M80-14-1-2
- Boardman Plant Fire Pump Curve and Data Sheet
 - VP # 661-24-1-1
 - VP # 661-7-1-3
- Carty Fill Meter Readings for October 1994
- Carty Fill Meter Readings for August 11, 1995
- Carty Fill Meter Readings for March 14, 1996
- Carty Reservoir 1994 Water Balance Sheet

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WATER RESOURCES DEPT.
SALEM, OREGON

BOARDMAN COAL PLANT
CARTY RESERVOIR MAKEUP WATER AND
PLANT PROCESS WATER
FINAL PROOF REPORT
AND CLAIM TO BENEFICIAL USE
Application No. 51521, Permit No. 39188

1. Name of Registrant: Portland General Electric Company (PGE)

Mailing Address: 121 SW Salmon Street
Portland, Oregon 97204
Attention: Robin Tompkins
Telephone No.: 503-464-8850
2. Source of Water: Columbia River
3. Diversion Point: The water is diverted at the Taggares irrigation pumping structure located on Willow Creek Cove, a backwater of the Columbia River.

4. General Description

The Boardman Plant is a nominal 540 MW coal-fired, electric generating plant located about 12 miles southwest of Boardman, Oregon, and about 10 miles south of the Columbia River. The major plant components include the power building complex, the coal unloading/handling facility, and the cooling reservoir. PGE chose to construct a reservoir to avoid discharging heated water directly to the Columbia River and to provide water for irrigation. The 1450 acre cooling reservoir (Carty Reservoir) provides all the cooling and process water for the plant. This includes, but is not limited to, water for condenser cooling, service water, fire protection, coal dust suppression, ash handling and boiler makeup. Water for the reservoir is supplied by an existing farm irrigation system through a pumping plant located on Willow Creek Cove, a backwater of the Columbia River. The Boardman Plant was constructed during the years 1976 through 1979 and cost approximately \$500 million to build. Drawing D-10728 (final proof map) shows the locations of the diversion point, pumping plant, pipelines, reservoir, and coal plant site.

The following paragraphs describe the various components of the water delivery system and the locations of beneficial use for the Boardman Plant.

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A. WATER DELIVERY SYSTEM

WATER RESOURCES DEPT.
SALEM, OREGON

1. PUMPING PLANTS

Two pumping plants, the Taggares pumping plant and the Boeing pumping plant, are located at nearly the same location on Willow Creek - about one mile upstream of the confluence of Willow Creek with the Columbia River. The pump stations are actually located on Willow Creek Cove, a backwater of the Columbia River formed by the construction of the John Day Dam. Therefore, the water is actually pumped from the John Day pool of the Columbia River. The normal operating elevation of the John Day pool varies between a low water of 257 feet (MSL) and a high water of 268 feet (MSL). The Taggares pumping plant supplies irrigation water for the approximately 28,000 acre Taggares farm, but the pumping plant also provides water to Carty Reservoir. The routing of the pipeline between the pumping plant and Carty Reservoir is shown on drawing D-10728. A booster pump station is located on the pipeline to increase water pressure to the irrigation pivot sprinkler heads. Additional information on the pumping plants and pipeline follows.

TAGGARES PUMPING PLANT

The pumping plant concrete floor slab is supported on steel piling and concrete piers. The elevation of the top of the floor slab is 278 feet (MSL). Twelve pumps are located on the slab. **Trash racks and screens** are located at the intake. The pump discharges are connected to a 60-inch diameter header. Descriptions of the pumps and motors follow:

Motor: 1,250 horsepower (HP)
Motor Manufacturer: U. S. Motor
Speed: 1,180 RPM
Pump supplier: Layne and Bowles
Pump Type: 4-stage, vertical turbine
Intake diameter: 27 inches
Discharger diameter 24 inches

Individual pump curves as well as a system pump curve is included in the appendix.

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BOOSTER PUMPING PLANT

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The booster pumping plant is a masonry building housing nine 1,250-HP pumps and two 500 HP pumps. The pumps are supported on a concrete slab founded on grade. The pump impellers and 72-inch diameter intake and discharge headers are located below ground. The pump station receives water from a 72-inch diameter pipeline from the Taggares pumping plant and increases the water pressure at the discharge. A Tyme-Flyte ultrasonic digital flowmeter is installed at the booster station. Descriptions of the pumps and motors follow:

Motor: 1,250-HP

Motor manufacturer: U. S. Motor

Speed: 1,180 rpm

Pump supplier: Layne and Bowler

Pump type: 3-stage, vertical turbine

Impeller diameter: 19.88 inches

Intake diameter: 27 inches

Discharge diameter: 24 inches

Motor: 500-HP

Motor manufacturer: U. S. Motors

Speed: 1,700 rpm

Pump supplier: Layne and Bowler

Pump type: 4-stage, vertical turbine

Impeller diameter: 13.06 inches

Intake diameter: 14 inches

Discharge diameter: 18 inches

2. PIPELINE

Approximately 12 miles of pipeline carry water from the Taggares pumping plant to Carty Reservoir. The 3 miles of pipeline between the river pumping plant and the booster pump station is 72 inches in diameter; the remaining 9 miles is 60 inches in diameter. In addition to the larger pipe, a 2 mile long, 36 inch diameter pipeline runs from the end of the 60 inch diameter line (just before it discharges into the reservoir), under Carty Reservoir, to the Boardman Plant intake structure. This 36 inch pipeline, although seldom used, can provide service water directly to the plant should the reservoir exceed certain high temperature limits. Since the water would come directly from the Columbia River, the

water temperature would likely be cooler than that of the reservoir. The reservoir temperatures have never approached the upper limit and the water has been pumped directly from the reservoir.

3. FLOW METER

Two flow meters are located at the end of the 60 inch line to measure flows into Carty Reservoir. One is a Tyme-Flyte single pass, ultra sonic, digital flowmeter and the other is an Accusonic 4 path, ultra sonic, digital flow meter.

B. WATER USES

1. CARTY RESERVOIR

Carty Reservoir was constructed by building two dams (West Dam and Saddle Dam) across two sections of Sixmile Canyon, an ephemeral stream, and filling the area between the two dams with water. A spillway is located at the east end of the West Dam. The reservoir cost about \$26 million to build. It was constructed under Water Resources Department Permit R 6276 issued January 12, 1976. The water to fill and maintain the reservoir was and is supplied by the Taggares pumping plant. Taggares subleases the land from Boeing Agri-Industrial Co. (Boeing) who have a long term lease from the State of Oregon for these state owned lands. PGE has an agreement with Boeing authorizing use of the pump station and pipeline.

At the normal high water surface elevation of 677 feet (MSL) Carty Reservoir has a surface area of approximately 1450 acres and a volume of about 38,300 AF. At normal low water, elevation 667 feet (MSL), the surface area is reduced to about 1100 acres and the volume to 26,000 AF. The area-capacity curve is shown on drawing HC-1079 (included under reference drawings). A divider dike, starting at the Saddle Dam, runs down the center of the reservoir. The warm water entering the reservoir from the condenser is discharged to the south side of the Divider Dike where it must flow a longer path around the end of the dike before returning to the intake structure. This longer flow path improves the efficiency of cooling in the reservoir by maximizing the length of time for evaporative cooling.

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Carty Reservoir and the related dams cover the following parcels of property

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Description</u>
2 North	24 East	2	W/2 of NW/4	Reservoir/dams
		2	SE/4 of NW/4	Reservoir/dams
		2	N/2 of SW/4	Reservoir/dams
		3	All	Reservoir/dams
		4	All	Reservoir/dams
		8	N/2 of S/2	Reservoir/dams
		8	E/2 of NE/4	Reservoir/dams
		8	SW/4 of NE/4	Reservoir/dams
		9	N/2 of NW/4	Reservoir/dams
		9	SW/4 of NW/4	Reservoir/dams
		10	E/2 of NW/4	Reservoir/dams
		10	W/2 of NE/4	Reservoir/dams
		3 North	24 East	33
33	N/2 of SE/4			Reservoir/dams
34	S/2 of SW/4			Reservoir/dams

A plan of the reservoir is shown on drawing D-10820 (included under reference drawings).

2. PLANT PROCESSES

INTAKE STRUCTURE

The approximately 60 ft by 85 ft concrete intake structure is located on the north shore of Carty Reservoir. It contains the pumps that supply water to the various plant systems. These pumps include two circulating water pumps for the circulating water system, three service water pumps for the service water system, and one pump for the fire protection system. The Intake structure also contains traveling screens, screen backwash pumps, a chlorination system, and miscellaneous other equipment supplemental to the operation of the pumps. Additional details of the water systems receiving water from the intake structure follow:

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CIRCULATING WATER SYSTEM

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The major components of the circulating water system are the two circulating water pumps, the circulating water piping, the discharge structure and the discharge pipe. The circulating water pumps are each rated at 2000 hp and 93,000 gpm. Pump and motor information is shown on PGE vendor print numbers VP #11230-M-8-12-1-3 and VP #11230-M-8-30-1-1 (included in the appendix). Both pumps operate when the plant is generating power.

The circulating water is pumped out of the reservoir through the condenser, where it picks up heat from the boiler, and is returned to the reservoir. The 96 inch diameter concrete circulating water pipe runs from the intake structure, through the powerhouse, and to the discharge canal. The discharge canal carries the flow to the discharge structure where it enters the 84 inch diameter fiberglass discharge pipe and is carried under the reservoir to the south side of the divider dike.

Drawings 1-C-100 and 1-C-108 (included under reference drawings) show the details of the circulating water system.

SERVICE WATER SYSTEM

The service water system provides water for cooling plant auxiliary systems, make-up to the ash handling system, raw water pretreatment, coal handling dust suppression, air preheater wash, landscape irrigation, and other minor non-domestic water needs. Within the power building, water is supplied to the pretreatment system, the air preheater wash, the boiler deslagers, the bottom ash seal water, and the fire water jockey pump (which keeps the fire lines pressurized). The service water system is shown schematically on flow diagram 1-M-219 (included under reference drawings). Each of the three service water pumps are rated at 400 HP and have a pumping capacity of 8,800 gpm. Each pump supplies half the required flow so that only two of the three pumps operate at any one time. Pump and motor information is shown on PGE vendor print number FP# 11230-13-1-3 and FP# 11230-M80-14-1-2 (included in the appendix). The pumps can either receive water from the reservoir or from the Columbia River via the 36 inch

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diameter auxiliary service water line that runs under the reservoir.

The underground steel service water pipeline between the intake structure and the power building is 30 inches in diameter. The service water line extension to the coal and ash handling areas is 4 inches in diameter. Drawings 1-C-35, 1-C-41, 1-C-42, 1-C-45, 1-C-46, 1-C-47, and 16-001 (all included under reference drawings) show the underground routing of the service water system. About 16,300 gpm of the total estimated 17,600 gpm of service water pumped from the reservoir is returned. This difference of approximately 1300 gpm is the estimated plant water usage.

The locations of the ash disposal areas are shown on drawing D-10820. The service water system is used to irrigate about one half acre of lawn just to the west of the plant administration building.

FIRE PROTECTION SYSTEM

One 200 HP, 2250 gpm electric fire pump is located in the intake structure. The fire pump information is given on data sheet VP#661-7-1-3, and VP# 661-24-1-1 (included in the appendix). The fire pump only operates in the event of a fire or during pump testing. The fire lines are routed throughout the plant and coal yard and supply water to the fire hydrants as well as building and equipment sprinkler and spray systems. The main distribution ductile iron fire lines vary from 6 inches to 12 inches in diameter. In the event of a malfunction of a fire pump, the fire system can also be supplied with water from the domestic water system. The domestic water is supplied from a well that is permitted under a separate, permit No. G-6384.

The routing of the underground fire lines and locations of fire hydrants are shown on drawings 1-C-028, and 14-100 (included under reference drawings).

The water from Carty Reservoir is used for plant processes on the following parcels of property.

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Description</u>
2 North	24 East	2	S/2 OF SW/4	Ash disposal
		3	S/2 of SE/4	Ash disposal
		10	NE/4	Ash disposal
		11	NW/4	Ash disposal
3 North	24 East	34	All	Boardman Plant/landscaping
		35	All	Boardman Plant/Ash disposal
		26	All	Ash disposal

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C. HISTORY OF THE BOARDMAN SITE PLANT DEVELOPMENT AND RESERVOIR MAKEUP

In the early 1970's PGE planned to construct up to two coal-fired plants and up to two additional 1260-MW thermal plants at the then named Thermal Power Generation Facility (now called the Boardman Coal Plant). A 5000 acre reservoir was to be constructed adjacent to the plants for cooling water. Four 2,500 HP pumps, located in a pumping plant on the Columbia River near Threemile Canyon, would pump the required initial fill and makeup to Carty through an 11-mile, 51-inch diameter pipeline. However, shortly after the initial water permit application was submitted, the demand for new generation eased and PGE investigated ways to reduce costs to both the ratepayers and stockholders. A more conservative development plan was followed and ultimately resulted in the construction of only one 540-MW coal-fired plant. Additional plants were to be added as the economics of new generation construction turned favorable.

With only one plant at the site there was no longer a need for a 5000 acre cooling reservoir. Also with smaller demands PGE could save additional money if the pumping plant and pipeline construction at Threemile Canyon could be deferred until the full reservoir was constructed. Boeing agreed to allow use of the existing Willow Creek Cove pump station and pipeline. As a result the initial water permit application was amended (Permit No. 39188) to address the plan to develop Carty in two stages and the change in the point of diversion.

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The first stage would consist of building the 1450 acre reservoir and the 550 MW coal plant. When there was a sufficient need for economical power, PGE planned to expand the reservoir to 5000 acres and add up to two 1260 MW thermal plants to the site. The estimated maximum makeup needs for the full development was 13 cfs. This staged development was also described in the permit to construct the reservoir, R6276. The smaller reservoir has been constructed and the existing Boardman Coal Plant has been operating since 1980.

In addition to describing the staged development, the addendum also discussed the source of the water. The initial application indicated that PGE would construct its own pumping plant on the Columbia River near Threemile Canyon. The addendum described the diversion point change and PGE is currently receiving makeup water from the Taggares pumping plant located in Willow Creek cove. There are no other diversion points on the Columbia River between Threemile Canyon and Willow Creek, a distance of about 3 miles, therefore no one is harmed by the change in diversion.

By sharing in the cost of extending an existing irrigation pipeline, PGE was able to save the cost of constructing an expensive pumping plant and pipeline. The arrangement has worked well and the Taggares pumping plant has been supplying the water to Carty Reservoir since the initial filling began in late 1977.

The addendum estimated that for the smaller reservoir the maximum requirements during the warmest months (i.e. July) would be 30 cfs. This estimate was based on water being available whenever needed - without consideration for irrigation needs. PGE's experience over the years has shown that during the hot part of the year the capacity of the pipeline may be needed for irrigation, leaving nothing for reservoir and power plant supply. Therefore, PGE must pump at high flows when water is available (during the off irrigation periods) in order to maintain a minimum reservoir elevation of 667 MSL.

D. CLAIM TO BENEFICIAL USE

PGE has been submitting annual estimated water balance reports to the Water Resources Department (included in the annual "Ecological Monitoring Program for the Boardman Coal-Fired Plant" reports) for Carty reservoir since the initial filling of the reservoir. The annual pumping has varied depending on reservoir

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elevation, temperature, rainfall, and other factors, as well as whether the plant operated or not. Water needs are less when the plant is idle because forced evaporation (increased evaporation rates due to higher water temperatures) does not occur. However, during periods of full power generation when forced evaporation is high, the amount of water required increases. Additionally, the fill rate would have to increase significantly immediately after any emergency dewatering to assure public health and safety by quickly resuming power production. Due to the economies of power generation, the Boardman Plant normally does not operate when less expensive power is available. Annual water supply to the reservoir has varied from a low of about 7,000 acre feet (AF) when the plant was idle and the reservoir at a minimum elevation to nearly 13,000 AF when the plant operated and/or the reservoir was near maximum elevation.

During the last 5 years the maximum measured flows into Carty were 58 cfs measured on October 12, 1994, 85 cfs measured on August 11, 1995, and 135 cfs measured on March 14, 1996. The maximum average daily flow of 56 cfs was measured on October 12, 1994 and greatest average monthly flow of 50 cfs occurred during November 1994. The measured flows into Carty are summarized on the three meter reading sheets located in the appendix for the period October 11, 1994 through October 19, 1994, August 8, 1995, and March 14, 1996. On March 14, 1996, 6-1250 hp pumps were operating at the Willow Creek Cove pumping station and 8-1250 hp pumps were operating at the Booster pump station.

A water balance sheet for 1994 is included in the appendix. Approximately 13,000 cfs was pumped into Carty Reservoir in 1994 for an average flow rate of about 18 cfs. During extremely hot years, with full year plant operation, the annual water supply could approach 15,000 acre feet.

This claim to beneficial use is for a flow rate of 135 cfs, the amount provided for in the permit. The water will be diverted from Willow Creek Cove, a backwater of the Columbia River, via the Taggares pump station and the 72 inch/60 inch irrigation pipeline to Carty Reservoir and thence to the plant.

Although the plant will normally require less than 135 cfs, the higher flow rate will provide greater flexibility in the operation of the reservoir and plant. This allows pumping at higher rates when irrigation demands are low and water is

available. The reservoir is normally maintained at the lowest possible elevation to minimize water requirements and thus protect the State's water resources. In the event the reservoir should fall below the elevation where the plant can operate, approximate elevation 665 feet (MSL), the higher flows would allow a more rapid reservoir refill and a quicker return to plant operation. In addition, should PGE ever have to dewater the reservoir, the higher flow rate would provide a faster refill of the reservoir and bring the plant back on line sooner. Even at the 135 cfs flow rate the elevation increase amounts to only about 3 inches per day at a reservoir area of 1100 acres.

Since the Boardman Plant went into commercial operation in 1980, it has produced 23,926,189 MWH's of economical electrical power for the citizens of the State of Oregon.

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The final proof survey and inspection of the use as found to be completed under the terms and conditions of permit number 39188 was completed by me on March 14, 1996, and the facts contained in this report and accompanying final proof map (Drawing Number D-10728) are correct to the best of my knowledge.



I, Robert Tompkins, having been duly sworn, depose and say that I am the Asst. General Counsel of Portland General

Electric Company, agree to the findings of the Certified Water Rights Examiner and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and condition of my permit number 39188.

bnwat135.rpt
May 8, 1996

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

PORTLAND GENERAL ELECTRIC COMPANY
 73334 TOWER RD
 BOARDMAN OR 97818

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

APPLICATION FILE NUMBER: S-87723

SOURCE OF WATER: CARTY RESERVOIR, CONSTRUCTED UNDER PERMIT R-6276,
 TRIBUTARY TO COLUMBIA RIVER

PURPOSE OR USE: INDUSTRIAL/MANUFACTURING USES

MAXIMUM VOLUME: 3736 ACRE FEET

DATE OF PRIORITY: MAY 18, 2011

PERIOD OF USE: YEAR-ROUND

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	24 E	WM	34	SW SW	680 FEET NORTH AND 640 FEET EAST FROM SW CORNER, SECTION 34

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q
3 N	24 E	WM	33	NE NE
3 N	24 E	WM	33	NW NE
3 N	24 E	WM	33	SW NE
3 N	24 E	WM	33	SE NE
3 N	24 E	WM	33	SE NW
3 N	24 E	WM	33	NE SW
3 N	24 E	WM	33	NW SW
3 N	24 E	WM	33	SW SW
3 N	24 E	WM	33	SE SW
3 N	24 E	WM	33	NE SE
3 N	24 E	WM	33	NW SE
3 N	24 E	WM	33	SE SE
3 N	24 E	WM	34	NE NW
3 N	24 E	WM	34	NW NW
3 N	24 E	WM	34	SW NW
3 N	24 E	WM	34	SE NW
3 N	24 E	WM	34	NE SW
3 N	24 E	WM	34	NW SW

Measurement, recording and reporting conditions:

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

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

STANDARD 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. 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.
3. 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.
4. 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.
5. 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.
6. 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 Chapter 635, Division 415, shall be followed.
7. Completion of construction and application of the water shall be made within five 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.

8. 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 MAY 14 2015.

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of Water Rights Application)
S-87723, Morrow County)

FINAL ORDER
APPROVING THE USE OF
STORED WATER

Authority

ORS 537.147 establishes the process by which an application to use stored water exclusively may be submitted. OAR Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water exclusively.

Findings of Fact

1. On May 18, 2011, PORTLAND GENERAL ELECTRIC COMPANY submitted an application for a water-use permit pursuant to ORS 537.147. The Department provided public notice of the application in the Department's weekly public notice on May 31, 2011. A 30-day comment period followed.
2. The Department has evaluated the application and any comments received, and finds that no public interest in ORS 537.170(8) would be affected adversely by the proposed use.

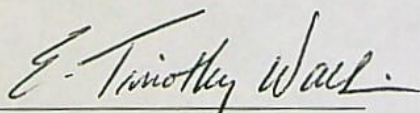
Conclusions of Law

Application S-87723 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

Now Therefore, it is Ordered:

Application S-87723 is approved, and Permit Number S-54925 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on MAY 14 2015.



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This order was produced by Barbara Park. If you have any questions about any of the statements contained in this document, I am probably the best person to answer your questions. You may reach me at 503-986-0859 or Barbara.J.Park@wrd.state.or.us.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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MAXIMUM VOLUME: 3736 ACRE FEET

DATE OF PRIORITY: MAY 18, 2011

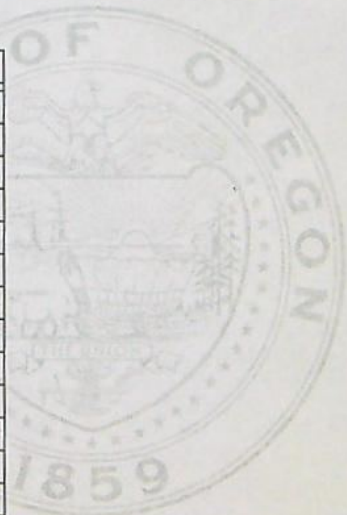
PERIOD OF USE: YEAR-ROUND

Authorized Point of Diversion:

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3 N	24 E	WM	34	SW SW	680 FEET NORTH AND 640 FEET EAST FROM SW CORNER, SECTION 34

Authorized Place of Use:

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3 N	24 E	WM	33	NW NE
3 N	24 E	WM	33	SW NE
3 N	24 E	WM	33	SE NE
3 N	24 E	WM	33	SE NW
3 N	24 E	WM	33	NE SW
3 N	24 E	WM	33	NW SW
3 N	24 E	WM	33	SW SW
3 N	24 E	WM	33	SE SW
3 N	24 E	WM	33	NE SE
3 N	24 E	WM	33	NW SE
3 N	24 E	WM	33	SE SE
3 N	24 E	WM	34	NE NW
3 N	24 E	WM	34	NW NW
3 N	24 E	WM	34	SW NW
3 N	24 E	WM	34	SE NW
3 N	24 E	WM	34	NE SW
3 N	24 E	WM	34	NW SW



Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion, and maintain the meter(s) in good working order. The permittee shall keep a complete record of the amount of water used 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.
- B. The permittee shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.
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STANDARD 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. 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.
3. 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.
4. 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.
5. 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.
6. 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 Chapter 635, Division 415, shall be followed.
7. Completion of construction and application of the water shall be made within five 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.

8. 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.

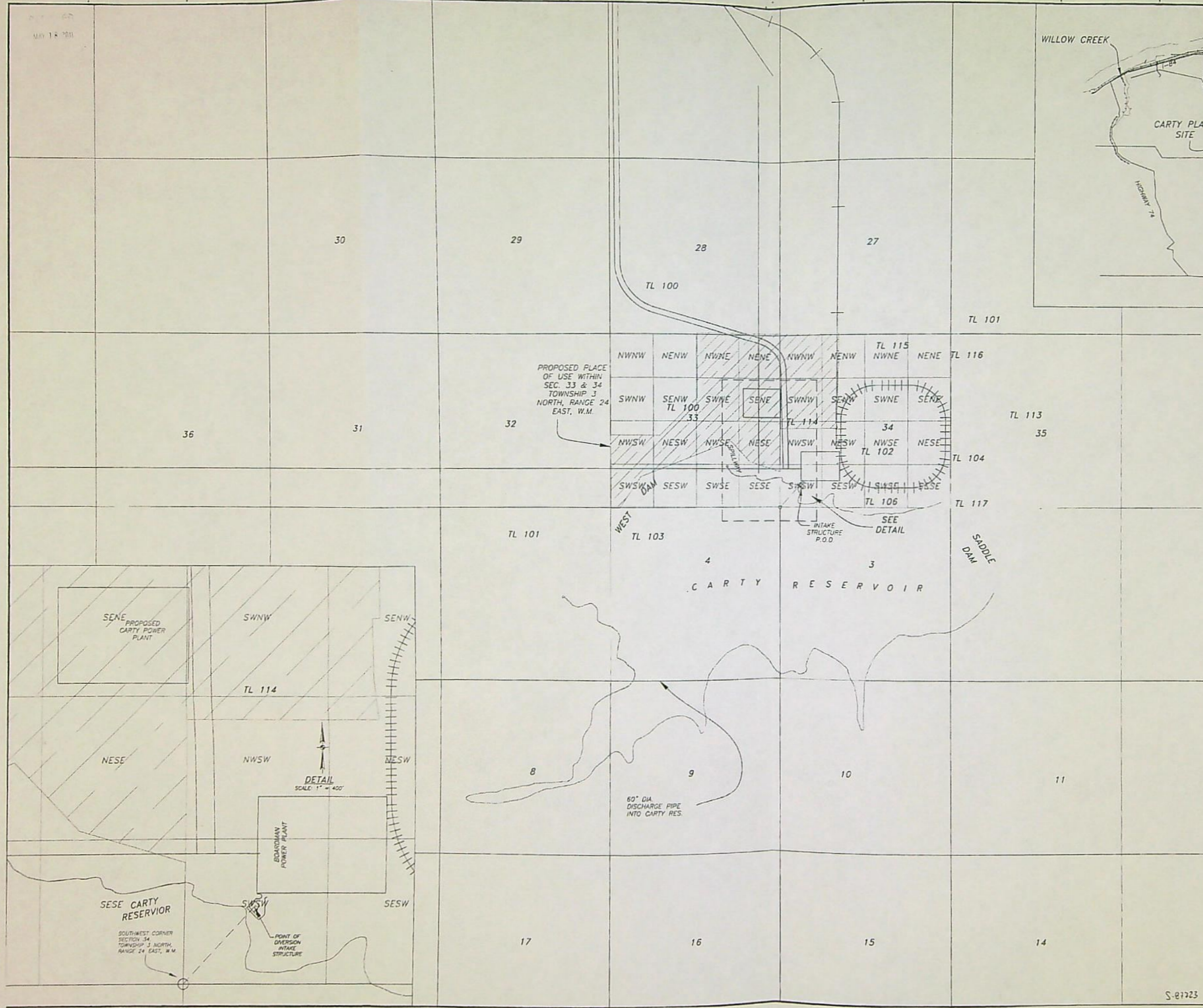
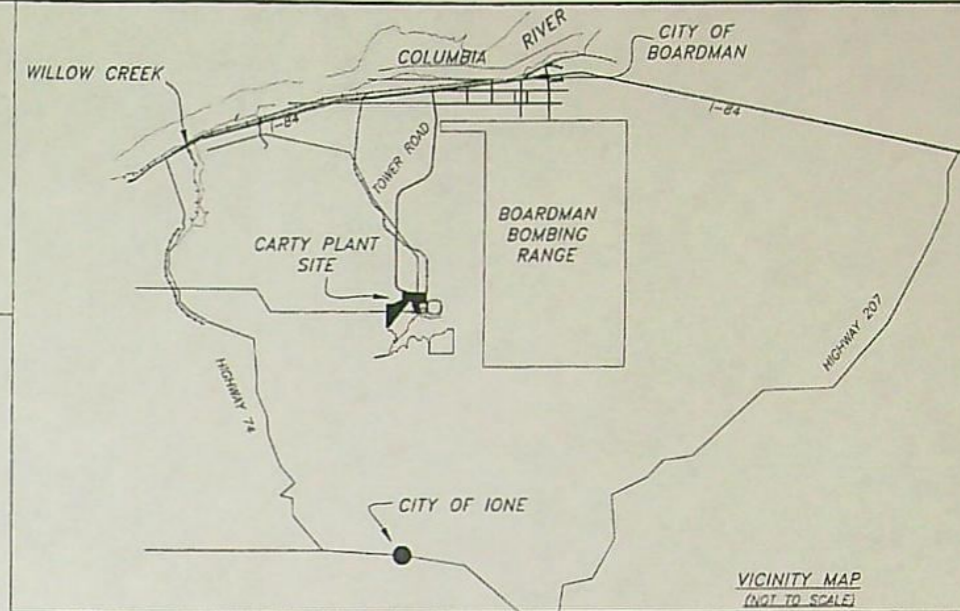
Issued MAY 14 2015.

E. Timothy Wallin

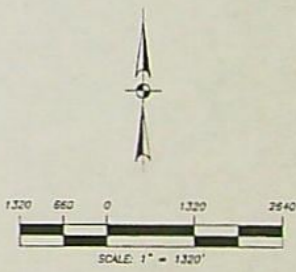
E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director



NO. 67
MAY 18 2001



NOTE
1. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



0	12-1 2009	ISSUE FOR INFORMATION	JWE				
REV	DATE	DESCRIPTION	BY	CHK	ENGR	SUPV	MGR
REVISIONS							
PORTLAND GENERAL ELECTRIC CO. PORTLAND, OREGON							
CARTY PLANT							
APPLICATION MAP TO ACCOMPANY SECONDARY WATER PERMIT							
APPROVALS				SCALE: AS SHOWN			
CHECKED BY:				DRAWN BY: JOSHUA EVEY			
MANAGER:				FIELD CREW			
121 SW SALMON STREET PORTLAND, OR 97204				DATE: DECEMBER 1, 2009			
FILE LOCATION: CAD/SURVEY/2009/BOARDMAN/Water Use Permit Map/CARTY PLANT WATER PERMIT MAP.dwg				SHEET 1 OF 1			

S-01323

Mailing List for FO

Scheduled Mailing Date: MARCH/APRIL 2015

Application: S-87723

Permit: S-54925

Original mailed to Applicant with CBU form:

PORTLAND GENERAL ELECTRIC COMPANY
73334 TOWER RD
BOARDMAN OR 97818

Copies Mailed	
by: <u> KF </u>	
	(STAFF)
on: <u> 5/14/15 </u>	
	(DATE)

Copies of FO sent to:

1. File S-87723

Copies of FO sent to other interested persons (CWRE, Agent, Commenter, etc.):

1. Agent, Martha Pagel: Schwabe, Williamson, & Wyatt, 530 Center Street NE, Suite 400, Salem, OR 97301
2. A.L.O.: Threemile Canyon Farms LLC, Attn: Mr. Martin Myers, General Manager, 75906 Threemile Rd., Boardman, OR 97818

Copies of Map sent to (remember to reduce copy margins):

1. Watermaster District 5, Greg Silbernagel
2. Region: NC REGION

Expedited Secondary Final Order Checklist

Application #: S-87723 Applicant: LOREN MAYER PORTLAND GENERAL ELECTRIC; BOARDMAN PLANT

Requested Use/Rate/Season 1M 3736 AF YR

Allowed Use/Rate/Season 1M 3736 AF YR Duty _____

Conditions _____

Medium Totalizing < 100 AF Large Totalizing ≥ 100 AF

Use "Large" for temp control (including NU), or when the applicant is a government entity

Is water available and legally stored, with a contract if necessary? Yes Permit #: R-6276 No

Carty Reservoir

Storage contract NA BOR Doug Co Corp of Eng needed obtained _____

Land use approved not approved being pursued county notified NA

POU conflict NA No No, different sources No, make up a deficiency in rate No, existing not at max. rate

Yes _____

Use is supplemental, checked for primary rights w/ diff source NA Yes limits _____

App w/in a District boundary per http://apps.wrd.state.or.us/apps/gis/wr_irrigation/ No Yes, cc: _____

MU or QM NA will complete construction within 20 years
 Fujii reviewed recommendations _____

Noticed on 5/31/2011 Comment Deadline 6/30/2011

Electronic/written comments? No Yes _____ Comment eval? No Yes

Were there any comments that raise a public interest described in ORS 537.170(8)? No Yes; issue a PFO

Authorized agent specified NA needed Yes Martha Pagel

Copy to SWR WM # 21 a.l.o. Threemile Canyon Farms NW Planning Council
 ER agent - Martha DOA CRIFC
 NCR CWRE CTUIR (if w/in Umat Basin) US Fish & Wildlife

DOA Food Safety Division
(bottled water)

city _____
(w/in 5-mile muni wells)

DEQ Reg Mang
(303D)

* NEVER State Parks (even if sww)

Fees

2011 fees

<u>Base Fee</u>	<u>Water Amount (Q)</u>		
\$400 ^{\$450}	<u>20 AF up to 20 AF @ \$25 ea</u>	=	<u>\$ 500</u>
	<u>3716 AF at \$1 each</u>	=	<u>\$ 3716</u>
<u>\$ 400</u> (base)		+	<u>\$ 4216</u> (Q)
		=	<u>\$ 4616</u> (total exam fee)

EXAM FEE REQUIRED	<u>4616</u>	RECORDING FEE REQUIRED	\$300 / <u>\$400</u> / \$450
EXAM FEE PAID	<u>(-4616)</u>	RECORDING FEE PAID	<u>(-400)</u>
STILL OWED	<u>Ø</u>	STILL OWED	<u>Ø</u>

App/map meet min. req Yes No ALO info map legal
(If no, don't do an FO yet; send a certified letter.)

FO w/ permit # S-54925 FO w/ draft permit; still needed:
 ___ fees
 ___ easement
 ___ st water contract
 ___ land use

Name: Barbara Park Date: 3/19/2015 Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Point of Diversion Characteristics

Right:	App: S 87723 *
Name:	PORTLAND GENERAL ELECTRIC COMPANY LOREN MAYER BOARDMAN PLANT

TRSQQ: 03.00N-24.00E-34-SWSW

County: Morrow

Basin: Umatilla

WM District: 5

WM Region: NC

Withdrawn Area:

WAB: SIXMILE CAN > COLUMBIA R - AT MOUTH (30710101)

Priority WAB: SIXMILE CAN @ mouth (OWRD: Poor, ODFW: Poor) (30710101)

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33:

Water Quality Limited:

STATE OF OREGON
 COUNTY OF MORROW
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PORTLAND GENERAL ELECTRIC CO.
 121 SW SALMON ST
 PORTLAND OR 97204

J. HENRY SCHRODEN BANK & TRUST COMPANY
 ONE STATE STREET
 6TH FLOOR
 NEW YORK NY 10015

confirms the right to store the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN, in CARTY RESERVOIR, appropriated under Permit 39188, for OPERATION OF THERMAL POWER GENERATION FACILITY.

The right to store these waters was perfected under Permit R-6276. The date of priority is DECEMBER 4, 1973. The amount of water entitled to be stored each year under this right is not more than 38,300 ACRE-FEET.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	22 E	WM	36	NW SE	NORTH 52 DEGREES 39 MINUTES 41 SECONDS WEST 2730 FEET FROM SE CORNER, SECTION 36

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
2 N	24 E	WM	2	NW NW		
2 N	24 E	WM	2	SW NW		
2 N	24 E	WM	2	SE NW		
2 N	24 E	WM	2	NE SW		
2 N	24 E	WM	2	NW SW		
2 N	24 E	WM	3	NE NE		
2 N	24 E	WM	3	NW NE		
2 N	24 E	WM	3	SW NE		
2 N	24 E	WM	3	SE NE		
2 N	24 E	WM	3	NE NW		
2 N	24 E	WM	3	NW NW		

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit; or within three months after issuance of the certificate.

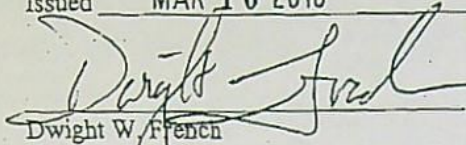
The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
2 N	24 E	WM	3	SW NW		
2 N	24 E	WM	3	SE NW		
2 N	24 E	WM	3	NE SW		
2 N	24 E	WM	3	NW SW		
2 N	24 E	WM	3	SW SW		
2 N	24 E	WM	3	SE SW		
2 N	24 E	WM	3	NE SE		
2 N	24 E	WM	3	NW SE		
2 N	24 E	WM	3	SW SE		
2 N	24 E	WM	3	SE SE		
2 N	24 E	WM	4	NE NE		
2 N	24 E	WM	4	NW NE		
2 N	24 E	WM	4	SW NE		
2 N	24 E	WM	4	SE NE		
2 N	24 E	WM	4	NE NW		
2 N	24 E	WM	4	NW NW		
2 N	24 E	WM	4	SW NW		
2 N	24 E	WM	4	SE NW		
2 N	24 E	WM	4	NE SW		
2 N	24 E	WM	4	NW SW		
2 N	24 E	WM	4	SW SW		
2 N	24 E	WM	4	SE SW		
2 N	24 E	WM	4	NE SE		
2 N	24 E	WM	4	NW SE		
2 N	24 E	WM	4	SW SE		
2 N	24 E	WM	4	SE SE		
2 N	24 E	WM	8	NE NE		
2 N	24 E	WM	8	SW NE		
2 N	24 E	WM	8	SE NE		
2 N	24 E	WM	8	NE SW		
2 N	24 E	WM	8	NW SW		
2 N	24 E	WM	8	NE SE		
2 N	24 E	WM	8	NW SE		
2 N	24 E	WM	9	NE NW		
2 N	24 E	WM	9	NW NW		
2 N	24 E	WM	9	SW NW		
2 N	24 E	WM	10	NW NE		
2 N	24 E	WM	10	SW NE		
2 N	24 E	WM	10	NE NW		
2 N	24 E	WM	10	SE NW		
3 N	24 E	WM	33	SW SW		
3 N	24 E	WM	33	SE SW		
3 N	24 E	WM	33	NE SE		
3 N	24 E	WM	33	NW SE		
3 N	24 E	WM	33	SW SE		
3 N	24 E	WM	33	SE SE		
3 N	24 E	WM	34	SW SW		
3 N	24 E	WM	34	SE SW		

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

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.

Issued MAR 16 2010



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department

R 6276

* Reservoir Permit No.

Application for a Permit to Construct a Reservoir and to Store for Beneficial Use the Unappropriated Waters of the State of Oregon

I, Portland General Electric Company
(Name of Applicant)

of 621 S. W. Alder Street, Portland
(Mailing address) (City)

State of Oregon, 97205, do hereby make application for a permit to construct the
(Zip Code)
following described reservoir and to store the unappropriated waters of the State of Oregon, subject to existing rights.

If the applicant is a corporation, give date and place of incorporation July 25, 1930
in the State of Oregon

1. The name of the proposed reservoir is Carty

2. The name of the stream from which the reservoir is to be filled and the appropriation made is
Columbia River

tributary of

3. The amount of water to be stored is 129,000 ^{14 12/175} ~~110,000~~ acre feet.

4. The use to be made of the impounded water is thermal power generation facility
(Irrigation, power, domestic supply, etc.)

5. The location of the proposed reservoir will be in Sec. See remarks
(Give sections or townships to be submerged)

Tp., R., W.M., in the county of Morrow

(a) State whether situated in channel of running stream and give character of material at outlet

Not

(b) If not in channel of running stream, state how it is to be filled. If through a feed canal, give name and dimensions 51-inch steel pipe from Columbia River

6. The dam will be located in See remarks, Sec.
(Smallest legal subdivision)

Tp., R., W.M. The maximum height will be 80 feet above stream bed or ground surface on center line of dam. The length on top will be 31,500 feet; length on bottom feet; width on top 30 feet; slope on front or water side 3 to 1; slope on back 3 to 1; height of dam above water line when full 10 feet.
(Feet horizontal to 1 vertical) (Feet horizontal to 1 vertical)

* A different form of application should be used for the appropriation of stored water to beneficial use. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

7. The construction of dam, the material of which it is to be built, and method of protection from waves are as follows: Earth filled dam consisting of compacted silts, clays and rock with riprped embankments for wave protection

8. The location of wasteway with dimensions are as follows: (State whether over or around the dam)
4440 feet long by 200 feet wide riprped spillway in Section 34, Township 3 North, Range 24 East, Willamette Meridian.

9. The location of outlet from the proposed reservoir, with character of construction and dimensions, are as follows: 48-inch steel pipe encased in concrete controlled by slide gate in Section 33, Township 3 North, Range 24 East, Willamette Meridian
(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)

10. The area submerged by the proposed reservoir, when full, will be 5600 acres, with a maximum depth of water of 70 feet; and approximate mean depth of water 22 feet.

11. The estimated cost of the proposed work is \$ 12,400,000

12. Construction work will begin on or before June 1975

13. Construction work will be completed on or before December 1977

R. W. Sharp
(Signature of applicant)
R. W. Sharp - Permit Section Supervisor

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 19_____

WITNESS my hand this _____ day of _____, 19_____

STATE ENGINEER
By _____
ASSISTANT

Addendum to
Portland General Electric Company's
Reservoir Permit No. R-51520

This addendum to the subject permit outlines the stage development of the Carty Reservoir. For reference, see attached exhibit, Drawing No. SK-301. The first stage construction will consist of the west dam, partial divider dike, saddle dam, spillway and outlet works. The reservoir size of this initial development will be approximately 1,400 acres with a volume capacity of 41,000 acre-feet. Maximum pool elevation will be 677 feet MSL allowing 10-foot of drawdown for irrigation. Storage capacity of this irrigation water amounts to approximately 11,000 acre-feet. The length of the dam crests will be 11,500 feet. The spillway will be 750 feet long by 120 feet wide in Section 33, Township 3 North, Range 24 East, Willamette Meridian. Construction of this first stage is scheduled to be completed by the end of December 1977, and filled during 1978. The estimated cost of the first phase is \$15,500,000.00. Please refer to PGE Water Appropriation Permit No. 51521 as to the source and methods for providing this water.

It is not known at this time when the full reservoir will be completed. However, when all authorizations have been obtained, the second stage development will consist of construction of the east dam, completion of the divider dike, and partial removal of the saddle dam. The full-size reservoir will be 5,600 acres with a volume capacity of 129,000 acre-feet. It also will have a maximum pool elevation of 677-feet MSL allowing the same 10-foot drawdown for irrigation. Irrigation storage of the full reservoir will be 46,000 acre-feet.

Application No. R 51520
Reservoir Permit No. R 6276

PERMIT

To construct a reservoir and store for beneficial use the unappropriated waters of the State of Oregon.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 4 day of December, 1973, at 4:20 o'clock P. M.

Returned to applicant:

Approved:

Recorded in Book No. _____ of
Reservoirs, on Page R 6276

State Engineer

Drainage Basin No. 7 page 2D
Fees 1314.22

Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

E
 II

~~PRIMARY~~
SECONDARY

Application S-87723 County MARROW Priority Date 5-18-2011

Township PLATEAU Range REVIEW Section MAP

Amount 3736 AF Use INDUSTRIAL WM Dist # 21

Caseworker Assigned Jeana Eastman Kerry Kavanagh Michele McAleer

Public notice
5/31/11
JKS

Applicant/Organization Name, Mailing Address, and Telephone Number.

Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) *NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application (E2).*

The proposed source is is not (circle one) withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.

Property ownership indicated.

STARTS NO!

If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

~~Well Development (Section 3) or a well log report~~

Proposed use of water. If supplemental, list primary acreage.

Enclosed Supplemental Form for each proposed use.

Form I (Irrigation) Form M (Municipal or Quasi-Municipal)

Form R (Mining) Form Q (Commercial or Industrial)

Spring Description Sheet

Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

Period of use

Water management section (Please estimate if the water system has not been designed).

Resource Protection Section

Project schedule (If system is already completed, indicate "existing").

- Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir for all standard reservoir applications
- A map prepared by a CWRE for a standard reservoir application proposing to store more than 9.2 acre feet and having a dam height of more than 10 feet

All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill

A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *NOT REQUIRED EFSC THROUGH 06/30/11 JLS OK*
Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.

The map must meet all the minimum requirements of OAR 690-310-0050.

4 LARGE OVERSIZE MAPS

- Township, Range, Section
- Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- Place of use, 1/4, 1/4's and tax lot clearly identified
- Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.) *1320'*
- Location of each diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
- Reference corner on map
- North Directional Symbol
- Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture *INDUSTRIAL*
- Other _____

3736
- 20

3716

Fees: Amount of water requested 3736 AF *E-2*
correct

Base Fee \$ 400
20 ~~CPS~~/AF @ \$25 = 500
3716 Addtn'l ~~CPS~~/AF @ \$1 = 3716
~~Addn' POD/POA @ _____~~

Additional Use @ _____ = _____ 900
Total Exam Fees \$ 3716
Total Paid \$ \$ 5016 *110*
Amount Due \$ _____
Amount Returned \$ _____
+ 400
REC FEE

Reviewed by: HTW
J. SAUTER

Date: 5-18-2011

\$ 5016

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **102920** 725 Summer St. N.E. Ste. A SALEM, OR 97301-4172 INVOICE # _____
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Portland General Electrical Co APPLICATION S 87723
BY: _____ PERMIT _____
TRANSFER _____
CASH: CHECK:# 70832 OTHER: (IDENTIFY) _____
TOTAL REC'D \$ 5016.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

**RECEIVED
OVER THE COUNTER**

4270 WRD OPERATING ACCT

MISCELLANEOUS
0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____
WATER RIGHTS:
0201 SURFACE WATER EXAM FEE \$ 41611.00 0202 RECORD FEE \$ 400.00
0203 GROUND WATER \$ _____ 0204 \$ _____
0205 TRANSFER \$ _____
WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ _____ 0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT 0220 \$ _____
OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **102920** DATED: 5.18.11 BY: LAG

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **102920** 725 Summer St. N.E. Ste. A SALEM, OR 97301-4172 INVOICE # _____
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4270 WRD OPERATING ACCT

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LANDOWNER'S PERMIT 0220 \$ _____
OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **102920** DATED: 5.18.11 BY: LAG

PORTLAND GENERAL ELECTRIC CO

325481

7C-708321

DATE	INVOICE NUMBER	VOUCHER	GROSS	DISCOUNT	NET
02152011	APP FEE CARTY GEN STN	597896126	5,016.00	0.00	5,016.00
			<p>RECEIVED</p> <p>MAY 18 2011</p> <p>WATER RESOURCES DEPT SALEM, OREGON</p>		
			<p>RECEIVED</p> <p>OVER THE COUNTER</p>		
PLEASE DETACH BEFORE DEPOSITING			TOTALS	5,016.00	0.00
					5,016.00

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

RECEIVED

MAY 18 2011

Water-Use Permit Application Processing

WATER RESOURCES DEPT
SALEM, OREGON

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$300.00 for the applicant and \$600.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department issues a Final consistent with the PFO. If the application is approved, a permit is issued. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

Application for a Permit to Use Surface Water

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MAY 18 2011
WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME N/A		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL

Organization Information

NAME PORTLAND GENERAL ELECTRIC COMPANY		PHONE 541-481-1211	FAX
ADDRESS LOREN MAYER GENERAL MANAGER – BOARDMAN PLANT 73334 TOWER ROAD			CELL
CITY BOARDMAN	STATE OR	ZIP 97818	E-MAIL LOREN.MAYER@PGN.COM

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

AGENT / BUSINESS NAME MARTHA O. PAGEL/ SCHWABE, WILLIAMSON & WYATT		PHONE 503-540-4260	FAX 503-796-2900
ADDRESS 530 CENTER STREET NE, SUITE 400			CELL 503-507-7293
CITY SALEM	STATE OR	ZIP 97301	E-MAIL MPAGEL@SCHWABE.COM

Note: Attach multiple copies as needed

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 use water legally until the Water Resources Department issues a permit.
- Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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.

Applicant Signature

Applicant Signature

Ray Hendricks, Environmental Engineer
Print Name and title if applicable

Print Name and title if applicable

Date

Date

2/11/2011

App. No. <u>S-87723</u>	For Department Use Permit No. _____	Date _____
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Revised

MAY 18 2011

SECTION 2: PROPERTY OWNERSHIP

WATER RESOURCES DEPT
SALEM, OREGON

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

I have a recorded easement or written authorization permitting access.

Note: Applicant owns all of Section 34, T3N, R24E, WM and has written authorization for the remaining affected lands in Section 33, T3N, R24E, WM.

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 irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

The names and mailing addresses of all affected landowners are included as an attachment to this application. See Attachment 3 (List of Affected Landowners).

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Carty Reservoir

Tributary to: N/A

Source 2: _____

Tributary to: _____

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Certificate 86056 (Storage Right) and Certificate 86057 (Secondary Use). The existing storage rights authorize use of water for a "thermal power generation facility". Pursuant to ORS 540.520(9), the applicant has provided notice to the Water Resources Department of a change in use from specific to general industrial use.

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes.

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SALEM, OREGON

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Carty Reservoir	Industrial	Year round	3736 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

SECTION 5: WATER MANAGEMENT

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**WATER RESOURCES DEPT
SALEM, OREGON**

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): Vertical – 150 hp

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

The project will use existing intake and discharge structures. Multiple water pipelines associated with the Carty Generating Station will be connected to the existing Boardman Plant facilities. A detailed description of the diversion and conveyance system is included in Section B.4 of the Application for Site Certificate. See Attachment 4 (Section B.4 of Application for Site Certificate).

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Water will be distributed by pipes and tanks to the place of use.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent adverse impact to public uses of affected surface waters.

Water use needs and conservation measures are described in Section O of the Carty Generating Station Application for Site Certificate. See Attachment 5 (Section O of Application for Site Certificate). The project includes internal re-use of water and measures to minimize waste of water.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: Water will be pumped from the Carty Reservoir to its place of use by vertical turbine pumps. Each pump will be filtered by a screen.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Excavation or clearing will be kept to a minimum at the point of water withdrawal from Carty Reservoir by using Best Management Practices (BMPs) that are consistent with industry standards.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: Damage to aquatic life will be minimized at the point of water withdrawal from Carty Reservoir by using BMPs that are consistent with industry standards. Hydraulic conditions and approach velocities to the screens will be designed and managed to reduce the impact of operations on aquatic life.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Erosion and run-off of waste or chemical products will be addressed by using BMPs that are consistent with industry standards.

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SALEM, OREGON

SECTION 7: PROJECT SCHEDULE

Date construction will begin: 2013

Date construction will be completed: 2016

Date beneficial water use will begin: 2013

SECTION 8: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

Pursuant to ORS 469.378, the land use determination will be made by the Energy Facility Siting Council. The standard Land Use Information Form is not required and therefore is not included with this application.

The existing storage rights under Certificate 86056 (the source of water for this application) authorize use of water for a "thermal power generation facility". Pursuant to ORS 540.520(9), the applicant has provided notice to the Water Resource Department of a change in use of the stored water from specific to general industrial use.

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Land Use Information Form

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: NOT APPLICABLE. LAND USE FORM NOT REQUIRED. PURSUANT TO ORS 469.378, LAND USE CONSISTENCY WILL BE DETERMINED BY ENERGY FACILITY SITING COUNCIL.

First Last

Mailing Address: _____

City State Zip Daytime Phone: _____

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:
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: _____ 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 _____

Briefly describe:

Not applicable. Determination will be made through Energy Facility Siting Council.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

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SALEM, OREGON

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 uses (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 uses (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:	
Not applicable		<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
		<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 Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Not applicable. Determination will be made through Energy Facility Siting Council.

Name: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Attachment 1
1975 Bargain and Sale Deed

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7-29-75
A3, 24-34
LAND 1

WATER RESOURCES DEPT
SALEM, OREGON

BARGAIN-AND-SALE-DEED

KNOW ALL MEN BY THESE PRESENTS, that the State of Oregon, acting by and through its Director of Veterans' Affairs, Grantor, for and in consideration of the payment of \$1,027,060 plus one percent thereof for each month after April 30, 1975 until delivery or recordation of this deed being the true and actual consideration paid for this transfer, receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Portland General Electric Company, a Corporation of Oregon, Grantee, three parcels of land in Morrow County, Oregon, totaling about 3,520 acres and certain easements described as follows:

Sections 26, 34 and 35, T3N, R24E, WM, and Section 5 and the West half of Section 4, the NE 1/4 of Section 10, the SE 1/4 of Section 3, the SW 1/4 of Section 2 and the NW 1/4 of Section 11, T2N, R24E, WM, Morrow County, Oregon, together with easements for (A) a pumping plant and buried pipeline, (B) reservoir flowage and related dams, (C) nuclear exclusion area, (D) dewatering overflow, (E) transmission lines, (F) railroad, (G) roadway, and (H) a barge basin, all as described in Easements A through H attached hereto.

TO HAVE AND TO HOLD unto the said grantee Portland General Electric Company, its successors and assigns forever, such title as Grantor holds and subject to agreements herein contained; save and except as set forth in Exhibit I attached hereto and by this reference made a part hereof, the grantor excepts and reserves to itself, its successors and assigns, all minerals, as defined in ORS 273.775(1), and including soil, clay, stone, sand and gravel and all geothermal resources, as defined in ORS 273.775(2), together with the right to make such use of the surface as may be reasonably necessary for

Recorded 8-13-75
Book "M" of Microfilm # 8457
Records of Morrow Co., OR

Audit 29210-20
See Audit 30911
Land 5547
EXHIBIT B

S-87723

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WATER RESOURCES DEPT
SALEM, OREGON

prospecting for, exploring for, mining, extracting, reinjecting, storing, drilling for and removing such minerals and geothermal resources; provided, however, that the rights hereby reserved to use the surface for any of the above activities shall be subordinate to that use of the surface of the premises deeded herein, or any part thereof, being made by the owner thereof on the date the State of Oregon leases its reserved minerals or geothermal resources; in the event such use of the premises by a surface rights owner should be damaged by one or more of the activities described above then such owner shall be entitled to compensation for such damages.

The grantee agrees to hold the grantor harmless and assumes liability for providing liability insurance on all property contained in Easement (C) herein as required in that certain deed dated December 12, 1963, between the United States of America and the State of Oregon recorded in Morrow County records in Book 70 Pages 91 through 94.

The grantee also agrees to hold the grantor harmless and to defend the grantor against all loss, cost and liability arising from or connected with the use of the land and rights in land herein conveyed, by the grantee and those holding under the grantee.

All easements (which term shall be deemed to include without limitation water storage and usage rights) which are granted to the Boeing Agri-Industrial Company or its successors, are to run with the land and shall not be terminated by reason of a transfer of ownership or termination, cancellation or expiration of a leasehold interest.

S-87723

EXHIBIT 1

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SALEM, OREGON

(Description of easement property)

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SALEM, OREGON

EASEMENT A

An easement to construct, operate and maintain a water intake structure, pumping plant and related facilities in, on, upon and across a rectangular parcel of land 200 feet by 240 feet having a frontage of 200 feet on the South shore of the Columbia River in Section 16, T4N, R23E, WM, Morrow County, Oregon, said parcel of land being identified on PGE Drawing No. C-12943 dated April 23, 1974, as revised, through May 21, 1975 attached as Exhibit II hereto (hereinafter referred to as Drawing No. C-12943) as the "Pumping Plant Site". This land is to be utilized by PGE for the water intake structure, pump house and related facilities.

An easement for a buried pipeline, 150 feet in width being 75 feet on either side of the centerline shown and described as "Make Up Water Pipe Line" on the attached Drawing C-12943 to which reference is made. Such real property shall be utilized for carrying water from the intake structure to the Plant Site and for related facilities.

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SALEM, OREGON

EASEMENT B

The easement to overflow those parcels of land in Sections 1, 2, 3, 4, 8, 9, 10 and 12, T2N, R24E, WM, Sections 25, 33, 34, 35 and 36, T3N, R24E, WM, constituting the "Carty Reservoir" as shown on Drawing No. C-12943; together with the lands in the above described sections occupied by the dams and dikes shown on said drawing and referred to therein as the "West Dam", "East Dam", "Closure Dam" and "Divider Dike", all being in Morrow County, State of Oregon.

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EASEMENT C

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An easement permitting Portland General Electric Company to control activities to the extent presently required by the Nuclear Regulatory Commission on the following described premises: All of Sections 21 through 36, T3N, R24E, WM, Sections 1 through 12 and Sections 15 through 18, T2N, R24E, WM. Said lands are identified on Drawing No. C-12943 as being within the "Boundary of Property under Portland General Electric Company Control".

S-0773

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SALEM, OREGON

EASEMENT D

An easement authorizing PGE to overflow the lands within Sixmile Canyon for the purpose of dewatering the Carty Reservoir. Said easement and its location are shown as "Flow Easement Sixmile Canyon 435 CFS (Dewatering)" on attached Drawing No. C-12943 to which reference is made.

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SALEM, OREGON

EASEMENT E

An easement for electric transmission lines 125 feet in width being 62.5 feet on either side of the centerline shown and described as "230 KV Transmission" on the attached Drawing No. C-12943 to which reference is made. In addition an easement for electric transmission lines 700 feet in width being 350 feet on either side of the centerline shown and described as "500 KV Transmission" on the attached Drawing No. C-12943 to which reference is made. An easement for a transmission line commencing at the present point of termination of Pacific Power & Light Company's 34.5 KV transmission to the Plant Site. Said easement shall be 125 feet in width, being 62.5 feet on either side of the centerline shown and described as "34.5 Transmission" on Drawing No. C-12943 to which reference is made. Said easement shall be used for construction purposes.

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EASEMENT F

An easement to install, maintain and operate a railroad connecting the Plant Site with the main line of the Union Pacific Railroad over the easement hereinafter described: An easement for railroad purposes 150 feet in width being 75 feet on either side of the centerline shown and described as "PGE RR Spur" on Drawing No. C-12943 to which reference is made.

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EASEMENT G

An easement for a 150-foot roadway easement over, along and across Tower Road as such road is now laid out or where not now laid out then as shown or designated as "Tower Road" "Access Road" on the attached Drawing No. C-12943 to which reference is made. Said easement shall be 75 feet in width on either side of the centerline depicted on such drawing. An easement for a 50-foot roadway easement connecting PGE's "Pumping Plant Site" to adjacent public thoroughfares. Said easement extends 25 feet on either side of a centerline designated "Access Road" on Drawing No. C-12943 to which reference is made.

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EASEMENT H

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SALEM, OREGON

An easement authorizing Portland General Electric Company to construct, maintain and operate for receipt and delivery of fuel, material and equipment, a barge basin and related facilities in, on, upon and across a rectangular parcel of land 200 feet by 200 feet having a frontage of 200 feet on the south shore of the Columbia River in Section 18, T4N, R24E, WM, in Morrow County, Oregon, said parcel of land being identified on Portland General Electric Company Drawing C-12943 as the "Barge Unloading Facility".

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SALEM, OREGON

EXHIBIT I

Excerpt from minutes of State Land Board meeting held February 12, 1975.

The Department of Veterans' Affairs has requested release of the mineral and geothermal rights on State-owned lands which are being considered by the Portland General Electric Co. for siting of nuclear and coal-fired generating plants. Both the Nuclear Regulatory Commission and the mortgaging institution require exclusive ownership. The Department of Geology and Mineral Industries has informed the Division that there may be some speculative oil and gas lease value to the property. No other mineral except gravel and stone is known in this area.

Originally, the Department had asked the Land Board to approve release of minerals within the entire 3,520 acres considered for purchase by PGE. However, because of the possibility, however remote, of gas and oil deposits beneath the surface, it was considered advisable to release mineral rights only where necessary. This included an 800-meter exclusion zone for the nuclear zone, and for each of the coal-fired plants. Because of the difficulty of making land descriptions for circular property, the exclusion zones would be squared up. Because there is somewhat of an overlap of the zones, total acreage on which mineral releases are requested is 1,040 acres for the three plants for which plans have been made. For the total contemplated (six plants), the acreage would be 1,320.

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WATER RESOURCES DEPT
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There was some discussion with Mr. Corcoran regarding designation of the probability of minerals and of including in the asking price, the probable value of minerals.

The Division recommended Board approval of the mineral releases, contingent upon issuance of a plant-by-plant siting certificate by NTEC and the Governor. The Treasurer pointed out that PGE is not seeking to acquire this area for mineral which may or may not be there, but only because of federal financing requirements.

The Board voted unanimously to release, with the condition recommended by the Division, mineral rights on 1,320 acres described as follows, to the extent such property underlies the land to be conveyed:

COAL PLANT

The tracts of land situated in Morrow County, State of Oregon more particularly described as follows:

The NW 1/4 of the NE 1/4, and the NE 1/4 of the NW 1/4 of Section 3. Being in Township 2 North, Range 24 East, Willamette Meridian. The SE 1/4, the SW 1/4, the S 1/2 of the NE 1/4, and the S 1/2 of the NW 1/4 of Section 34. The N 1/2 of the SW 1/4 of Section 35. Being in Township 3 North, Range 24 East, Willamette Meridian.

UNITS 1, 2, 3 AND 4

The tracts of land situated in Morrow County, State of Oregon, more particularly described as follows:

S-07723

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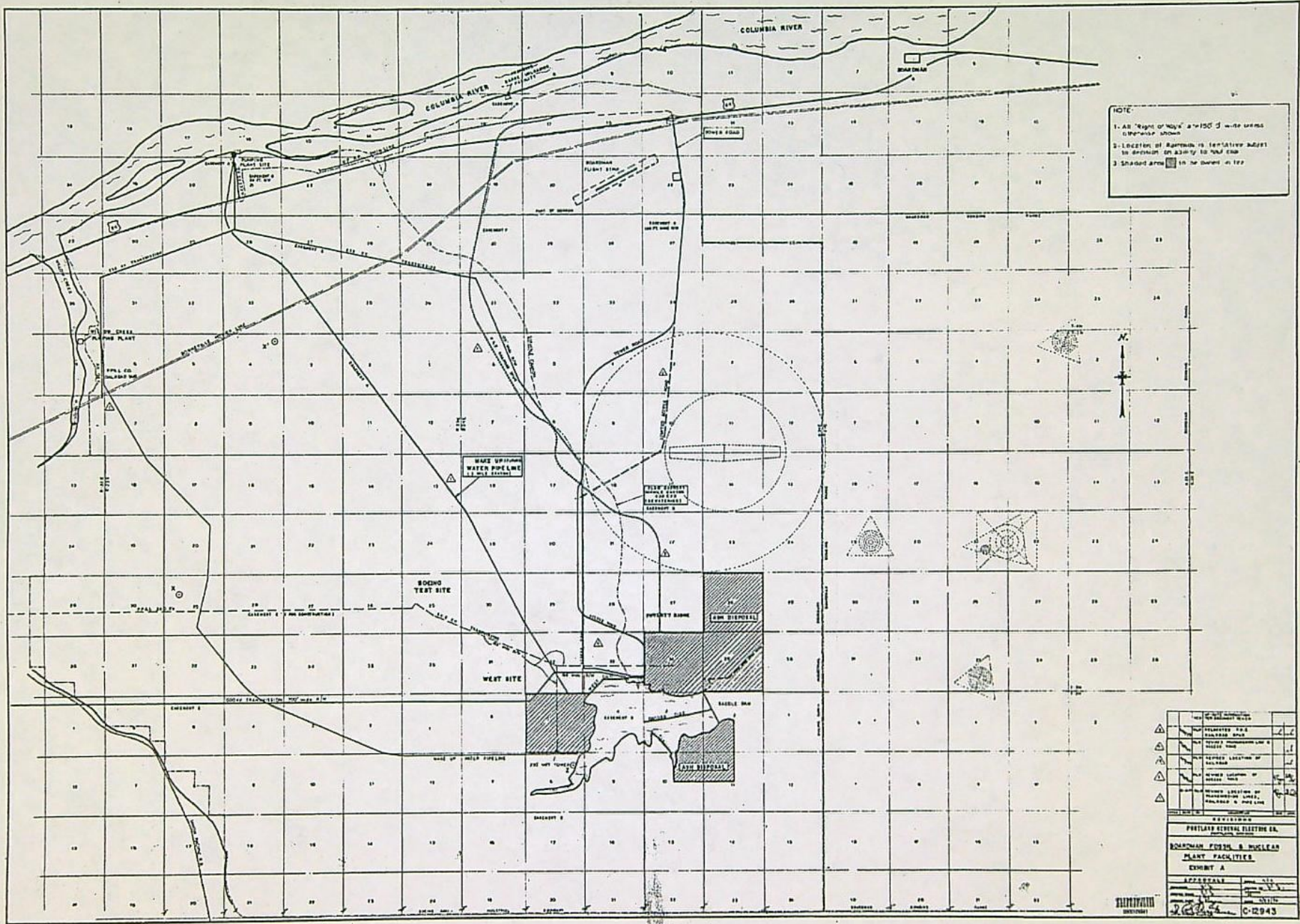
MAY 18 2011

WATER RESOURCES DEPT
SALEM, OREGON

- 3 -

The SW 1/4, the S 1/2 of the NW 1/4 and the NW 1/4 of the NW 1/4 of Section 4; The SE 1/4, the NE 1/4, the SW 1/4, the E 1/2 of the NW 1/4, and the SW 1/4 of the NW 1/4 of Section 5; The N 1/2 of the NE 1/4, and the NE 1/4 of the NW 1/4 of Section 8; The N 1/2 of the NW 1/4 of Section 9; All being in Township 2 North, Range 24 East, Willamette Meridian.

S-87723



NOTE

1. All "Right of Way" and "Right of Access" symbols shown
2. Location of Right of Access is tentative subject to approval by owner of the land
3. Shaded area is to be owned in 1977

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SALEM, OREGON

S-87723

NO.	DESCRIPTION	DATE	BY
1	DESIGNED AND DRAWN		
2	CHECKED AND APPROVED		
3	REVISIONS		
4	DATE		
5	BY		
6	DATE		
7	BY		
8	DATE		
9	BY		
10	DATE		

PORTLAND GENERAL ELECTRIC CO.
 BOARDMAN POWER & NUCLEAR PLANT FACILITIES
 EXHIBIT A
 SCALE: 1" = 100'
 DRAWING NO. C-2943

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WATER RESOURCES DEPT
SALEM, OREGON

OPTION

In consideration of the conveyance to Portland General Electric Company of certain land and easements described as follows:

Sections 26, 34 and 35, T3N, R24E, WM and Section 5 and the West half of Section 4, the NE $\frac{1}{4}$ of Section 10, the SE $\frac{1}{4}$ of Section 3, the SW $\frac{1}{4}$ of Section 2 and the NW $\frac{1}{4}$ of Section 11, T2N, R24E, WM, Morrow County, Oregon, together with easements for (A) a pumping plant and buried pipeline, (B) reservoir flowage and related dams, (C) nuclear exclusion area, (D) dewatering overflow, (E) transmission lines, (F) railroad, (G) roadway, and (H) a barge basin, all as described in Easements A through H attached hereto.

PGE hereby agrees to reconvey said land and easements to the State of Oregon for the same consideration in the event that the Agreement between Portland General Electric Company and the Boeing Agri-Industrial Company in the form attached hereto terminates. This option to repurchase shall extend for a period of two years from the date it can be exercised, subject to Boeing Agri-Industrial Company's rights under Section (1) D.6 of said Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Option to be executed this _____ day of _____, 1975.

PORTLAND GENERAL ELECTRIC COMPANY

By _____

Attest: _____

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SALEM, OREGON

EASEMENT

This easement granted as of the _____ day of _____, 1975, by P. J. Taggares Company and Simplot Industries, Inc. (hereinafter called "Grantors") to Boeing Agri-Industrial Company (hereinafter called "Grantee")

W I T N E S S E T H :

WHEREAS Grantors are sublessees from Grantee of certain lands in Morrow County, Oregon, consisting of a portion of the approximately 100,000 acres in Morrow and Gilliam Counties, Oregon, which Grantee leases from the State of Oregon (hereinafter called the "Boeing Property") and Grantors have constructed and installed a buried water pipeline identified as the "Simtag Pipeline," and extending along a route from Point W to Point X, located and described in Exhibit 1 attached hereto and by this reference made a part of this instrument (hereinafter called the "Simtag Pipeline"), and

WHEREAS in connection with its plans to irrigate additional portions of the Boeing Property and in order to fulfill certain obligations of Grantee to Portland General Electric Company (hereinafter called "PGE"), Grantee requires certain easements and rights relating to the use of and access to the Simtag Pipeline,

NOW THEREFORE, for good and valuable consideration the receipt of which is hereby acknowledged, Grantors hereby jointly

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and severally grant, bargain, sell and convey to Grantee the following described easements and rights for the uses and purposes hereinafter set forth.

1. An easement and right at all times during the term of Grantors' sublease from Grantee, or any extension thereof, to transmit via the Sintag Pipeline and receive at Point X a flowage of water of up to 25 cubic feet per second.

2. An easement during the term of Grantors' sublease from Grantee, or any extension thereof, 150 feet in width (i) extending the entire length of the Sintag Pipeline and 75 feet on each side of the centerline thereof and (ii) further extending generally _____ from Point X to Point XI identified on Exhibit 1 by a route to be determined by Grantee, with the approval of Grantors which shall not be unreasonably withheld, for the following uses and purposes.

a. To provide Grantee ingress to, possession of and egress from the Sintag Pipeline to the extent reasonably required to transmit and receive water via said pipeline pursuant to paragraph 1 hereof including, without limitation, the right to connect Grantee's pumping facilities and pipelines to said pipeline at Points W and X and to service, maintain, repair and replace said pipeline or any part thereof.

b. To construct and install a buried pipeline of a size and design determined by Grantee, which shall connect with the Sintag Pipeline at Point X and shall

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be located generally along the centerline of said easement from Point X to Point X1 (said pipeline shall connect with another pipeline of Grantee at Point X1).

3. All easements and rights granted in this instrument shall be binding upon Grantors and their successors, assigns and transferees and shall inure to the benefit of Grantee and its grantees, successors, assigns, transferees and licensees. Without limiting the generality of the foregoing, Grantee may from time to time assign to PGE the easements and rights herein granted by Grantors to Grantee or license PGE to use such easements and rights.

IN WITNESS WHEREOF, Grantors, each by its duly authorized officer, have executed this instrument as of the _____ day of _____, 1975.

P. J. Taggares Company

By _____
President

Simplot Industries, Inc.

By _____
President

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SALEM, OREGON

STATE OF OREGON)
) ss
County of Multnomah)

On this _____ day of _____, 19____, before me, a notary public in and for said county and state, personally appeared the within-named _____, to me known to be the _____ of Portland General Electric Company, who being first duly sworn did say that he executed the foregoing instrument on behalf of Portland General Electric Company as authorized by its Board of Directors; and said _____ acknowledged the execution of said instrument to be the free act and deed of said Portland General Electric Company

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal, the date in this my certificate above written.

Notary Public for Oregon
My commission expires:

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CONSENT AND AGREEMENT

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SALEM, OREGON

This instrument executed and delivered as of the _____ day of _____, 1975, by the State of Oregon, acting by and through its Director of Veterans' Affairs (the "State")

W I T N E S S E T H :

WHEREAS on January 1, 1974, The Boeing Company assigned to Boeing Agri-Industrial Company ("BAIC") its rights under a lease (the "Boeing Lease") dated July 2, 1963, as amended by a supplement to lease dated December 13, 1963, between the State, as lessor, and The Boeing Company, as lessee, of approximately 100,000 acres of land in Morrow and Gilliam Counties, Oregon (the "Boardman Property"), which assignment was consented to in writing by the State provided that said assignment in no way altered the obligations of The Boeing Company to the State under the Boeing Lease, and

WHEREAS the State has negotiated with Portland General Electric Company ("PGE") for the conveyance by the State to PGE of about 3,520 acres of the Boardman Property as sites (hereinafter referred to collectively as the "Plant Site") for electric generating stations and related and incidental purposes and BAIC has negotiated with PGE for the release by BAIC of the Boeing Lease with respect to the Plant Site and for the subordination by BAIC of its leasehold interest thereunder to certain easements (the "easements") appurtenant to the Plant Site which affect other areas of the Boardman Property, and

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WHEREAS BAIC and PGE have entered into an Agreement in the form attached as Exhibit 1 to this instrument (the "Agreement") under the terms of which the obligations of BAIC are conditioned upon, among other things, consummation of the above mentioned conveyance by the State to PGE and the execution by the State of this instrument;

NOW, THEREFORE, in consideration of the premises:

1. The State hereby consents to all terms and provisions of the Agreement including all exhibits thereto.

2. Upon the satisfaction (or waiver) of all conditions set forth in sections (27) and (28) of the Agreement, the rent payable by BAIC to the State for the Boardman Property shall be reduced in the proportion that the area of the Plant Site (3,520 acres) bears to the total area heretofore subject to the Boeing Lease (100,000 acres) and an appropriate rent proration shall be made at the time the next payment of rent is due to the State.

3. The option of the State to reacquire the Plant Site and the easements (a copy of which is a part of Exhibit D to the Agreement) shall be and hereby is subordinated and made subject to the rights of BAIC under section (1)D.6. of the Agreement.

4. The State hereby acknowledges and agrees that the use by PGE of the Plant Site and easements contemplated

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and permitted by the Agreement shall be deemed to be BAIC's use for the purposes of paragraph 1 of Article IV of the Boeing Lease in the same manner and to the same extent as if PGE were a subtenant of BAIC within the contemplation of paragraph 3 of Article IV of the Boeing Lease.

5. The State hereby agrees and consents that all covenants, agreements, easements (which term shall be deemed to include without limitation water storage and usage rights) and rights granted to, or provided for, Boeing in the Agreement shall be construed as covenants running with the land which shall be binding upon and inure to the benefit of (i) the parties to the Agreement and their grantees, successors, assigns and transferees and (ii) the fee owner of the Boardman Property upon termination, cancellation or expiration of the Boeing Lease.

6. Any liens arising out of work performed, materials furnished or obligation incurred by or for PGE with respect to the Plant Site or the easements shall not be deemed to be liens for purposes of paragraph 4 of Article IV of the Boeing Lease.

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IN WITNESS WHEREOF the State of Oregon has caused this instrument to be executed by its duly authorized and empowered officer this _____ day of _____, 1975.

STATE OF OREGON, acting by and through its director of Veterans' Affairs

By _____
H. C. SAALFELD
Director of Veterans' Affairs
State of Oregon

STATE OF OREGON)
) SS
COUNTY OF MARION)

On this _____ day of _____, 1975, before me, a notary public in and for said county and state, personally appeared the within-named H. C. SAALFELD, to me known to be the Director of Veterans' Affairs of the State of Oregon, who being first duly sworn did say that he executed the foregoing instrument on behalf of the STATE OF OREGON and by authority of his office; and said H. C. SAALFELD acknowledged the execution of said instrument to be the free act and deed of said State of Oregon.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal, the date in this my certificate above written.

Notary Public for Oregon
My commission expires:

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SALEM, OREGON

The terms and provisions of the foregoing instrument
are accepted and agreed to effective as of the date first therein
written.

BOEING AGRI-INDUSTRIAL COMPANY

By _____
President

Attest _____
(Title)

PORTLAND GENERAL ELECTRIC COMPANY

By _____
President

Attest _____
(Title)

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CONSENT

1. The Travelers Insurance Company ("Travelers") is mortgagee of the subleasehold estate of P. J. Taggares Company and Simplot Industries, Inc. ("sublessees"), in and to certain real property in Morrow County, Oregon, pursuant to a Sublease dated September 5, 1973, as amended by an Agreement and Amendment of Sublease dated November 15, 1974, between sublessees and Boeing Agri-Industrial Company ("BAIC") as sublessor.

2. Travelers hereby consents to the execution by sublessees of the foregoing instrument entitled "Easement" and to the terms and provisions thereof and agrees that any foreclosure of Travelers' aforesaid mortgage, any sale pursuant to the exercise of any power of sale thereunder and any right of Travelers to remove the Simtag Pipeline shall be subordinate to the easements and rights granted to BAIC in said instrument. Notwithstanding such subordination, in the event Travelers gives at least 30 days' prior written notice by certified mail to BAIC and Portland General Electric Company ("PGE") of its intention to consummate any such foreclosure or exercise any such power of sale or right of removal of the Simtag Pipeline, Travelers may proceed therewith unless BAIC or PGE purchases said pipeline within said 30-day period by payment in cash to Travelers for said pipeline of an amount equal to Grantors' actual cost therefor, less depreciation computed on an assumed straight line basis over a ten-year useful life commencing July 1, 1975.

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Attachment 2
Place of Use Legal Description



PORTLAND GENERAL ELECTRIC COMPANY
LAND DESCRIPTION
Secondary Water Permit Place of Use
Carty Generating Station

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SALEM, OREGON

A TRACT OF LAND BEING THAT PORTION OF SECTIONS 33 AND 34,
TOWNSHIP 3 NORTH, RANGE 24 EAST, WILLAMETTE MERIDIAN, MORROW
COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A 2-1/2" BRASS CAP MONUMENT AT THE NORTHWEST
CORNER OF SAID SECTION 34; THENCE, ALONG THE NORTH LINE OF SAID
SECTION 34, NORTH 89°43'47" EAST, 1820.55 FEET TO THE WESTERLY LINE
OF A PARCEL OF LAND KNOWN AS THE BOARDMAN COAL HANDLING SITE
FACILITY AND DESCRIBED IN INSTRUMENT NO. 26048 IN THE MICROFILM
RECORDS OF SAID COUNTY; THENCE ALONG SAID COAL HANDLING SITE
FACILITY THE FOLLOWING SIX COURSES: SOUTH 0°05'00" WEST, 1000.00
FEET; THENCE, SOUTH 6°10'43" WEST, 246.68 FEET; THENCE, SOUTH 0°00'00"
WEST, 725.00 FEET; THENCE, SOUTH 90°00'00" WEST, 66.00 FEET; THENCE,
SOUTH 00°00'00" WEST, 577.00 FEET; THENCE, SOUTH 7°48'10" EAST, 372.60
FEET; THENCE, LEAVING SAID WESTERLY LINE, SOUTH 90°00'00" WEST,
1729 FEET TO THE WEST LINE OF SAID SECTION 34; THENCE, SOUTHERLY
ALONG THE WEST LINE OF SAID SECTION 34 TO A POINT THAT IS 1597 FEET
SOUTHERLY OF A 2-1/2" BRASS CAP MONUMENT AT THE WEST QUARTER
CORNER OF SAID SECTION 34; THENCE, LEAVING SAID WEST LINE, NORTH
73°00'00" WEST, 1110 FEET; THENCE, NORTH 42°58'44" WEST, 862 FEET;
THENCE, SOUTH 68°42'16" WEST, 2737 FEET; THENCE, SOUTH 34°14'20"
WEST, 1307 FEET TO THE SOUTH LINE OF SAID SECTION 33; THENCE,
WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 33, 329 FEET TO A 2-
1/2" BRASS CAP MONUMENT AT THE SOUTHWEST CORNER OF SAID
SECTION 33; THENCE, ALONG THE WEST LINE OF SAID SECTION 33, NORTH
0°50'07" WEST, 2254 FEET TO THE NORTH RIGHT OF WAY LINE OF THE
BOARDMAN-DALREED TRANSMISSION LINE; THENCE, ALONG SAID NORTH
RIGHT OF WAY LINE, NORTH 89°59'12" EAST, 1452 FEET; THENCE, LEAVING
SAID NORTH RIGHT OF WAY LINE, NORTH 45°00'00" EAST, 1607 FEET;
THENCE, NORTH 0°00'00" EAST, 1985 FEET TO THE NORTH LINE OF SAID
SECTION 33; THENCE, ALONG THE NORTH LINE OF SAID SECTION 33,
NORTH 90°00'00" EAST, 2633 FEET TO THE POINT OF BEGINNING.

121 SW Salmon Street
Portland, OR 97204

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PORTLAND GENERAL ELECTRIC COMPANY
LAND DESCRIPTION
Carty Reservoir

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A TRACT OF LAND OVERFLOWED UP TO ELEVATION 677 FEET MEAN SEA LEVEL ON THOSE PARCELS OF LAND IN SECTIONS 2, 3, 4, 5, 8, 9, AND 10, TOWNSHIP 2 NORTH, RANGE 24 EAST, WILLAMETTE MERIDIAN, SECTIONS 33 AND 34, TOWNSHIP 3 NORTH, RANGE 24 EAST, WILLAMETTE MERIDIAN, CONSTITUING THE "CARTY RESERVOIR" AS SHOWN ON THE ATTACHED DRAWING "APPLICATION MAP TO ACCOMPANY SECONDARY WATER PERMIT; TOGETHER WITH THE LANDS IN THE ABOVE DESCRIBED SECTIONS OCCUPIED BY THE DAMS AND DIKES SHOWN ON SAID DRAWING AND REFERRED TO THEREIN AS "WEST DAME" AND "SADDLE DAM", ALL BEING WITHING MORROW COUNTY, STATE OF OREGON.

121 SW Salmon Street
Portland, OR 97204

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SALEM, OREGON

Attachment 3
List of Affected Landowners

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SALEM, OREGON

Names and Mailing Addresses of Affected Landowners

Threemile Canyon Farms, LLC
Attention: Mr. Martin Myers, General Manager
75906 Threemile Road
Boardman, Oregon 97818

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Attachment 4

Section B.4 of Application for Site Certificate

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Response: The Carty Generating Station would not be a co-generation facility; therefore, all of the fuel used is chargeable to the heat rate. For the purposes of this exhibit, the fuel chargeable to power heat rate has been calculated as the net heat of electric power production using the following formula:

$$FCP = (FI - FD) \times \left(\frac{10^6}{P} \right)$$

Where:

- FCP = Fuel chargeable to power heat rate,
- FI = Expected fuel input to the facility (Btu/hr) (HHV)
- FD = Average fuel displaced by co-generation (Btu/hr) (HHV)
- P = Net output of the facility in kW

Calculation:

- FI = 5,950 MBTU/hr
- FD = 0
- P = 861,000 kW
- FCP = 6,910 BTU/kWh (HHV)

The calculated FCP is approximate and will depend on the actual CTG(s), HRSG(s), and STG(s) selected, along with the amount of HRSG duct firing being used.

B.4 RELATED AND SUPPORTING FACILITIES MAJOR COMPONENTS, STRUCTURES, AND SYSTEMS

OAD 345-021-0010(1)(b)(B) *A description of major components, structures and systems of each related or supporting facility.*

Response:

Co-Ownership of Related and Supporting Facilities

Under the Agreement for Construction, Ownership, and Operation of the Number One Boardman Station on Carty Reservoir dated as of October 15, 1976, between PGE, Idaho Power Company, and Pacific Northwest Generating Company, PGE has the right to construct and operate on Carty Reservoir additional generating units and to utilize facilities of the Boardman plant that may be used in common with the new generating units, including, but not limited to, the reservoir, pumping facilities, pipelines from the Columbia river, roads, railroad spurs, docks, parking lots, fencing and transmission facilities.² A copy of said agreement is included as Appendix B-1 to the ASC.

² See Section 19 of the Agreement for Construction, Ownership and Operation of the Number One Boardman Station on Carty Reservoir dated as of October 15, 1976.

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Grassland Switchyard

A 500-kV, AC, open-air switchyard, called the Grassland Switchyard, would be located west of the Carty Generating Station. The Grassland Switchyard would be a leveled and graveled area approximately 750 by 775 feet (approximately 15 acres), surrounded by a security fence. The switchyard would include 500-kV circuit breakers and disconnect switches to allow for clearing faults on the connected transmission lines and for maintenance of the circuit breakers and transmission lines. The breakers would be arranged for ultimate connection in a breaker and one half configuration. Steel take-off towers would be provided for termination of 500-kV overhead transmission lines that would connect the Grassland Switchyard with the plant generator step-up transformers and outgoing transmission lines. A small building would be included to provide a controlled environment for the protective relaying and communication equipment. Temporary disturbances associated with construction of the Grassland Switchyard are expected to be approximately 6 acres located in the vicinity of the switchyard. The existing 500-kV Boardman to Slatt transmission line would be routed through the Grassland Switchyard via a new transmission lead from the Boardman Plant to the new switchyard.

Transmission Line

Transmission lines would be constructed from the Carty Generating Station step-up transformers to the new Grassland Switchyard, and an individual transmission line would be built for each block. The transmission lines leading from the Carty Generating Station to the Grassland Switchyard would be approximately 0.75 miles in length and would require approximately four transmission line towers for each line (a total of eight towers for both blocks). Approximately one acre of land would be temporarily disturbed at the base of each tower during construction; and up to one mile of a 20-foot wide temporary access road would be constructed. The towers would be lattice-type steel towers approximately 100 to 150 feet tall and spaced approximately 1,000 feet apart.

From the Grassland Switchyard, PGE would utilize the existing 500-kV Boardman to Slatt transmission line and construct a new 500-kV single circuit or double circuit transmission line for transmission of energy produced. Temporary disturbances resulting from the use of the existing transmission line would be associated with connecting the new Grassland Switchyard to the existing transmission line. Construction of the new line would include the disturbances associated with construction of new towers, construction of a new approximately 18-mile temporary access road, and stringing of the new lines. Details regarding the temporary disturbances associated with the new transmission lines and using the existing transmission line are provided in Exhibit C. If the Boardman Plant is decommissioned, the transmission line lead from the Boardman Plant to the Grassland Switchyard would be removed and the remaining transmission lines would remain operational as part of the Carty Generating Station.

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Interconnecting Water Pipelines

Multiple water pipelines associated with the Carty Generating Station would be connected to the existing Boardman Plant facilities (shared facilities). Shared facilities with pipelines essential to the Carty Generating Station include the intake structure for raw service water, wastewater discharge structure for discharge to Carty Reservoir, the potable water system, the sanitary sewer, fire water supply, and the demineralized water supply. The pipes would be installed either below or above grade, with trenches under road and railroad crossings.

Areas where these interconnecting pipelines may be installed are located in places that have already been disturbed by the existing Boardman Plant or would be disturbed during the construction of the Carty Generating Station. Utility interconnects, shown on Figure B-5, include the specific proposed locations of the service water supply pipeline and existing intake structure, wastewater, the potable water system, the sanitary sewer, fire water, and a below-grade electrical raceway. Demineralized water would be transported from the Boardman Facility to the Carty Generating Station through a pipeline located in the same utility interconnect corridor as the other interconnections. Each of these interconnects are shown in relationship to the Site Boundary and the Boardman Plant site boundary. The interconnections are considered related and supporting facilities for the Carty Generating Station; however, since they connect to existing Boardman Plant facilities, which will be shared by the two plants, a portion of the interconnections lies within the Site Boundary, and a portion of them lies within the site boundary for the Boardman Plant. Shared facilities are operated under the Boardman Site Certificate.

From Carty Reservoir, water passes into the existing intake structure through two separate water systems to the Boardman Plant: a circulating water system and a service water system. The existing systems are described below, followed by a description of how the Carty Generating Station would be integrated into the existing structures.

The existing Circulating Water System is a 180,000-gpm withdrawal, half of which is taken from each of two bays. Each bay is protected from floating debris by a bar grate and a traveling water screen. A 90,000-gpm submersible pump is suspended in each bay. Circulating water is delivered to the Boardman plant condenser through a 96-inch pipe and returned to the reservoir discharge channel through another 96-inch pipe after removing the heat from the turbine exhausts.

The existing Service Water System is a 14,000-gpm withdrawal with an electric fire water pump and three service water pumps supplied from a 48-inch header protected from floating debris by a bar grate and traveling screen. The three service water pumps are each capable of 7,000 gpm, so two are run at a time. The service water pumps discharge through a 75-micron screen to protect the downstream heat exchangers. The service water is delivered to the Boardman plant

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through 36-inch pipes. The return pipe discharges to the same discharge channel as the circulating water.

The same 48-inch intake pipe that supplies the Boardman Plant service water was terminated with a flange end just outside of the intake structure building to allow for future expansion. There is no isolation on the 48-inch pipe, so it would have to be plugged at the bar grate to remove the flange to extend the pipe. Service water for the Carty Generating Station would be connected at this point and the required pumping system constructed as an addition to the intake structure. There would be no need to modify the in-water portion of the intake structure; however, there would be changes to the equipment layout within the existing building, and a new enclosure would be attached to the existing building. The existing heating, ventilating, and air conditioning (HVAC) system would be moved a few feet southwest from its existing location to make room for the new Carty Generating Station enclosure and equipment; the new enclosure would be supplied by the existing HVAC system by leaving the shared wall open. A new monorail system for extracting pumps for maintenance would also be installed. From this point, the service water would be directed through a 14-or 16-inch PVC pressure pipe for approximately 5,000 feet along the proposed utility corridor to the Carty Generating Station.

If the Boardman Plant is decommissioned, the Site Boundary of the Carty Generating Station maybe amended to incorporate the areas occupied by the essential shared facilities: intake structure, discharge structure, demineralized water supply and fire water supply, and the sanitary sewer; unless another generating facility retaining the shared facilities and subject to EFSC jurisdiction is located at the Boardman plant site. The potable water supply is currently located entirely within the Site Boundary; therefore, modification of the Site Boundary would not be necessary for the potable water connection. The sanitary sewer is currently located to the east of the Site Boundary. The Site Boundary would need to be extended to the east by a minimum of 550 feet at the southern end and 950 feet at the northern end to incorporate the sanitary sewer ponds. The intake structure is located approximately 625 feet to the southeast of the Site Boundary, and the discharge structure is located approximately 850 feet to the southeast.

Carty Reservoir

Carty Reservoir is a wastewater and cooling pond for the Boardman Plant and would be a shared facility. Carty Reservoir would provide service water to the Carty Generating Station and would potentially receive cooling tower blow down and wastewater from the wastewater collection sump. The reservoir also stores water used to irrigate nearby agricultural fields. Because the area is arid, all the water for filling and maintaining the reservoir is pumped through pipes from the Columbia River, approximately 10 miles to the north. When full, at a surface elevation of 677 feet above mean sea level (MSL), the reservoir has a capacity of 38,000 acre-feet (12 billion gallons), a surface area of approximately 1450 acres (2.3 square miles), and a maximum depth of 77 feet. The average pool elevation for the reservoir since 1990 has been

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approximately 667 to 668 feet above MSL. At this elevation, the reservoir surface area is approximately 1,100 acres and contains approximately 26,000 acre feet of water (8.5 billion gallons). The reservoir is not used for recreation, and there is no public access to it.

PGE constructed Carty Reservoir beginning in 1976 and completed construction by November 1977. Water was first pumped into the reservoir in January 1978, and the reservoir was filled by early 1980. The reservoir is in Six Mile Canyon, which slopes downward from the reservoir to the Columbia River. In the vicinity of the reservoir, the canyon is dry and has no natural surface water. The reservoir was constructed by excavating earth and rock from the floor of the canyon to form two dams that now lie across the canyon at the northwestern and northeastern edges of the reservoir (known as the West and Saddle Dams, respectively).

Water leaves Carty Reservoir only through withdrawals for use at the Boardman Plant or on nearby agricultural fields; through evaporation from the surface of the reservoir; and through underground seepage from the reservoir. There is no surface discharge or seepage from the reservoir to Six Mile Canyon. Seepage at the West Dam is captured in a buried toe drain and pumped back into the reservoir, and, there is a concrete emergency spillway adjacent to the West Dam.

Carty Reservoir is currently within the Site Boundary of the Boardman plant; if the Boardman Plant is decommissioned, the Site Boundary of the Carty Generating Station would be amended to incorporate Carty Reservoir and all associated pumping facilities and seepage collection systems, unless another generating facility retaining the Carty Reservoir and subject to EFSC jurisdiction is located at the Boardman plant site. The reservoir would continue to operate under the Carty Generating Station Site Certificate.

Additional information regarding Carty Reservoir is available in Exhibit V.

Utility Lines

A below-grade electrical raceway would connect the new plant to the existing Boardman Plant. Figure B-5 contains details regarding the location of the raceway. The raceway would contain communication cables to connect the plant phone and data highway systems into the existing Boardman Plant communication and data highway systems. In addition, electric power cables may be installed to allow for transmission of auxiliary power from the existing Boardman Plant to the Carty Generating Station in emergency operating conditions. Utility lines would be installed in areas already disturbed by the existing Boardman Plant or areas that would be within the Energy Facility Site. If the Boardman Plant is decommissioned, the facilities associated with phone and data highway systems would remain and the Carty Generating Station Site Certificate would be amended to incorporate those facilities, unless another generating facility retaining the utility lines and subject to EFSC jurisdiction is located at the Boardman plant site.

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Evaporation Ponds

Lined evaporation ponds may be constructed to receive process wastewater from the Carty Generating Station if all the wastewater is not discharged to Carty Reservoir. Processes that may discharge to evaporation ponds include CTG water wash wastes, cooling tower blowdown, wastewater from the neutralization tank for water demineralization, wastewater from multimedia filtration, plant equipment and drains (after passing through an oil/water separator), and evaporative cooling blowdown. Wastewater disposal options are discussed in more detail in Exhibits O and V.

The evaporation ponds proposed in this ASC were sized to hold 390 acre-feet per year. Each pond has a unique shape to fit the constraints of the construction site, but in general the ponds are 10 to 15 acres in size and 8 feet deep, with a water-side side slope of 3:1. When sizing the evaporation ponds, an evaporation rate of 48 inches per year was used. The actual size and/or number of evaporation ponds constructed will depend on the amount of wastewater that is ultimately determined will be released to Carty Reservoir. To construct all four of the proposed evaporation ponds, approximately 67 acres will be disturbed and 58 acres will be permanently disturbed. A permanently disturbed area of 58 acres would result in approximately 50 acres of evaporative surface area. Evaporation ponds are discussed further in Exhibit V.

Roads

The Carty Generating Station loop roads would be paved and would connect to the existing Tower Road. The loop road would be approximately 24 feet wide and approximately 2,500 feet in length; it would have spur roads leading to individual buildings and areas of the Site that require additional access.

Temporary Construction Facilities

Additional areas in the vicinity of the Energy Facility Site would be provided for construction offices, construction parking, construction laydown, and temporary storage of soil displaced during the construction process. Similar temporary construction areas would be provided in the vicinity of the Grassland Switchyard. Temporary disturbances are described in Exhibit C.

B.5 CORRIDOR SELECTION ASSESSMENT

OAR 345-021-0010(1)(b)(D) If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a transmission line or pipeline that, by itself, is an energy facility under the definition in ORS 469.300, a corridor selection assessment explaining how applicant selected the corridor(s) for analysis in the application. In the assessment, applicant shall evaluate the corridor adjustments the Department has described in the project order, if any. The applicant may select any corridor for analysis in the application and may

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Attachment 5

Section O of Application for Site Certificate

EXHIBIT O

WATER USE

OAR 345-021-0010(1)(o)

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O.1 INTRODUCTION

OAR 345-021-0010(1)(o) Information about anticipated water use during construction and operation of the proposed facility.

Response: This exhibit provides details regarding uses of water, the source of water used, and the avenues of water loss and output from the Carty Generating Station. OAR 345-021-0010(1)(o)(D) is satisfied by Figure O-1 – Water Mass Balance Average Annual Conditions and Figure O-2 – Water Mass Balance Summer Condition. OAR 345-021-0010(1)(o)(E) applies only if the proposed facility would not need a groundwater permit, a surface water permit, or a water right transfer; since the Carty Generating Station would need a secondary use permit, Subsection E is not applicable. Information regarding the secondary use permit can be found in Section O.5. Mitigation measures for adverse impacts of water use are presented in O.6.

Portland General Electric Company (PGE) anticipates using approximately 10,000,000 gallons of water from Carty Reservoir during construction of each block (total of 20,000,000 gallons of water). During operation the Carty Generating Station, under annual average conditions, would use approximately 2,300 gallons per minute (gpm) from the Carty Reservoir and approximately 1 gpm from an existing well. Water would be withdrawn from Carty Reservoir under a secondary use permit. Potential adverse impacts related to water use would be mitigated by reusing wastewater from the Carty Generating Station internally and by operating Carty Reservoir at a slightly higher elevation during the winter months than current operation, but well under the maximum pool elevation level.

O.2 Water Uses and Sources

OAR 345-021-0010(1)(o)(A) A description of the use of water during construction and operation of the proposed facility.

OAR 345-021-0010(1)(o)(B) A description of each source of water and the applicant's estimate of the amount of water the facility will need during construction and during operation from each source under annual average and worst-case conditions.

Response:

O.2.1 Construction

During construction, water would be used for dust abatement, washing equipment and vehicles, washing concrete trucks after delivery of concrete loads, fire suppression during construction, and water supply for testing and commissioning. PGE anticipates using approximately 10,000,000 gallons during the construction period for each block (total of 20,000,000 gallons of

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water). A majority of the water would be used in the later phases of construction to support commissioning activities.

All non-potable water used for construction activities would be obtained from Carty Reservoir. Temporary pumps and piping may be required to support initial construction activities until the permanent pumps and piping are installed. Carty Reservoir has a maximum surface area of approximately 1,450 acres and contains approximately 38,000 acre feet of water (12 billion gallons) at a maximum pool elevation of 677 feet above mean sea level (MSL). The average pool elevation for the reservoir since 1990 has been approximately 667 to 668 feet above MSL. At this elevation, the reservoir surface area is approximately 1,100 acres and contains approximately 26,000 acre feet of water (8.5 billion gallons). An Oregon Water Resources Department secondary use permit application (for general industrial use) for use of the existing water rights held by PGE (Certificates of Water Right Nos. 86056 and 86057) is included in this ASC as Appendix O-2 – Application for a Permit to Use Surface Water and was directly submitted to the Oregon Water Resources Department. This category allows for use of water for construction purposes. This water right is sufficient for all water needs during construction of the proposed Carty Generating Station.

Potable water would be obtained from a temporary tie in with the Boardman Plant potable water system or hauled in from nearby potable water systems. Boardman Plant potable water is obtained from an existing well located 750 feet northwest of the existing Boardman Plant. Potable water would be required for items such as ice machines, coolers, and sinks for construction facilities to support construction personnel.

O.2.2 Operation

The primary uses of water during operation of the Carty Generating Station would be steam generation and cooling tower makeup water. Water would also be used for demineralized water production, potable water, service water, and fire water tank supply. Figures O-1 and O-2 provide the water mass balance for average annual and summer conditions (worst case). Average annual conditions are the average annual temperature and humidity for the site based on the nearest recording weather station. There are not necessarily a certain numbers of days when this average temperature would occur; rather, the average of the temperatures for the entire year will be equally this temperature. As used in the preliminary Application for Site Certificate, summer conditions, which are the worst case for water use, are the American Society of Heating, Refrigerating and Air-Conditioning Engineers 1% warm season temperature. It is anticipated that worst case conditions would prevail for no more than 1% of the days per year.

Using average annual conditions without duct firing provides for the best estimate of the total water usage. More water than indicated in the average annual case would be used when it is hotter and the unit is at base load or the unit is at base load plus some amount of duct firing. Less water would be used when it is cooler or when the unit is run at less than base load or is off line for routine scheduled maintenance.

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The proposed locations of pipelines to transport water to the Carty Generating station are shown on Figure B-5 in Exhibit B. A description of the existing and proposed water supply infrastructure is also provided in Section B.4, subsection Interconnection Water Pipelines. Since existing intake and discharge structures would be used, there would be no construction along the shoreline of Carty Reservoir.

Potable water would be obtained from the existing Boardman potable water system, which obtains its water from an existing well located 750 feet northwest of the existing Boardman Plant. All other operational uses of water would use raw water from Carty Reservoir. Table O.2-1 provides the anticipated amount of water the Carty Generating Station would need during operation from each source under annual average and summer conditions. Anticipated water use and water loss, presented in Tables O.2-1 and O.3-1, were derived from Figures O-1 and O-2. Gallons per minute from Figures O-1 and O-2 are rounded in the tables. The original unrounded numbers from Figures O-1 and O-2 were multiplied by a conversion of 1,440 minutes per day and then rounded to produce the gallons per day values in the tables. Since the gallons per minute and the gallons per day in the table both start with the unrounded numbers from the figures, multiplying the gallons per minute in the table by 1,440 minutes per day will not result in the same gallons per day presented in the table. In any event, the rounding or un-rounding does not have a material impact on the analysis.

The gallon per day usage estimate for potable water and sanitary systems is dependent on the number of permanent staff and will vary from 800 to 1,440 gallons per day.

Table O.2-1 Anticipated Water Use

Use ¹	Source	Annual Average Condition (gpm [gpd])	Summer Condition (gpm [gpd])
Potable Water and Sanitary Systems	Existing Well	approximately 1 [800 to 1,440]	approximately 1 [800 to 1,440]
Cooling Tower Water	Carty Reservoir	2,100 [3,060,000]	3,700 [5,290,000]
De-mineralized Water Production for Steam Generation	Carty Reservoir	90 [128,000]	120 [171,000]
Miscellaneous drains and HRSG blowdown quenching	Carty Reservoir	100 [145,000]	120 [174,000]
Evaporative Cooling of combustion turbine inlet air	Carty Reservoir	0 [0]	95 [135,000]
Totals	All Sources	2,291 [3,334,000]	4,036 [5,771,000]

Note:

¹Anticipated water use is based on two blocks of combined cycle generation.

Water from Carty Reservoir is also used for irrigation by Three Mile Canyon Farms. Reservoir Permit No. R-6276 includes an addendum to PGE's Reservoir Permit Application No. R-51520, which outlines the planned use of Carty Reservoir for irrigation. The addendum states that the maximum pool elevation allows for a 10-foot drawdown for irrigation, resulting in a storage capacity of approximately 11,000 acre-feet for irrigation. Water is withdrawn from Carty

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Reservoir by Three Mile Canyon Farms in accordance with a water right permit issued by the Oregon Water Resources Department (WRD) (Permit No. S-41645). The water right permit, as amended, authorizes use of Carty Reservoir water on up to 6,833.7 acres. The specific acreage/location of use allowed under the water right is specified in a Final Order issued by WRD on February 28, 2001 (Special Order v. 55, p. 212). Copies of the permits and amendments noted above are available in Appendix O-1.

O.3 Water Losses

OAR 345-021-0010(1)(o)(C) *A description of each avenue of water loss or output from the facility site for the uses described in (A), the applicant's estimate of the amount of water in each avenue under annual average and worst-case conditions and the final disposition of all wastewater*

Response: Permanent water losses at the Carty Generating Station would occur primarily as evaporative loss from cooling tower evaporation and drift, combustion turbine evaporative cooling (seasonal), evaporation from the lined evaporation ponds (if they are constructed as a wastewater disposal option), non-recoverable losses from the heat recovery steam generator (HRSG) and discharge of sanitary sewage. Losses attributed to miscellaneous plant drains, combustion turbine evaporative cooler blowdown, cooling tower blowdown, mixed bed spent chemical regenerant, and media filter backwash would be sent back to Carty Reservoir or to on-site lined evaporation ponds. Exhibit V provides additional information regarding process water handling options. Water losses that may be recovered would be reused within the facility as well. These include HRSG blowdown and blowdown quench water and reject water from the reverse osmosis treatment equipment. These losses would be recovered and used as makeup to the cooling tower. Table O.3-1 provides the anticipated amount of water losses at the Carty Generating Station during operation under annual average and summer conditions.

Table O.3-1 Anticipated Water Losses

Source of Loss ¹	Annual Average Condition, gpm [gpd]	Summer Condition, gpm [gpd]
Sanitary Sewage	1 [1,000]	1 [1,000]
Cooling Tower Evaporation and Drift	2,000 [2,920,000]	3,500 [4,990,000]
HRSG Non-recoverable Losses	20 [28,800]	28 [40,300]
De-mineralized Water Production (chemical waste)	7 [10,000]	9 [13,000]
Service Water – Evaporative Cooling	0 [0]	95 [135,000]
Plant and Equipment Drains	50 [72,000]	50 [72,000]
Multi-Media Filtration Backwash	9 [13,000]	17 [24,500]
Cooling Tower Blowdown	180 [262,000]	310 [449,000]
Totals	2,267 [3,306,800]	4,010 [5,724,800]

¹ Anticipated water loss is based on two blocks of combined cycle generation.

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WATER RESOURCES DEPT
SALEM, OREGON**O.4 Secondary Use Permit**

OAR 345-021-0010(1)(o)(F) *If the proposed facility would need a groundwater permit, a surface water permit or a water right transfer, information to support a determination by the Council that the Water Resources Department should issue the permit or transfer of a water use, including information in the form required by the Water Resources Department under OAR Chapter 690, Divisions 310 and 380.*

Response: PGE has an existing water use permit for storage in Carty Reservoir. PGE has provided the information necessary to support a determination by the Energy Facility Siting Council that the WRD should issue a secondary water right permit authorizing the use of stored water from Carty Reservoir at the Carty Generating Station in Appendix O-2 – Application for a Permit to Use Surface Water; this application has also been directly submitted, with fees, to the WRD. In addition, PGE has changed the use of water under the existing water right Certificates 86056 and 86057 from the specific industrial use of “thermal power generation facility” to general industrial use. Appendix O-3 contains a letter from the Oregon WRD to Martha Pagel of Schwabe, Williamson & Wyatt regarding the Oregon WRD’s acceptance of the change in water use.

O.5 Mitigation

OAR 345-021-0010(1)(o)(G) *A description of proposed actions to mitigate the adverse impacts of water use on affected resources.*

Response: Generally, potential adverse impacts related to water use could include impacts to recreation if the water was taken from a recreational water source or transported across a recreational or environmentally sensitive area; impacts to surrounding domestic or irrigation wells if significant amounts of water were withdrawn from groundwater; and impacts to local service providers to supply water to users. All non-potable water required for Carty Generating Station construction and operation would be supplied from the Carty Reservoir under a WRD secondary use permit and the volume of water required for the Carty Generating Station would not require an increase in the existing permitted reservoir volume. In addition, the Carty Reservoir is not used for recreation and is located immediately adjacent to the Carty Generating Station, so there would be no impacts to recreation or from the transportation of water across recreational areas or environmentally sensitive areas. Water stored within the Carty Reservoir is not used by local service providers and therefore water use would not affect service providers’ ability to provide water to their users. Water from the reservoir is also used for irrigation; however, the existing permitted reservoir volume is sufficient to meet the volume requirements of the irrigation, Boardman Plant and Carty Generating Station uses. The Carty Generating Station would also reuse water internally, which would further reduce potential impacts. There are no adverse impacts on affected resources identified; therefore PGE is not proposing any mitigation measures.



MARTHA O. PAGEL

Admitted in Oregon and Washington

Direct Line: Salem 503-540-4260; Portland 503-796-2872

E-Mail: mpagel@schwabe.com

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SALEM, OREGON

May 18, 2011

BY HAND DELIVERY

Jerry Sauter
Oregon Water Resources Department
725 Summer St NE Ste A
Salem, OR 97301-1271

Re: Application for a Permit to Use Surface Water (Portland General Electric Company - Carty Generating Station)
Our File No.: 068330/128451

Dear Jerry:

Enclosed for filing on behalf of Portland General Electric Company (PGE) is an Application for a Permit to Use Surface Water and supporting attachments. We have also enclosed the following:

1. A check for \$5,016 in payment of the application and permit recording fees, calculated as follows: base fee (\$400) + 1st 20 acre-feet (\$500) + remaining 3,716 acre-feet (\$3,716) + recording fee (\$400) = \$5,016;
2. Four copies of the application map;
3. An electronic copy of PGE's related Final Application for Site Certificate, as submitted to the Oregon Department of Energy (ODOE);
4. A copy of ODOE's request for comments on PGE's Application for Site Certificate; and
5. Copies of PGE's notification of change in use from specific to general industrial use under Certificates 86056 and 86057 and the Oregon Water Resources Department's letter of acknowledgement.

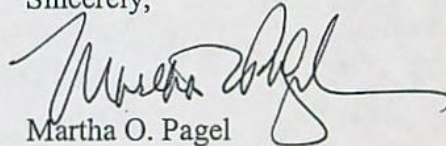
Jerry Sauter
May 18, 2011
Page 2

The enclosed application requests the use of 3,736 acre-feet of stored water from Carty Reservoir for year-round industrial purposes at the proposed Carty Generating Station. As noted above, PGE has filed a related Application for Site Certificate with ODOE for approval by the Energy Facility Siting Council (EFSC). Please note that the standard Land Use Information Form is not required for this application, because EFSC will determine land use consistency pursuant to ORS 469.378. Additionally, it is our understanding that EFSC will coordinate issuance of all required state permits and authorizations, including the water right. We are sending the application to you directly to ensure that OWRD receives the application fee and application materials; however, we trust OWRD will coordinate as needed with EFSC.

The proposed source of water for this application is existing storage under Certificate 86056, which allows storage for operation of a "thermal power generation facility." Pursuant to ORS 540.520(9), PGE has provided notice to the Oregon Water Resources Department of a change in use of the stored water from specific to general industrial use, and the Department has acknowledged and filed a copy of PGE's notice in its water right records.

I will serve as PGE's agent for this application. Please contact me if you have any questions or need additional information

Sincerely,



Martha O. Pagel

MOP:kdo

Enclosure

cc: Loretta I. Mabinton (w/encl.)
Eric White (w/o encl.)
Sue Olsen, ODOE (w/o encl.)

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SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

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SALEM, OREGON

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

MARTHA O. PAGEL

Admitted in Oregon and Washington

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E-Mail: mpagel@schwabe.com

May 18, 2011

BY HAND DELIVERY

Jerry Sauter
Oregon Water Resources Department
725 Summer St NE Ste A
Salem, OR 97301-1271

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Our File No.: 068330/128451

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2. Four copies of the application map;
3. An electronic copy of PGE's related Final Application for Site Certificate, as submitted to the Oregon Department of Energy (ODOE);
4. A copy of ODOE's request for comments on PGE's Application for Site Certificate; and
5. Copies of PGE's notification of change in use from specific to general industrial use under Certificates 86056 and 86057 and the Oregon Water Resources Department's letter of acknowledgement.

Portland, OR 503.222.9981 | Salem, OR 503.540.4262 | Bend, OR 541.749.4044
Seattle, WA 206.622.1711 | Vancouver, WA 360.694.7551 | Washington, DC 202.488.4302

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SALEM, OREGON

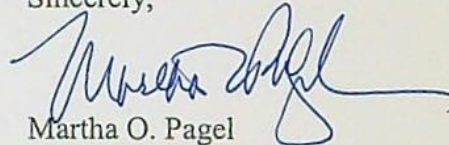
Jerry Sauter
May 18, 2011
Page 2

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The proposed source of water for this application is existing storage under Certificate 86056, which allows storage for operation of a "thermal power generation facility." Pursuant to ORS 540.520(9), PGE has provided notice to the Oregon Water Resources Department of a change in use of the stored water from specific to general industrial use, and the Department has acknowledged and filed a copy of PGE's notice in its water right records.

I will serve as PGE's agent for this application. Please contact me if you have any questions or need additional information

Sincerely,



Martha O. Pagel

MOP:kdo

Enclosure

cc: Loretta I. Mabinton (w/encl.)
Eric White (w/o encl.)
Sue Olsen, ODOE (w/o encl.)

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MEMORANDUM

WATER RESOURCES DEPT.
SALEM, OREGON



OREGON
DEPARTMENT OF
ENERGY

[ODOE ID No. CGS-0026/Letter Log 2011-64]

**REQUEST FOR COMMENTS ON AN APPLICATION FOR SITE CERTIFICATE:
CARTY GENERATING STATION**

Date: May 10, 2011
To: City, County, and Tribal Officials
State, Local, and Federal Reviewing Agencies
Special Advisory Groups
From: Sue Oliver, Energy Facility Siting Officer
Oregon Department of Energy
Hermiston, Oregon

Portland General Electric Company (applicant or PGE) has submitted an Application for Site Certificate (ASC) to the Energy Facility Siting Council through the Oregon Department of Energy (ODOE). The proposed Carty Generating Station is a natural gas-fired energy generating facility to be located in Morrow County, Oregon, adjacent to the Boardman Coal Plant. ODOE expects to open a public comment period on or about May 24, 2011. We are requesting your comments on the Carty Generating Station ASC because your organization has been identified as a "reviewing agency" under ODOE rules.¹ In accordance with the requirements of OAR 345-015-0180, we have asked the applicant to send you a copy of the ASC with this memorandum.

PGE first submitted a Notice of Intent (NOI) for the proposed Carty Generating Station project on August 26, 2009. A public meeting was held in Boardman in September 2009 and ODOE issued a Project Order in November 2009. ODOE received the preliminary ASC on January 25, 2010 and invited comments from reviewing agencies. ODOE staff requested additional information from the applicant on April 1, 2010 and again on November 29, 2010. The Department completed its review of the ASC and deemed it complete and filed on May 10, 2011 per OAR 345-015-0190(5).

In accordance with OAR 345-015-0200 the Department is providing this notice to reviewing agencies and requesting your comments on the ASC and your recommendations for site certificate conditions. Please see the section titled "Comments Requested by the Oregon Department of Energy" of this memorandum to assist you in preparing your comments.

**PLEASE PROVIDE YOUR COMMENTS ON THE ENCLOSED
APPLICATION FOR SITE CERTIFICATE BY JUNE 10, 2011²**

¹ A reviewing agency means a state or local agency, local government, or tribal government, including, but not limited to, those specifically listed in OAR 345-001-0010(50). Cities within 10 miles of the facility site boundary are considered reviewing agencies and are requested to comment on potential impacts to public services.

² You will receive a copy of the public notice on the proposed facility when it is issued. Note that the public comment period is different than the agency comment period. Please provide your comments on the proposed facility by the date indicated above.

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Description of the Proposed Facility (See Exhibit B of the ASC)

The proposed **Carty Generating Station** is a combined-cycle generating plant fueled by natural gas that would produce up to 900 megawatts (MW) of electrical power. The applicant proposes to construct the Carty Generating Station in two stages. Each stage would involve construction of a combination of high efficiency combustion turbine generators, heat recovery steam generators, and steam turbine generators, collectively called a "block."

In addition to the two generating blocks, the proposed facility would include a new switchyard with generator transformers, up to four evaporation ponds, and administrative and water treatment buildings. The Carty Generating Station would also include a transmission line approximately 18 miles long (to the west into Gilliam County) that would be located within the right-of-way for the existing 500-kilovolt (kV) Boardman to Slatt transmission line.

The facility would consume about 150 million cubic feet of natural gas per day upon completion. Natural gas would be supplied to the facility through a lateral pipeline that would be connected to an existing pipeline operated by the Gas Transmission Northwest Corporation (GTN). The lateral pipeline is not included within the scope of the ASC because it is intended to be permitted, owned, and operated by GTN and is outside the jurisdiction of the Council. Natural gas pipelines are permitted by the Federal Energy Regulatory Commission.

Location of the Proposed Facility (See Exhibit C of the ASC)

The proposed Carty Generating Station would be located about 13 miles southwest of Boardman, Oregon, adjacent to the Boardman Coal-fired Generating Plant (also operated by PGE) in Morrow County. The site is accessed from the Tower Road interchange on Interstate 84 (exit 159). The site boundary would encompass approximately 2,400 acres (including the transmission line). The actual generating facility, including proposed buildings, structures, evaporation ponds, and switchyard, would be located on approximately 90 acres. See Exhibit C of the ASC for a more detailed description of the project area.

Comments Requested by the Oregon Department of Energy

The ODOE serves as staff to the Energy Facility Siting Council (EFSC or Council) and conducts the site certificate application process. The Department's website at oregon.gov/ENERGY/SITING/process.shtml includes a full description of the site certificate process. In compliance with Council rule OAR 345-015-0200, ODOE requests the information listed below from reviewing agencies to assist us in our review of the Carty Generating Station ASC and preparation of the Draft Proposed Order. Your comments in response to this memorandum become part of the decision record for the application. ***If your agency does not provide comment by the deadline listed on Page 1 of this memorandum, the Department will assume your agency has no concerns at this time.***

Please provide the following:

- (a) The name, address, and telephone number of the agency contact person assigned to coordinate your agency's comments on the project.
- (b) Your recommendations regarding any applications for permits administered by your agency that are applicable to construction or operation of the proposed facility.

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SALEM, OREGON

Carty Generating Station ASC
Memorandum to Reviewing Agencies (ASC)
May 10, 2011
Page 3

- (c) Comments on aspects of the proposed facility and significant issues that are within your agency's jurisdiction and/or area of expertise and that you believe will assist the Council in reviewing the ASC.
- (d) A list of site certificate conditions recommended by your agency.
- (e) Your agency's conclusions concerning the proposed facility's compliance with statutes, administrative rules or ordinances you administer.
- (f) If you are an affected local government (such as a county), please provide a report regarding the proposed facility's compliance with the applicable substantive criteria for a land use decision.

Public Information Meeting

The Department will be scheduling a public information meeting to be held in the Boardman area on or about June 14, 2011. The purpose of the meeting is to provide the public with an opportunity to ask questions of both the applicant and the Department. The final date and location of the public information meeting have not yet been determined. You will receive the public notice related to the public meeting and comment period on or about May 24, 2011. Reviewing agencies are welcome to attend the meeting, but we would like to receive your comments on the project by the deadline on page 1 (June 10, 2011).

What Happens Next?

After reviewing the application and comments from the public, state agencies, tribes, local governments and others interested in the project, the Department will issue a Draft Proposed Order that includes the Department's proposed findings and recommendations to the Energy Facility Siting Council. If the Department recommends that the Council issue a site certificate, the Draft Proposed Order will include recommended site certificate conditions. The final opportunity for agency and public comment will be announced when the Department issues the Draft Proposed Order. The Department will open a comment period and hold a public hearing on the Draft Proposed Order. Comments may be given in writing at any time during the comment period or in person at the hearing.

A person must comment in person or in writing on the record of the Draft Proposed Order public hearing to preserve the right to participate in the contested case proceeding and to preserve the right to appeal the Council's final decision. A person who intends to raise any issue that may be the basis for a contested case must raise the issue with sufficient specificity so that the Council, the Department and the applicant have an adequate opportunity to respond. Even if you comment earlier, you must still comment during the Draft Proposed Order comment period in order to participate in the contested case. Any comments made at the public hearing will be part of the decision record for this application.

For More Information and to Submit Comments

Please address any comments or questions you have about the proposed facility or the site certificate process to the Department's Project Officer:

S-87723

Sue Oliver
Energy Facility Siting Officer
Oregon Department of Energy
395 E. Highland Ave.
Hermiston, OR 97838

Telephone: 541-567-3840, ext. 225
Toll-Free: 800-221-8035 (in-state only)
Fax: 541-567-6861
E-mail: sue.oliver@state.or.us

I would appreciate receiving the contact information as soon as possible for the person assigned to review the ASC for the proposed Carty Generating Station. This will ensure prompt communication between the Department and your agency during the course of the project. Please don't hesitate to contact me if you have any questions, or if you have not received a copy of the Carty Generating Station ASC (hard copy or compact disk) with this memorandum.

Please address any comments or questions you have about the proposed facility or the site certificate process to the Department's Project Officer listed above by June 10, 2011.

The ASC (hard copy and/or compact disk) and this memorandum have been sent to the agencies and contact names listed below. If your agency requires additional hard copies of the ASC or other project materials for your staff, please contact me.

Distribution List (as required by OAR 345-001-0010(50) (a) thru (q))

- (a) Oregon Department of Environmental Quality, Eastern Region (Carl Nadler, The Dalles, OR)
- (a) Oregon Department of Environmental Quality, Eastern Region (Mark Fisher, Bend, OR)
- (b) Oregon Water Resources Department (Jerry Sauter, Salem, OR)
- (b) Water Resources Commission – North Central Region (Mary Meloy, Salem, OR)
- (c) Oregon Department of Fish and Wildlife (Jon Germond, Salem, OR)
- (c) Oregon Department of Fish and Wildlife (Travis Schulz, Heppner, OR)
- (d) Oregon Department of Geology and Mineral Industries (Don Lewis, Portland, OR)
- (e) Oregon Department of Forestry (Kevin Birch, Salem, OR)
- (e) Oregon Department of Forestry-John Day Unit (Angie Johnson, John Day, OR)
- (f) Public Utility Commission of Oregon (J.R. Gonzalez, Salem, OR)
- (g) Oregon Department of Agriculture – Native Plant Conservation Division (Rebecca Currin, Salem, OR)
- (h) Oregon Department of Land Conservation and Development (Darren Nichols, Salem, OR)
- (i) Northwest Power Planning Council (Ken Dragoon, Portland, OR)
- (j) Office of the Oregon State Fire Marshal (Jim Walker, Salem, OR)
- (k) Oregon Department of State Lands (Sarah Kelly, Bend, OR)
- (l) Oregon Parks and Recreation Department--State Historic Preservation Office (Dennis Griffin, Salem, OR)
- (m) Oregon Parks and Recreation Department (Jim Morgan, Salem, OR)
- (n) Confederated Tribes of the Umatilla Indian Reservation (Cultural Resources Program Mgr., Pendleton, OR)
- (n) Confederated Tribes of Warm Springs (Clay Penhollow, Warm Springs, OR)
- (n) Nez Perce Tribe (Vera Sonneck, Lapwai, ID)
- (n) Yakama Nation Environmental Management Program (Kristina Proszek, Toppenish, WA)
- (o) Benton County Planning Department (Mike Shuttleworth, Prosser, WA)
- (o) City of Arlington (Jeff Bufton, Arlington, OR)
- (o) City of Boardman (Karen Pettigrew, City Manager, Boardman, OR)
- (o) Klickitat County Planning Department (Curt Dreyer, Goldendale, WA)
- (p) Gilliam County Board of Commissioners (Susie Anderson, Planning Department, Condon, OR)
- (p) Morrow County Board of Commissioners (Carla McLane, Planning Department, Irrigon, OR)

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

MARTHA O. PAGEL

Admitted in Oregon and Washington

Direct Line: Salem 503-540-4260; Portland 503-796-2872

E-Mail: mpagel@schwabe.com

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MAY 18 2011

WATER RESOURCES DEPT
SALEM, OREGON

February 22, 2011

BY HAND DELIVERY

Dwight French
Administrator, Water Rights & Adjudication
Division
Oregon Water Resources Department
725 Summer St NE Ste A
Salem, OR 97301-1271

Re: Notification of Change in Use from Specific to General Industrial
Our File No.: 068330/128451

Dear Dwight:

This notification is submitted on behalf of our client Portland General Electric Company (PGE) pursuant to ORS 540.520(9) and OAR 690-380-2340 (Specific-to-General Industrial Water Use Change). PGE hereby provides notice to the Oregon Water Resources Department (OWRD) that the Company is changing the use of water under Certificate of Water Right Nos. 86056 and 86057 from the specific industrial use of "thermal power generation facility" to general "industrial" use.

OWRD issued the original water use permits, Permits R-6276 and S-39188, to PGE on January 12, 1976, with a priority date of August 3, 1970. Certificates 86056 and 86057 were issued to PGE and J. Henry Schroder Bank & Trust Company on March 16, 2010. The water rights collectively authorize annual storage of up to 38,300 acre-feet from the Columbia River in Carty Reservoir, and the use of up to 135.0 cfs of stored water and live flow for a "thermal power generation facility."

As described below, the quantity of water to be used for general industrial use will not be greater than the rate and volume allowed in the original water right to satisfy the authorized specific use. The location of general industrial use was owned by PGE, the holder of the original water right, at the time the original permits were issued.

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WATER RESOURCES DEPT
SALEM, OREGON

Dwight French
February 22, 2011
Page 2

PGE offers the following information pursuant to ORS 540.520(9) and OAR 690-380-2340:

(a) Name and mailing address: Portland General Electric Co., PO Box 499, Boardman, OR 97818; Attention: Loren Mayer

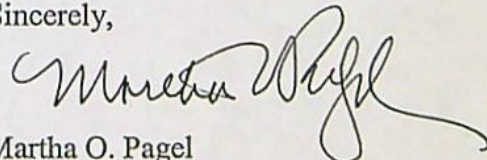
(b) Water right certificate numbers: Certificates 86056 and 86057.

(c) Description of the location of the industrial facility owned by the holder of the original water right at the time the water right permit was issued: The industrial facility is located on the property described in the attached 1975 Bargain and Sale Deed. There is no change in the location of use from that described in the water right certificates. The industrial site was owned by PGE at the time the company applied for the original water rights.

(d) The quantity of water diverted to satisfy the authorized specific use under the original water right: 135.0 cfs and 38,300 acre-feet annually, as confirmed by issuance of the water right certificates on March 16, 2010. Use of water for general industrial purposes will not exceed the authorized rate or volume.

(e) A description of the general use to be made of the water after the change: General industrial uses of the water will include eventual decommissioning of the existing coal plant facilities, possible reconstruction or new construction on the site for other power or general industrial use, and on-going operation of reconstructed or new industrial facilities on site.

Sincerely,



Martha O. Pagel

MOP:kdo

Enclosure

cc: Loren Mayer
Loretta I. Mabinton



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

March 23, 2011

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WATER RESOURCES DEPT
SALEM, OREGON

Martha O. Pagel, Attorney
Schwabe, Williamson & Wyatt
530 Center St., NE, Suite 400
Salem, OR 97301

Re: Specific to General Industrial Notification – File No. 068330/128451, Portland General Electric Co.

Dear Ms. Pagel:

We have received your letter of February 22, 2011, notifying the Department that Portland General Electric Company (PGE) is changing the use of water under water right Certificates 86056 and 86057 from the specific industrial use of “thermal power generation facility” to general industrial use.

The general industrial use at the site will include continuing, on-going operations of the existing coal plant facilities (the Boardman plant), as well as possible future decommissioning and reconstruction or new construction of industrial facilities. The existing coal plant will continue to operate until such time as it may be decommissioned. Any new use will continue to occur within the property that was owned by PGE, the holder of the original water rights, at the time the original permits were issued, and the quantity of water used for general industrial purposes will not be greater than the rate and volume allowed in the original water rights for the authorized specific use.

The requirements for making the change are established under ORS 540.520(9) and OAR 690-380-2340. Your letter appears to include all of the information required under the statutes and rules. We will file your notification in our water right records.

Current statutes and rules do not include a process for Department review and approval of notifications of specific to general industrial changes. Any issues associated with eligibility and compliance will be addressed by the watermaster during normal distribution and regulation activities.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@ wrd.state.or.us if you have any questions.

Sincerely,

Dorothy I. Pedersen
Transfer Program Advisor

cc: Loren Mayer, Portland General Electric Co.
Tony Justus, District 5 Watermaster
Application File R-51520
Application File S-51521

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MAR 24 2011

Schwabe, Williamson & Wyatt

S-87723



Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: remarks

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MAY 18 2011

WATER RESOURCES DEPT
SALEM, OREGON

Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt NOTE: This form is not required. Determination will be made by Energy Facility Siting Council, pursuant to ORS 469.378.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. See Attachment 1 (1975 Bargain and Sale Deed) and Attachment 2 (Place of Use Legal Description).
- Fees - Amount enclosed: \$ 5,016
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery Not Applicable
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

Expedited Secondary Applications Under HB 2178 (2005)

For expedited secondary applications to use exclusively stored water filed under HB 2178, the public is invited to comment within 30 days of this notice, by **June 30, 2011**. The expedited secondary applications listed below have been filed recently. Any person may raise public interest issues regarding these applications. If public interest issues are raised, the Department may move the application to the standard process and review the application pursuant to ORS 537.153, and issue a Proposed Final Order. If no public issues are raised, the Department may issue a final order and permit without further prior notice.

Comments must identify the specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected by the proposed use, and specifically how the identified public interest would be affected.

POD 1 is the location of the stored water. POD 2 and any additional points are the diversion point(s).

S-87723

MAYER, LOREN PORTLAND GENERAL ELECTRIC; BOARDMAN PLANT 73334 TOWER RD
BOARDMAN, OR 97818 PAGEL, MARTHA O. SCHWABE, WILLIAMSON, AND WYATT P C 530
CENTER ST NE SUITE 400 SALEM, OR 97301

POD: 1 A RESERVOIR > SIXMILE CANYON

SW 1/4 SW 1/4 Section 34T 3.00N R 24.00E WM

Morrow County

3736.0 AFT for INDUSTRIAL/MANUFACTURING USES

87723

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

**Site Certificate
for the
Carty Generating Station**

ISSUE DATE

June 29, 2012

**CARTY GENERATING STATION SITE CERTIFICATE
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Acronyms and Abbreviations

ACEC	Area of Critical Environmental Concern
ADA	Americans with Disabilities Act
Btu	British Thermal Unit
Carty	Carty Generating Station
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
Council	Oregon Energy Facility Siting Council
CTG	Combustion Turbine Generator
Department	Oregon Department of Energy
DEQ	Oregon Department of Environmental Quality
DOGAMI	Oregon Department of Geology and Mineral Industries
DPO	Draft Proposed Order
EPCRA	Emergency Planning and Community Right-to-Know Act
ESCP	Erosion and Sediment Control Plan
FAA	Federal Aviation Administration
FERC	Federal Energy Regulatory Commission
GTN	Gas Transmission Northwest Corporation
HMA	Habitat Mitigation Area
HRSG	Heat Recovery Steam Generator
kV	Kilovolt
MCZO	Morrow County Zoning Ordinance
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statutes
OSSC	Oregon Structural Specialty Code
PGE	Portland General Electric Company

SHPO	Oregon State Historic Preservation Office
STG	Steam Turbine Generator
USFWS	United States Fish and Wildlife Service
WGS	Washington Ground Squirrel
WPCF	Water Pollution Control Facilities

1.0 INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Carty Generating Station (Carty) in the manner authorized under the Oregon Revised Statutes (ORS) Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and Portland General Electric Company (certificate holder) authorizing the certificate holder to construct and operate the facility in Morrow County, Oregon.

The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of this site certificate are set forth in the Council's *Final Order in the Matter of the Application for a Site Certificate for the Carty Generating Station* (Final Order on the Application) issued on June 29, 2012 and incorporated herein by this reference. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this Site Certificate, (2) the Final Order on the Application and (3) the record of the proceedings that led to the Final Order on the Application.

This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council's Final Order on the Application. Such matters include, but are not limited to: building code compliance; wage; hour; and other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility [ORS 469.401(4)]; and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council. ORS 469.503(3).

The obligation of the certificate holder to report information to the Department or the Council under the conditions listed in this site certificate is subject to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by the certificate holder's agents or contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site certificate. The definitions in ORS 469.300 and Oregon Administrative Rule (OAR) 345-001-0010 apply to terms used in this site certificate, except where otherwise stated, or where the context clearly indicates otherwise.

2.0 SITE CERTIFICATION

2.1 To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate, and retire a natural gas-fueled energy generating facility, together with certain related or supporting facilities, at the site in Morrow County, Oregon, as described in Section 3.0 of this site certificate.

[ORS 469.401(1)]

2.2 This site certificate is effective until 1) it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought; or 2) until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered.

[ORS 469.401(1)]

2.3 Both the State and the certificate holder shall abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules.

[ORS 469.401(2)]

2.4 For a permit, license, or other approval addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules.

[ORS 469.401(2)]

2.5 Subject to the conditions herein, this site certificate binds the State and all counties, cities, and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate.

[ORS 469.401(3)]

2.6 Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate shall, upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license, or other approval subject only to conditions set forth in this site certificate.

[ORS 469.401(3)]

- 2.7 After issuance of this site certificate, each state agency or local government agency that issues a permit, license, or other approval for the facility shall continue to exercise enforcement authority over such permit, license, or other approval.
[ORS 469.401(3)]
- 2.8 After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate.
[ORS 469.430]
- 2.9 The certificate holder shall design, construct, operate and retire the facility:
- a. Substantially as described in the site certificate;
 - b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and
 - c. In compliance with all applicable permit requirements of other state agencies.
[Final Order III.D.2] [Mandatory Condition OAR 345-027-0020(3)]
- 2.10 Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate.
[Final Order IV.B.2.8] [Mandatory Condition OAR 345-027-0020(15)]
- 2.11 Any matter of non-compliance under the site certificate shall be the responsibility of the certificate holder. Any notice of violation issued under the site certificate shall be issued to the certificate holder. Any civil penalties assessed under the site certificate shall be levied on the certificate holder.
[Final Order IV.B.2.5]
- 2.12 Within 72 hours after discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department.
[Final Order IV.B.2.7]
- 2.13 The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.
[Final Order VI.1] [Mandatory Condition OAR 345-027-0020(1)]

3.0 DESCRIPTION OF FACILITY

LOCATION AND SITE BOUNDARY

The Carty Generating Station is located in Morrow County, Oregon, southwest of the City of Boardman and north of the Carty Reservoir. This location is also adjacent to the existing Boardman Coal Plant. The transmission line associated with the Carty Generating Station is located partially within an existing transmission right-of-way, and extends across the western portion of Morrow County and into eastern Gilliam County to connect to the existing Bonneville Power Administration Slatt substation.

As defined by OAR 345-001-0010, the "site boundary" is the perimeter of the site of the energy facility, its related or supporting facilities, all temporary staging areas, and all corridors. The site boundary for the Carty Generating Station encompasses approximately 2,400 acres; the transmission line right-of-way corridor comprises approximately 1,400 acres of this total area.

THE ENERGY FACILITY

The Carty Generating Station is a natural gas-fueled combined-cycle electric power generating plant. The Carty facility consists of two generator blocks capable of generating up to 900 MW of electrical power.

The Carty Generating Station has up to two generating blocks, each consisting of one or more high efficiency combustion turbine generators (CTGs), heat recovery steam generators (HRSGs), and a steam turbine generator (STG). Within the blocks, natural gas CTG(s) produce electricity, with the exhaust gases from the CTG(s) supplying heat to the HRSG(s). Steam produced in the HRSG(s) is used to power the STG to produce additional electricity. Duct burners fueled by natural gas in the HRSG(s) allow for production of additional steam and additional electricity from the STG. Steam exhausted from the STG is condensed in a water-cooled condenser, with the resultant condensate returned to the HRSG(s) to produce additional steam. Water used for cooling in the water-cooled condenser is routed to a cooling tower, where the water is cooled and then pumped back through the condenser. Each block has a separate cooling tower. If required for starting the CTG(s) or to maintain the plant in a ready-to-start condition, a natural gas-fueled auxiliary boiler will be used to supply steam when none is available from the HRSG(s).

In each block, the CTG(s) and STG(s) are located within a generation building to control noise during operation and to allow a controlled atmosphere for maintenance activities. A separate control and administrative building provides space for plant controls and offices for plant personnel for both blocks. A separate water treatment building houses the equipment necessary to purify raw water, producing de-mineralized water for use in the steam cycle of both blocks.

Generator transformers step up the voltage produced by both blocks to 500 kilovolts (kV). A 500-kV transmission line connects the generator transformers to a 500-kV switchyard, the Grassland Switchyard. From the switchyard, PGE utilizes the 500-kV Boardman to Slatt transmission line, an additional 500-kV single circuit or double circuit transmission line, or both lines, to connect to the Slatt Substation. The additional transmission line is approximately 18 miles long.

The proposed facility consumes about 150 million cubic feet of natural gas per day during operation of both blocks. Natural gas will be supplied to the facility through a lateral pipeline that will be connected to an existing pipeline operated by the Gas Transmission Northwest Corporation (GTN). This lateral pipeline is owned and operated by GTN and is outside the jurisdiction of the Council. This natural gas pipeline was permitted by the Federal Energy Regulatory Commission (FERC).

Carty is interconnected with the Boardman Coal Plant to obtain potable water and to utilize the existing sanitary waste infrastructure. The Carty facility is also connected to the Carty Reservoir for water withdrawal and water discharge purposes. Under the Agreement for Construction, Ownership, and Operation of the Number One Boardman Station on Carty Reservoir dated as of October 15, 1976, between PGE, Idaho Power Company, and Pacific Northwest Generating Company, PGE has the right to construct and operate additional generating units on Carty Reservoir and to utilize facilities of the Boardman plant that may be used in common with such new generating units, including, but not limited to, the reservoir, pumping facilities, pipelines from the Columbia river, roads, railroad spurs, docks, parking lots, fencing and transmission facilities.

The Carty Generating Station includes the following related or supporting facilities:

- On-site 500-kV transmission line
- 18-mile 500-kV transmission line from the Grassland Switchyard to the Slatt Substation
- Grassland Switchyard
- Interconnecting water pipelines
- Evaporation ponds
- Cooling towers
- Liquid storage facilities
- Accessory buildings
- Utility lines
- Roads
- Additional temporary construction areas

500-kV Transmission Lines

On-Site

A 500-kV transmission line connects the step-up transformers located at each generating block to the Grassland Switchyard. One transmission line serves each block, and each transmission line is approximately 0.75 miles long and requires approximately four transmission support towers. These towers are between 100 and 150 feet tall and are spaced approximately 1,000 feet apart.

Connecting

To access the grid, PGE utilizes the 500-kV Boardman to Slatt transmission line, a 500-kV single circuit or double circuit transmission line, or both, to connect the Grassland Switchyard to the existing Slatt Substation. The single or double circuit transmission line is approximately 18 miles long.

Grassland Switchyard

A 500-kV, alternating current, open-air switchyard is located west of the Carty Generating Station. The switchyard consists of a leveled and graveled area approximately 15 acres in size, surrounded by a security fence. The switchyard includes 500-kV circuit breakers and disconnect switches to allow for clearing faults on the connected transmission lines and for maintenance of the circuit breakers and transmission lines. Steel take-off towers terminate 500-kV overhead transmission lines that connect the switchyard with the plant generator step-up transformers and outgoing transmission lines. An additional small building provides a controlled environment for the protective relaying and communication equipment.

Interconnecting Water Pipelines

Water pipelines connect the Carty Generating Station with the Boardman Coal Plant to access the raw Carty Reservoir water intake structure, wastewater discharge structure for discharge to Carty Reservoir, potable water system, sanitary sewer, demineralized water supply, and fire water supply lines. The pipes are installed either below grade, or above grade with trenches under road and railroad crossings. These interconnecting pipelines are located in areas that have already been disturbed by the existing Boardman Coal Plant during construction of the Carty Generating Station.

Water from the Carty Reservoir passes into the existing intake structure and enters one of two separate water systems serving the Boardman Plant; a circulation water system and a service water system. This circulating water system is a 180,000-gpm withdrawal, supplied from a 96-inch pipe. The Boardman Plant service water system is a 14,000-gpm withdrawal supplied from a 48-inch pipe. The service water connection for the Carty Generating Station is connected to the intake structure at this 48-inch pipe. No changes were made to the in-water portion of the intake structure, but the equipment layout within the associated building was changed and the

building was expanded. A monorail system allows pumps to be extracted for maintenance. From the intake structure, water passes through a 14 to 16-inch pipe approximately 5,000 feet to the Carty facility.

Evaporation Ponds

Process wastewater from the Carty facility is discharged either to the Carty Reservoir or to evaporation ponds, or both. Evaporation ponds are lined and receive wastewater including cooling tower blowdown, water wash wastes, filtration wastewater, and water demineralization wastewater. Evaporation ponds are sized to accommodate 390 acre-feet per year and are 10 to 15 acres in area and eight feet deep. The Carty Generating Station includes up to four evaporation ponds, occupying up to 58 acres of the site area.

Cooling Towers

Cooling towers at the Carty Generating Station exhaust excess heat from the power generation process. Each cooling tower consists of a structure to contain a water-cooling medium, with exhaust fans located within an open-top, bell-shaped housing which pulls air under and through the water-cooling medium. The cooling towers are approximately 50 feet in height. One mechanical-draft wet cooling tower serves each block of the Carty facility.

Liquid Storage Facilities

Liquid fuel would not be stored on the Carty facility site. Chemicals used for emissions control are stored in steel horizontal sealed storage tanks with secondary containment. Other chemicals such as anhydrous ammonia, sulfuric acid (used for pH control) and sodium hypochlorite and sodium bromide (used as biocides in cooling tower water) are stored in tanks or totes with secondary containment. Small-quantity chemicals such as cleaners and lubricants are stored within on-site accessory buildings.

Accessory Buildings

Accessory buildings on the Carty site house boiler feed pumps, chemical feed equipment, and other equipment requiring protection from weather or noise containment. Accessory buildings common to the two proposed generating blocks include buildings housing water treatment equipment as well as warehouse and administration areas.

Utility Lines

A below-grade electrical raceway connects the Carty facility to the Boardman Plant. The raceway contains communication cables to connect the Carty phone and data highway systems into the Boardman Plant communication and data highway systems. In addition, electric power cables allow for transmission of auxiliary power from the existing Boardman Plant to the Carty Generating Station in emergency operating conditions. Utility lines are installed in areas already disturbed by the Boardman Plant or areas within the Carty site.

Roads

A paved loop road, approximately 24 feet wide and 2,500 feet long, connects with Tower Road at both ends of the loop to serve normal truck and operator vehicle traffic. This loop road has spur roads leading to individual buildings and areas that require access.

Additional Temporary Construction Areas

Additional areas in the vicinity of the proposed Carty Generating Station are provided for construction offices, construction parking, construction staging, and temporary storage of soil displaced during the construction process. Similar temporary construction areas are provided in the vicinity of the Grassland Switchyard.

4.0 GENERAL ADMINISTRATIVE CONDITIONS

- 4.1. The certificate holder shall begin construction of the facility within three years after the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted.
[Final Order III.D.3] [Mandatory Condition OAR 345-027-0020(4)]
- 4.2. The certificate holder must complete construction of Block 1 of the facility within three years of beginning construction of Block 1. Construction is complete when: 1) the facility is substantially complete as defined by the certificate holder's construction contract documents; 2) acceptance testing has been satisfactorily completed; and 3) the energy facility is ready to begin continuous operation consistent with the site certificate. The certificate holder shall promptly notify the Department of the date of completion of construction of Block 1. The Council may grant an extension of the deadline for completing construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted.
[Final Order III.D.4] [Mandatory Condition OAR 345-027-0020(4)]
- 4.3. The certificate holder must begin construction of Block 2 of the facility no later than five years after the effective date of the site certificate. The certificate holder shall complete construction of the facility within three years of beginning construction of Block 2. Construction is complete when: 1) Block 2 is substantially complete as defined by the certificate holder's construction contract documents; 2) acceptance testing has been satisfactorily completed; and 3) Block 2 is ready to begin continuous operation consistent with the site certificate. The certificate holder shall notify the Department when the construction of Block 2 begins, and notify the Department of the date of completion of Block 2 construction. The Council may grant an extension of

the deadline for completing construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted.

[Final Order III.D.5] [Mandatory Condition OAR 345-027-0020(4)]

- 4.4. The certificate holder shall submit a legal description of the site to the Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identifies the outer boundaries that contain all parts of the facility.

[Final Order III.D.1] [Mandatory Condition OAR 345-027-0020(2)]

- 4.5. The certificate holder shall obtain all necessary federal, state, and local permits or approvals required for construction, operation, and retirement of the facility or ensure that its contractors obtain the necessary federal, state, and local permits or approvals.

[Final Order IV.B.2.4]

- 4.6. The certificate holder must obtain, as required by ORS 469.401(3), all local permits, to include a Conditional Use Permit for the portion of the Carty facility located on land zoned Exclusive Farm Use and a Zoning Permit for the entire facility located within Morrow County.

[Final Order IV.E.4.6]

5.0 PRE-CONSTRUCTION REQUIREMENTS

In addition to pre-construction requirements contained elsewhere in this site certificate, the certificate holder must meet the following requirements:

- 5.1. Before beginning construction, the certificate holder must notify the Department of the identity and qualifications of the major design, engineering, and construction contractor(s) for the facility. The certificate holder must select contractors that have substantial experience in the design, engineering, and construction of similar facilities. The certificate holder must report to the Department any change of major contractors.

[Final Order IV.B.2.1]

- 5.2. The certificate holder must contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions do not relieve the certificate holder of responsibility under the site certificate.

[Final Order IV.B.2.3]

- 5.3. Before beginning construction of the energy facility, the certificate holder shall submit a final parking lot plan to Morrow County for approval as part of the certificate holder's building permit application for the energy facility. This parking lot plan shall comply

with Section 4.040 and 4.060 of the Morrow County Zoning Ordinance and with Americans with Disabilities Act (ADA) requirements. This plan shall provide a minimum of 22 parking spaces and one ADA-accessible space, or the minimum number of parking spaces required by MCZO Section 4.040 based on the number of employees on the largest shift, whichever is greater. The certificate holder shall construct on-site parking in conformance with the approved parking lot plan.

[Final Order IV.E.4.2] [MCZO Section 4.040-4.060]

5.4. Before beginning construction, the certificate holder must complete an investigation of subsurface soil and geologic conditions to identify geological or geotechnical hazards per Condition 5.4.a and obtain Department approval of the investigation report per Condition 5.4.b.

a. The investigation must include at least the following activities:

1. Drilling of six to eight exploratory borings up to a depth of 75 feet under proposed critical structure locations, including the gas turbine units, cooling tower, transmission structures, and switchyard. Standard penetration tests should be conducted at 2.5-foot and 5-foot intervals. Drilling of exploratory borings along transmission line corridor is not necessary if such information is available from the construction of the existing transmission line.
2. Digging of test pits to assess the extent and thickness of any loose, surficial soil layers at the site. Key focus areas should include planned locations of critical structures, roadways, and landscaped areas where irrigation would occur.
3. Performing laboratory testing to evaluate the engineering properties of soils, including natural water contents on all samples collected, mechanical and hydrometer gradations, Atterberg limits, and collapsibility and consolidation tests on selected samples.

b. The certificate holder must prepare a geotechnical report with final facility design recommendations based on the investigation conducted per the requirements of Condition 5.4.a. The geotechnical report must be submitted to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder may not commence construction of the facility prior to Department approval of this report.

[Final Order IV.C.2.1]

5.5. During construction and operation of the facility, the certificate holder must implement a revegetation and weed control plan. The certificate holder must comply with the applicable provisions of the Morrow County and Gilliam County Weed Control

Ordinances, as determined by the Morrow County Weed Control Supervisor, and Gilliam County Weed Officer, respectively. Prior to beginning construction the certificate holder must consult with the Morrow County Weed Control Supervisor and the Gilliam County Weed Control Officer and obtain approval of a Revegetation and Noxious Weed Control Plan. The final Revegetation and Noxious Weed Control Plan must be submitted to the Department of Energy for approval prior to the start of construction.

[Final Order IV.D.2.6]

- 5.6. Before beginning construction, the certificate holder must submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the final location of the facility exhaust stack. The certificate holder must promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation.

[Final Order V.D.2.5]

- 5.7. Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities.

[Final Order III.D.6] [Mandatory Condition OAR 345-027-0020(5)]

- 5.8. Before beginning construction, the certificate holder must notify the Department in advance of any work on the site that does not meet the definition of "construction" in ORS 469.300 (excluding surveying, exploration, or other activities to define or characterize the site) and must provide to the Department a description of the work and evidence that its value is less than \$250,000.

[Final Order IV.B.2.6]

- 5.9. The certificate holder shall develop and implement a Spill Prevention, Control and Countermeasure (SPCC) Plan in accordance with 40 CFR 112. A copy of this plan shall be provided to the Department prior to the commencement of construction of the Carty Generating Station.

[Final Order IV.G.2.1]

6.0 DESIGN, CONSTRUCTION AND OPERATIONS

6.1. During construction, the certificate holder must have a full-time, on-site manager who is qualified in environmental compliance to ensure compliance with all site certificate conditions. The certificate holder must notify the Department of the name, telephone number, and e-mail address of this person prior to the start of construction and immediately upon any change in the contact information.

[Final Order IV.B.2.2]

6.2. The certificate holder shall provide portable toilets for on-site sewage handling during construction and shall ensure that they are pumped and cleaned regularly by a licensed contractor who is qualified to pump and clean portable toilet facilities.

[Final Order IV.N.2.3]

6.3. The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:

- a. Recycling steel and other metal scrap.
- b. Recycling wood waste.
- c. Recycling packaging wastes such as paper and cardboard.
- d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.
- f. Confining concrete delivery truck rinse-out to a designated wash-out area and burying other concrete waste as part of backfilling.

[Final Order IV.N.2.1]

6.4. In advance of, and during, preparation of detailed design drawings and specifications for the 500-kV transmission line, the certificate holder shall consult with the Utility Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the designs and specifications are consistent with applicable codes and standards.

[Final Order V.D.2.3]

6.5. The certificate holder must design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition, or its successor document).

[Final Order IV.O.2.1] [Mandatory Condition OAR 345-027-0023(4)]

- 6.6. The certificate holder must design and construct the facility in accordance with requirements of the Oregon Structural Specialty Code (OSSC 2007) and the 2010 International Building Code.
[Final Order IV.C.2.4]
- 6.7. The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. "Seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence.
[Final Order IV.C.2.5] [Mandatory Condition OAR 345-027-0020(12)]
- 6.8. The certificate holder must design, engineer and construct the facility to avoid dangers to human safety presented by non-seismic hazards. As used in this condition, "non-seismic hazards" include settlement, landslides, flooding and erosion.
[Final Order IV.C.2.6]
- 6.9. The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices.
[Final Order IV.E.4.1] [MCZO Section 3.010.D]
- 6.10. The certificate holder must notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the DOGAMI and the Building Codes Division and to propose mitigation actions.
[Final Order IV.C.2.2] [Mandatory Condition OAR 345-027-0020(13)]
- 6.11. The certificate holder must notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site.
[Final Order IV.C.2.3] [Mandatory Condition OAR 345-027-0020(14)]

- 6.12. During construction of the facility, the certificate holder shall ensure that contractors move equipment out of the construction area when it is no longer expected to be used. To the extent practical, contractors shall lower equipment with long arms, such as cranes, bucket trucks, and backhoes when not in use, in order to minimize visibility.
[Final Order IV.J.2.1]
- 6.13. To reduce the visual impact of the facility, the certificate holder shall paint the buildings and structures in low-reflectivity neutral colors to blend with the surrounding landscape.
[Final Order IV.J.2.2]
- 6.14. The certificate holder shall not use exterior nighttime lighting except:
- a. The minimum exhaust stack lighting required or recommended by the Federal Aviation Administration.
 - b. Safety and security lighting at the Carty Generating Station, provided that such lighting is shielded or downward-directed to reduce offsite glare.
 - c. Minimum lighting necessary for repairs or emergencies.
[Final Order IV.J.2.3]
- 6.17. During construction of the facility, the certificate holder shall implement measures to reduce traffic impacts, as follows:
- a. The certificate holder shall reduce peak hour volumes during construction by staggering shift start times or implementing other measures that would significantly reduce the total number of construction worker vehicle trips through the westbound I-84/Tower Road ramp terminal; or
 - b. The certificate holder shall install temporary traffic controls during peak construction to prioritize westbound left-turning vehicles at the westbound Tower Road ramp terminal during the weekday a.m. peak hour.
[Final Order IV.M.2.9]
- 6.18. Unless legally permissible, the certificate holder shall ensure that no equipment or machinery associated with the construction is parked or stored on any public road within Morrow or Gilliam counties. The certificate holder may temporarily park equipment off the road but within County rights-of-way with the approval of the County Roadmaster.
[Final Order IV.M.2.10]

- 6.19. The certificate holder shall cooperate with the Morrow County Public Works Department and the Gilliam County Road Department to ensure that any unusual damage or wear to county roads that is caused by construction of the facility is repaired by the certificate holder. Upon completion of construction, the certificate holder shall restore public roads to pre-construction condition or better to the satisfaction of applicable county departments.
[Final Order IV.M.2.11]
- 6.20. If improvements are needed to the I-84/Tower Road interchange to safely accommodate turning movements by a WB-67 design vehicle, the certificate holder shall work with The Oregon Department of Transportation and Morrow County to identify needed improvements and shall construct or install needed improvements prior to commencement of construction of the Carty facility.
[Final Order IV.M.2.12]
- 6.21. Oversize and overweight deliveries shall be made by rail and barge when feasible, to limit impacts to the I-84/Tower Road interchange.
[Final Order IV.M.2.13]
- 6.22. The certificate holder shall construct all facility components in compliance with the following setback requirements. The transmission lines, connecting the Carty Generating Station, the Grassland Switchyard and the Slatt Substation are exempt from this condition.
- a. For portions of the facility located in the Morrow County General Industrial Zoning District:
 - i. The minimum setback between a structure and the right-of-way of an arterial street shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet.
 - ii. Any sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

b. For portions of the facility located in the Morrow County Exclusive Farm Use Zoning District:

- i. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street right-of-way, 30 feet from a property line fronting on a major collector right-of-way, and 80 feet from an arterial right-of-way.
- ii. Each side yard shall be a minimum of 20 feet except that for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet.
- iii. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use, where rear yards shall be a minimum of 100 feet.
- iv. Any sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

[Final Order IV.E.4.3] [MCZO Section 3.010(H)]

6.23. The certificate holder must limit signage to directional signs necessary for deliveries and general site circulation. No sign may be placed so as to interfere with visibility or effectiveness of any permanent traffic control device. No sign may be placed so as to impede the sight distance triangle at any access point or intersection as specified in Section 4.020 of the Morrow County Zoning Code. No sign shall cause glare, distraction or other driving hazards within a street or road right-of-way.

[Final Order IV.E.4.5] [MCZO Sections 4.020 and 4.070]

6.24. The certificate holder shall comply with Section 5, Public Responsibilities, of the Morrow County Solid Waste Management Ordinance. Any hauling of solid waste from the Carty facility during construction, operation, or retirement shall be performed by a franchised solid waste hauler or otherwise comply with the Morrow County Solid Waste Management Ordinance.

[Final Order IV.E.4.7] [Morrow County Waste Management Ordinance Section 5.000]

- 6.25. Recycling by the certificate holder and certificate holder's contractors during construction, operation, and retirement of the Carty facility shall be done in accordance with Oregon Department of Environmental Quality regulations and shall be reported as part of the Morrow County wasteshed.

[Final Order IV.E.4.7]

7.0 PUBLIC HEALTH AND SAFETY

- 7.1 The certificate holder shall take the following steps to reduce or manage human exposure to electromagnetic fields:

- (a) Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.
- (b) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields.
- (c) Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.
- (d) Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable

[Final Order V.D.2.1]

- 7.2 To protect the public from electrical hazards, the certificate holder must enclose the facility switchyard with appropriate fencing and locked gates.

[Final Order V.D.2.2]

- 7.3 If the Council finds, at any time during facility operation, that cooling tower emissions are likely to contribute significantly to ground-level fogging or icing along public roads and to cause a significant threat to public safety, the certificate holder shall cooperate with appropriate local public safety authorities regarding implementation of reasonable safety measures, such as posting warning signs on affected roads. Cooperation may include, but is not necessarily limited to, the reimbursement of expenses for posting warning signs and implementing other safety measures.

[Final Order V.D.2.4]

- 7.4 The certificate holder must comply with all emergency planning and notification requirements of Emergency Planning and Community Right-to-Know Act (EPCRA) Section 302.

[Final Order V.D.2.6]

- 7.5 The certificate holder must comply with all reporting requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 304, including reporting of any chemical release in an amount equal to or greater than the EPCRA reportable quantity for that chemical.
[Final Order V.D.2.7]
- 7.6 The certificate holder must report emissions, transfer, and waste management data for hydrazine and sodium nitrite as required by Section 313 of the Emergency Planning and Community Right-to-know Act (EPCRA) and Section 6607 of the Pollution Prevention Act.
[Final Order V.D.2.8]
- 7.7 The certificate holder must comply with all reporting requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), including reporting of any chemical release in an amount equal to or greater than the CERCLA reportable quantity for that chemical.
[Final Order V.D.2.9]
- 7.8 The certificate holder shall notify the Department of Energy and Morrow and Gilliam Counties within 72 hours of any occurrence involving the facility if:
- a. There is an attempt by anyone to interfere with its safe operation;
 - b. A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion affects or threatens to affect the public health and safety or the environment; or
 - c. There is any fatal injury at the facility.
- [Final Order V.D.2.10] [Mandatory Condition OAR 345-026-0170]
- 7.9 The certificate holder must develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. A current copy of the electrical protection plan must be available at the O&M building and provided upon request by ODOE staff.
[Final Order IV.O.2.2] [Mandatory Condition OAR 345-027-0023(4)]

8.0 ON-SITE SAFETY AND SECURITY

- 8.1 During construction and operation of the facility, the certificate holder shall provide for on-site security and shall establish good communications between on-site security personnel and the Morrow County Sheriff's Office. During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.
[Final Order IV.M.2.1]
- 8.2 During construction, the certificate holder shall require that all on-site construction contractors develop and implement a site health and safety plan that informs workers and others on-site about first aid techniques and what to do in case of an emergency. The plan shall also include important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that construction contractors have personnel on-site who are first aid and CPR certified.
[Final Order IV.M.2.2]
- 8.3 During operation, the certificate holder shall develop and implement a site health and safety plan that informs employees and others on-site about first aid techniques and what to do in case of an emergency. The plan shall also include important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals.
[Final Order IV.M.2.3]
- 8.4 During construction, the certificate holder shall ensure that construction vehicles and equipment are operated on graveled areas to the extent possible and that open flames, such as cutting torches, are kept away from dry grass areas.
[Final Order IV.M.2.4]
- 8.5 During operation, the certificate holder shall ensure that all on-site employees receive annual fire prevention and response training by qualified instructors or members of the local fire districts. The certificate holder shall ensure that all employees are instructed to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes.
[Final Order IV.M.2.5]
- 8.6 During construction and operation of the facility, the certificate holder shall ensure that all service vehicles are equipped with shovels and portable fire extinguishers of a 4500BC or equivalent rating.
[Final Order IV.M.2.6]

8.7 During construction and operation of the facility, the certificate holder shall develop and implement fire safety plans in consultation with the Boardman Rural Fire Protection District to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire safety plans, the certificate holder shall take into account the dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill conducted at the facility.

[Final Order IV.M.2.7]

8.8 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to the Boardman Rural Fire Protection District. The certificate holder shall indicate the actual location of all facility structures on the site plan. The certificate holder shall provide an updated site plan if additional structures are later added to the facility. During operation, the certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.

[Final Order IV.M.2.8]

9.0 PROTECTION OF SOIL

9.1 The certificate holder must conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the NPDES Storm Water Discharge General Permit #1200-C. The certificate holder must include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or storm water management requirements.

[Final Order IV.D.2.1]

9.2 During construction, the certificate holder, to the extent practicable, must limit truck traffic to improved road surfaces to avoid soil compaction.

[Final Order IV.D.2.2]

9.3 During construction, the certificate holder must implement best management practices to control any dust generated by construction activities, such as applying water to roads and disturbed soil areas.

[Final Order IV.D.2.3]

- 9.4 During construction of the facility, the certificate holder must complete the following monitoring to ensure that there are no significant potential adverse impacts to soils:
- a. During construction, monitor disturbed area erosion and sediment control measures at the active construction site on a weekly basis and every two weeks on inactive sites. Inspection of both active and inactive sites must occur at least daily during periods when 0.5 inches or more rain has fallen in a 24-hour period.
 - b. The certificate holder must remove trapped sediment when storage capacity has been reduced by 50 percent. Sediments will be placed in an upland area certified by a qualified wetlands specialist.
 - c. Observe and record color and turbidity within 35 feet upstream and downstream of locations where surface waters from the construction site(s) enter a receiving stream. Observations shall note whether sheen and floating matter is present or absent. Any apparent color and turbidity of the discharge, as well as any observable difference in comparison with the receiving stream shall be described. If there are observable differences, or any sheen or floating matter is present, the certificate holder must take immediate steps to identify and rectify the cause of the run-off to the stream.
 - d. If the erosion and sediment control measures are deemed ineffective, different strategies and/or measures shall be implemented, maintained and monitored.
 - e. After completing construction in an area, the certificate holder must monitor the area until soils are stabilized and evaluate whether construction-related impacts to soils are being adequately addressed by the mitigation procedures described in the Erosion and Sediment Control Plan and the approved Revegetation and Noxious Weed Control Plan. As necessary, the certificate holder must implement follow-up restoration measures such as scarification and reseeded to address those remaining impacts.

[Final Order IV.D.2.4]

- 9.5 During facility operation, the certificate holder shall routinely inspect and maintain all transmission line corridors, roads, pads and trenched areas and, as necessary, maintain or repair erosion and sediment control measures and control the introduction and spread of noxious weeds.

[Final Order IV.D.2.5]

- 9.6 Upon completion of construction, the certificate holder must restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use and in compliance with the

Revegetation and Noxious Weed Control Plan. Upon completion of construction, the certificate holder must remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

[Final Order IV.D.2.7] [Mandatory Condition OAR 345-027-0020(11)]

- 9.7 During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the Revegetation and Noxious Weed Control Plan.
[Final Order IV.D.2.8]
- 9.8 The certificate holder must dispose of all accumulated evaporation pond solids, when removed, in a landfill approved for such waste material. All residual solids deposited in evaporation ponds must be removed to an appropriate disposal facility upon closure of the facility. The certificate holder shall include protocols for solids removal and soil restoration at the location of the evaporation ponds in the retirement plan.
[Final Order IV.D.2.9]
- 9.9 During operation, the certificate holder must minimize drift from the cooling towers through the use of high efficiency drift eliminators that allow no more than a 0.001% drift rate.
[Final Order IV.D.2.10]
- 9.10 The certificate holder must handle hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all applicable local, state and federal environmental laws and regulations. During operation, the certificate holder may not store gasoline that is intended for fueling vehicles on the facility site.
[Final Order IV.D.2.11]
- 9.11 If a reportable release of hazardous substance occurs during construction or operation of the facility, the certificate holder must notify the Department within 72 hours and must clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder must make sure that spill kits containing items such as absorbent pads are located on equipment, near storage areas, and in the administrative or maintenance areas of the facility. The certificate holder must instruct employees about proper handling, storage and cleanup of hazardous materials.
[Final Order IV.D.2.12]

10.0 PROTECTION OF NATURAL RESOURCES

10.1. Prior to construction, the certificate holder must consult with the Oregon Department of Fish and Wildlife and prepare a final Wildlife and Habitat Monitoring Mitigation Plan and submit the plan to the Department for review and approval. The certificate holder must conduct all wildlife and habitat monitoring as described in the approved Wildlife and Habitat Monitoring and Mitigation Plan, as amended from time to time.

[Final Order IV.H.2.1] [Mandatory Condition OAR 345-027-0020(6)]

10.2. The certificate holder shall acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as long as the site certificate is in effect by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department. Within the habitat mitigation area (HMA), the certificate holder shall improve and monitor the habitat quality in accordance with the Wildlife and Habitat Monitoring and Mitigation Plan approved by the Department per Condition 10.1.

[Final Order IV.H.2.2]

10.3. The certificate holder shall consult with the Oregon Department of Fish and Wildlife prior to commencement of construction to determine the final acreage of habitat mitigation required. Mitigation shall be provided in accordance with this final acreage determination.

[Final Order IV.H.2.3]

10.4. The certificate holder shall conduct noxious weed inventories within the HMA to identify patches of weed infestation during year one, year three and year five after construction, and then continue once every 5 years for the life of the project. Weeds shall be controlled as needed to maintain and enhance habitat quality within the mitigation area, with the goal of working toward eradication of targeted noxious weeds or, if eradication is not practical, decreasing their abundance to minimize impacts to native plant communities. Weed management practices shall be consistent with the Revegetation and Noxious Weed Control Plan and shall include an integrated weed management approach, using an appropriate combination of prevention and control methods. The certificate holder shall obtain ODFW approval prior to the use of pesticides. If a substantial area of soil is left bare from weed control activities, the area shall be seeded using the appropriate methods as described in the Revegetation and Noxious Weed Control Plan. Weed inventories and control measures and revegetation activities should not occur during Washington ground squirrel breeding periods.

[Final Order IV.H.2.5]

10.5. The certificate holder shall implement a fire control plan for wildfire suppression within the HMA in accordance with the existing Boardman Wildfire Control Plan. A copy of the fire control plan shall be provided to the Department upon request. If vegetation in the HMA is damaged from fire or from fire suppression efforts (e.g., vehicular disturbance), the area shall be seeded as necessary with the appropriate seed mix using the appropriate methods for the site, as described in the *Revegetation and Noxious Weed Control Plan*.

[Final Order IV.H.2.6]

10.6. The certificate holder shall monitor and control access to the HMA and shall post signs for the life of the facility designating the area as "protected" and including natural resources information. Access to the proposed area shall be limited to Boardman Plant operational needs, conservation area monitoring, and noxious weed control efforts. Any fences within or bordering the HMA shall be modified to wildlife-friendly specifications. Livestock grazing shall not be permitted within the HMA. Periodic monitoring (at least annually) shall be conducted to evaluate effectiveness of access control measures and signage maintenance needs.

[Final Order IV.H.2.7]

10.7. The certificate holder must implement measures to avoid or minimize temporary and permanent impacts to high quality native habitat and to retain habitat cover in the general landscape, where practicable.

- a. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.
- b. Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility and the areas that would be disturbed during construction and identifying the survey areas for all plant and wildlife surveys conducted in 2010 or earlier as described in the *Final Order on the Application*. The certificate holder shall use a qualified professional biologist to conduct a pre-construction plant and wildlife investigation of all areas that would be disturbed during construction that lie outside of the previously surveyed areas. The certificate holder shall provide a written report of the investigation to the Department and to the Oregon Department of Fish and Wildlife. Based on consultation with the Department and ODFW, the certificate holder shall implement appropriate measures to avoid impacts to any Category 1, 2, or 3 habitat, to any State-listed threatened or endangered plant or wildlife species, and to any State Candidate plant species. If any Category 2 or 3 habitat is identified and will be impacted, the certificate

holder shall work with the Department and ODFW to identify appropriate mitigation measures for such impacts.

- c. Before beginning construction, the certificate holder's qualified professional biologist shall survey the previously-identified Category 1 Washington ground squirrel habitat to ensure that the sensitive use area is correctly marked with exclusion flagging and avoided during construction. The certificate holder shall maintain the exclusion markings until construction has been completed.
- d. Before beginning construction, certificate holder's qualified professional biologist shall complete aerial raptor nest surveys within the raptor nest survey area as described in the *Final Order on the Application*. The purposes of the survey are to identify any sensitive raptor nests near construction areas and to provide baseline information on raptor nest use for analysis as described in the *Wildlife and Habitat Monitoring and Mitigation Plan* referenced in Condition 10.1. The certificate holder shall provide a written report on the raptor nest surveys to the Department and to ODFW.

[Final Order IV.H.2.9]

- 10.8. During construction, the certificate holder shall avoid all construction activities within one mile of golden eagle nests, 0.5 miles of the Horn Butte Area of Critical Environmental Concern (ACEC), and 0.6 miles of ferruginous hawk nests, and 1,300 feet of other potentially active sensitive raptor species nest sites for the following species during the sensitive period, as provided in this condition:

<u>Species</u>	<u>Sensitive Period</u>	<u>Early Release Date</u>
Swainson's hawk	April 1 to August 15	May 31
Ferruginous hawk	March 15 to July 15	May 31
Golden eagle	January 1 to July 15	May 31
Burrowing owl	April 1 to August 15	July 15
Long-billed curlew	March 8 to June 15	May 31

During all years in which construction occurs, the certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether there are any active nests of these species within 1,300 feet (or 0.5 miles for the Horn Butte ACEC) of any areas that would be disturbed during construction. Surveys shall be extended to one mile for golden eagle nests and 0.6 miles for ferruginous hawk nests. This construction buffer distance may be decreased

with approval by ODFW and USFWS depending on the intensity of construction activity and whether there is an adequate physical barrier (i.e., vegetation, topography, etc.) between the nest site and the construction impacts or if consultation determines a lesser distance is feasible and appropriate. The certificate holder shall begin monitoring potential nest sites by the beginning of the sensitive period, as listed above, and shall continue monitoring until at least May 31 (July 15 for golden eagle nests) to determine whether any potentially-active nest sites become active during the sensitive period.

If any nest site is determined to be unoccupied by the early release date, then unrestricted construction activities may occur within 0.6 miles (0.5 miles for the Horn Butte ACEC and one mile for golden eagle nests) of the nest site after that date. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder will flag the boundaries of a 1,300 foot (or 0.6 miles for ferruginous hawk nests, 0.5 miles for the Horn Butte ACEC, or one mile for golden eagle nests) buffer area around the nest site and shall instruct construction personnel to avoid disturbance of the buffer area. During the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer. If a golden eagle nest is identified, construction and maintenance activities between February 1 and July 15 (courtship and nesting period) will be avoided within one mile of the active nest (or 0.5 miles if the active nest is not in line-of-sight of activities).

The certificate holder must use a qualified independent professional biologist to observe the active nest sites during the sensitive period for signs of disturbance and to notify the Department of any non-compliance with this condition. If the biologist observes nest site abandonment or other adverse impact to nesting activity, the certificate holder shall implement appropriate mitigation, in consultation with ODFW and subject to the approval of the Department, unless the adverse impact is clearly shown to have a cause other than construction activity.

The certificate holder may begin or resume construction activities within the buffer area before the ending day of the sensitive period with the approval of ODFW, after the young are fledged. The certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (the young are independent of the core nest site).

[Final Order IV.H.2.10]

- 10.9. The certificate holder shall implement the following measures to avoid or mitigate impacts to sensitive wildlife habitat during construction:
- a. Preparing maps to show exclusion areas that are off-limits to construction personnel, such as nesting or denning areas for sensitive wildlife species.
 - b. Avoiding unnecessary road construction, temporary disturbance, and vehicle use.
 - c. Limiting construction work to approved and surveyed areas shown on facility constraints maps.
 - d. Ensuring that all construction personnel are instructed to avoid driving cross-country or taking short-cuts within the site boundary or otherwise disturbing areas outside of the approved and surveyed construction areas.

[Final Order IV.H.2.11]

- 10.10. The certificate holder shall reduce the risk of injuries to avian species by designing and installing all aboveground transmission line support structures following the most current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

[Final Order IV.H.2.12]

- 10.11. Sensitive raptor nest monitoring shall be conducted by qualified biologists in year one, year three, and year five after operations have begun and then at least every five years after that for the life of the project. Results of the monitoring shall be included in an annual sensitive raptor nest monitoring report provided to the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and the Department. This report shall document the nest productivity of sensitive raptor species, including golden eagle (*Aquila chrysaetos*), occurring within one mile of the Carty facility, the Ferruginous Hawk occurring within 0.6 miles, and other sensitive raptor species nests occurring within 1,300 feet of the facility site.

[Final Order IV.H.2.13]

- 10.12. The certificate holder shall use a qualified environmental professional to provide environmental training during construction and operation. Environmental training includes information on the sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements, and other environmental issues. The certificate holder shall instruct construction and operations personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager.

[Final Order IV.H.2.14]

10.13. The certificate holder shall not place any structures in Sixmile Canyon and shall avoid new impacts to Sixmile Canyon during construction by using the existing access road for vehicle crossing only during the dry season. Impacts to both the Eightmile Canyon and Sixmile Canyon drainages shall be avoided.

[Final Order IV.H.2.15]

10.14. The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel (WGS) habitat based on the locations where the squirrels were found to be active in the most recent WGS surveys prior to the beginning of construction in habitat suitable for WGS foraging or burrow establishment ("suitable habitat"). The certificate holder shall use a qualified professional biologist who has experience in detection of WGS to conduct surveys within the site boundary using appropriate search protocols. Except as provided in (a), the biologist shall conduct surveys in the active squirrel season (February 1 to June 30) in 2012 and in the active squirrel seasons at least once every three years until the beginning of construction in suitable habitat. The biologist shall survey all areas of suitable habitat where permanent facility components would be located or where construction disturbance could occur. The certificate holder shall provide written reports of the surveys to the Department and to the Oregon Department of Fish and Wildlife (ODFW) and shall identify the boundaries of Category 1 WGS habitat. During each year in which construction will occur, the boundaries of Category 1 WGS habitat shall be marked by the biologist with high-visibility flagging or markers. The certificate holder shall not begin construction until the identified boundaries of Category 1 WGS habitat have been approved by the Department. Category 1 WGS habitat includes the areas described in (b) and (c) below.

- a. The certificate holder may omit the WGS survey in any year if the certificate holder avoids all permanent and temporary disturbance within suitable habitat until a WGS survey has been completed in the following year and the boundaries of Category 1 habitat have been determined and approved based on that survey.
- b. Category 1 WGS habitat includes the area within the perimeter of multiple active WGS burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. If the multiple-burrow area was active in a prior survey year, and active burrows are still present, then Category 1 habitat includes the largest extent of the active burrow area ever recorded (in the current or any prior-year survey), plus a 785-foot buffer. If no active burrows are still present, then it is no longer Category 1 habitat for WGS.

- c. Category 1 WGS habitat includes the area containing single active burrow detections plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. Category 1 habitat does not include single-burrow areas that were found active in a prior survey year but that are not active in the current survey year.

[Final Order IV.I.2.1]

- 10.15. The certificate holder shall impose and enforce a construction and operation speed limit of 20 miles per hour throughout the facility site and, during the active squirrel season (February 1 to June 30), a speed limit of 10 miles per hour from one hour before sunset to one hour after sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate holder shall ensure that all construction and operations personnel are instructed to watch out for and avoid WGS and other wildlife while driving through the facility site.

[Final Order IV.I.2.2]

- 10.16. The certificate holder shall use perch-preventing structures on Carty Generating Station components in areas identified as Category 1 habitat for Washington ground squirrels.

[Final Order IV.I.2.3]

- 10.17. The certificate holder shall provide environmental awareness training for all project personnel and construction contractors before such contractors or personnel enter the site to perform construction-related activities. The training program shall discuss Washington ground squirrel issues as well as other environmental issues related to the project, and include handouts with identification information and reporting procedures. Additional training sessions shall be conducted as needed for personnel that start after the beginning of construction.

[Final Order IV.I.2.4]

- 10.18. The certificate holder shall disc or till a minimum of an 800-ft. buffer within the perimeter of the site boundary in closest proximity to squirrel activity areas. Areas to be tilled shall be reviewed by ODFW and USFWS and shall be informed by the most recent Washington ground squirrel survey data. Tilled areas shall be tilled annually to maintain a soil disturbance regime that is unsuitable for use by Washington ground squirrels.

[Final Order IV.I.2.5]

- 10.19. The certificate holder shall plant dryland wheat or another cover crop in tilled areas within the site boundary. Crops to be planted shall be selected by the certificate holder in coordination with ODFW and USFWS.

[Final Order IV.I.2.6]

10.20. Should new Washington ground squirrel burrows become established within 785 feet of the site boundary, the certificate holder shall immediately report to ODFW and USFWS. The certificate holder shall coordinate with ODFW and USFWS to establish additional mitigation measures or to obtain an Incidental Take Permit, as appropriate.

[Final Order IV.I.2.8]

10.21. The certificate holder shall conduct post-construction surveys on known Washington ground squirrel colonies in the Carty facility area, on land owned by the certificate holder, both within the HMA and in areas where known active burrows were recorded during preconstruction field surveys (2009-2012). The Washington ground squirrel surveys shall be conducted by qualified biologists in year one, year three, and year five after operations have begun, and then at least every five years after that for the life of the project. Surveyors shall record evidence of Washington ground squirrel activity, current land use, and evidence of conditions caused by the project that might increase erosion or result in a decline in vegetation quality and adversely affect a Washington ground squirrel colony.

[Final Order IV.I.2.9]

10.22. The certificate holder shall implement a waste management plan during operation that includes but is not limited to the following measures:

- a. Training employees to minimize and recycle solid waste.
- b. Recycling paper products, metals, glass and plastics.
- c. Recycling used oil and hydraulic fluid.
- d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.

[Final Order IV.N.2.2]

10.23. During construction and operation of the Carty Generating Station, the certificate holder shall obtain potable water from the existing well located approximately 750 feet northwest of the Boardman Plant. Water for construction and process water shall be obtained from Carty Reservoir. The certificate holder may use other sources of water for on-site uses subject to prior approval by the Department.

[Final Order V.C.2.1]

- 10.24. During operation, the certificate holder shall discharge sanitary wastewater generated at the facility to the Boardman Plant sanitary waste facility in compliance with DEQ permit requirements.
[Final Order IV.N.2.4]
- 10.25. Before beginning construction, the certificate holder shall receive approval of the wetlands delineation report by the Department of State Lands and provide an approval letter to the Department.
[Final Order V.B.2.1]
- 10.26. The certificate holder shall avoid impacts to waters of the state in the following manner:
- (a) The certificate holder shall avoid any disturbance to delineated wetlands.
 - (b) The certificate holder shall construct stream crossings for transmission lines substantially as described in the *Final Order on the Application*. In particular, the certificate holder shall not remove material from waters of the State or add new fill material to waters of the State such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole.
 - (c) The certificate holder shall construct support structures for aboveground lines outside of delineated stream channels and shall avoid in-channel impacts.
[Final Order V.B.2.2]
- 10.27. Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility and the areas that would be disturbed during construction and showing the wetlands and stream channels previously surveyed by Ecology and Environment, Inc. as described in the *Final Order on the Application*. For areas to be disturbed during construction that lie outside of the previously-surveyed areas, the certificate holder shall hire qualified personnel to conduct a pre-construction investigation to determine whether any jurisdictional waters of the State exist in those locations. The certificate holder shall provide a written report on the pre-construction investigation to the Department and the Department of State Lands for approval before beginning construction. The certificate holder shall ensure that construction and operation of the facility will not impact any jurisdictional water identified in the pre-construction investigation in a manner that would require a Removal-Fill Permit.
[Final Order V.B.2.3]

- 10.28. Before beginning operation of the facility, the certificate holder shall demonstrate that the Oregon Department of Environmental Quality has issued to the certificate holder a Water Pollution Control Facilities Permit substantially in the form of Exhibit 4 of the *Final Order on the Application*, allowing for wastewater discharge from the Carty Generating Station.
[Final Order V.E.2.1]
- 10.29. The certificate holder shall comply with state laws and rules applicable to Water Pollution Control Facilities Permits that are adopted in the future to the extent that such compliance is required under the respective statutes and rules.
[Final Order V.E.2.2]
- 10.30. The certificate holder may not dispose of wastewater into the Boardman settling ponds, vehicle wash water pond or coal yard ponds unless the site certificate and the WPCF are amended to permit such use.
[Final Order V.E.2.3]
- 10.31. The site certificate holder must meet the compliance dates set out in the WPCF unless alternative compliance dates have been approved in advance in writing by DEQ. Either prior to or not later than 14 calendar days following any lapsed compliance date, the site certificate holder must submit a notice of noncompliance with the established schedule to the Department of Energy and DEQ. Any report of noncompliance must include the cause of noncompliance.
[Final Order V.E.2.4]
- 10.32. Prior to constructing or modifying wastewater management treatment and disposal facilities, detailed plans must be submitted to and approved by the Department of Environmental Quality
[Final Order V.E.2.5]
- 10.33. Prior to discharge of wastewater treatment system wastewater to lined evaporation ponds for the Carty Generating Station, the certificate holder shall submit a wastewater characterization to the Department of Environmental Quality for review and approval.
[Final Order V.E.2.6]

10.34. Unless otherwise approved in writing by the Department of Environmental Quality, the site certificate holder is permitted to manage and dispose only of the following wastes from operation of the Carty Generating Station in lined ponds construction in accordance with the plans that are approved by the Department of Environmental Quality:

- a. Water treatment wastewater
- b. Facility sumps and drains wastewater
- c. Laboratory and sampling wastewater
- d. Evaporative cooling wastewater
- e. Equipment cleaning wastewater
- f. Storm water

[Final Order V.E.2.7]

10.35. Prior to discharge of Carty Generating Station sewage to the lagoons, the certificate holder must:

- a. Submit a work plan to remove vegetation from the Clay-lined cells and either leak test the cells or recondition them; and
- b. Submit a long-term plan to ensure the integrity of the clay lined cells. The plan may include evaluating system capacity requirements and modifying system capacity accordingly prior to discharge of Carty Generating Station sewage to lagoons.

[Final Order V.E.2.8]

10.36. The certificate holder must prepare and implement a Hazardous Materials Management and Monitoring plan approved by the Department. The plan must address the handling of potentially hazardous substances (as defined by ORS 465.200) during construction and operation of the facility, measures to prevent on- and off-site contamination and documentation of plan implementation. The certificate holder must use hazardous materials in a manner that protects public health, safety and the environment and must comply with all applicable local, state and federal environmental laws and regulations.

The Hazardous Materials Management and Monitoring Plan shall contain the same information required for a Spill Prevention, Control and Countermeasure Plan (40 CFR 112). Whereas the SPCC Plan addresses spill prevention for oil products, the

materials management and monitoring plan shall address hazardous substances. The Plan shall include operating procedures to prevent hazardous substances releases, control measures to contain hazardous substance releases, countermeasures to contain, cleanup, and mitigate hazardous substance releases, and procedures for required inspections and testing. This Plan must be submitted to the Department for review and approval prior to commencement of construction of the Carty Generating Facility.

[Final Order IV.G.2.2]

- 10.37. If any inspection performed in accordance with the Hazardous Materials Management and Monitoring Plan identifies improper handling or storage of hazardous substances (as defined by ORS 465.200) or improper record keeping procedures, the certificate holder must correct such deficiencies promptly and must report the corrective actions to the Department. If the certificate holder has not corrected such deficiencies within six months after the date of the inspection report, the certificate holder shall submit to the Council an independently prepared estimate of cost of correction. Upon approval of the estimate by the Council, the certificate holder shall increase the amount of the bond or letter of credit required under Condition IV.G.2.9 by the approved amount of the estimate. In no event, however, shall the certificate holder be relieved of its obligation to exercise all due diligence in correcting deficiencies identified in the course of a site inspection.

[Final Order IV.G.2.3]

- 10.38. The certificate holder shall report any release (as defined by ORS 465.200) of hazardous substances to the Department within 72 hours after the discovery of such release, in addition to any other reporting requirements under applicable law. If the certificate holder has not remedied a release consistent with applicable Oregon Department of Environmental Quality standards within six months after the date of the release, the certificate holder shall submit to the Council an independently prepared estimate of the cost to complete necessary remediation. Upon approval of the estimate by the Council, the certificate holder shall increase the amount of its bond or letter of credit by the approved amount of the estimate. In no event, however, shall the certificate holder be relieved of its obligation to exercise all due diligence in remedying a release of hazardous substances.

[Final Order IV.G.2.4]

11.0 PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES

- 11.1. Before beginning construction, the certificate holder shall label Oregon State Historic Preservation Office (SHPO) archaeological resource site 35MW19 and a 100-foot buffer around site 35MW19 on construction maps and drawings as a "no entry" area. Site 35MW19 and its 100-foot buffer shall be marked with temporary fencing or stakes with rope and/or flagging to prevent inadvertent entry.
[Final Order IV.K.2.1]
- 11.2. Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that would be temporarily disturbed during construction, the areas that were surveyed in 2009 as described in the Draft Proposed Order, and the location of archaeological resource site 35MW19 and its 100-foot buffer.
[Final Order IV.K.2.2]
- 11.3. The certificate holder shall use qualified personnel to conduct field investigation of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigation to the Department and to the Oregon State Historic Preservation Office (SHPO). If any potentially significant historic, cultural, or archaeological resource sites are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 11.5.
[Final Order IV.K.2.3]
- 11.4. The certificate holder shall ensure that a qualified archaeologist, as defined in OAR 736-051-0070, instructs construction personnel in the identification of cultural materials and avoidance of accidental damage to identified resource sites. Records of such training shall be maintained at the administration/control building and made available to authorized representatives of the Department upon request.
[Final Order IV.K.2.4]
- 11.5. The certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archaeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the Department and the SHPO of the find. If the SHPO determines that the resource is significant, the certificate holder shall make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery, in consultation with the Department, SHPO, interested tribes and other appropriate parties. The certificate holder shall not restart work in the affected area until the certificate holder has

demonstrated to the Department and the SHPO that it has complied with archaeological resource protection regulations.

[Final Order IV.K.2.5]

- 11.6. The certificate holder shall prepare and implement an Archaeological Monitoring Plan for construction activities to address and mitigate impacts from exposure of unanticipated or previously unidentified cultural resources that may be exposed during construction of the facility. A current copy of the plan must be maintained at the administration/control building and made available to authorized representatives of the Department upon request. The Archaeological Monitoring Plan, as proposed by the certificate holder, shall include the following requirements:
- a. The certificate holder will be responsible for providing a qualified archaeological monitor for any ground-disturbing project construction activity that occurs within the area between the shovel tests excavated in 2009 and the delineated 100-foot buffer around 35MW19. No ground-disturbance is permitting within the site boundaries or the 100-foot buffer around the archaeological site.
 - b. A qualified archaeological monitor is a person who meets the "qualified archaeologist" standards defined by ORS 390.235(6)(b) or who is supervised by a "qualified archaeologist." If the latter applies, the supervising qualified archaeologist must vouch for the work of the archaeological monitor and author or co-author the archaeological monitoring report provided at the end of construction monitoring.
 - c. The archaeological monitor will keep a daily log of construction and monitoring activities. If intact archaeological materials are encountered during the monitoring, the archaeological monitor will initiate procedures for inadvertent discovery of archaeological resources, as specified in ORS 358.920.
 - d. Artifacts will be examined and documented in the field and will not be collected unless authorized under the provisions of a SHPO permit, if one is obtained in the inadvertent discovery of archaeological resources process.
 - e. If human remains are identified during the course of construction monitoring, the monitor will initiate the procedures for Inadvertent Discovery of Human Remains, as specified in ORS 97.740-97.760.
 - f. The certificate holder is responsible for providing an archaeological monitoring report to the Department and SHPO after construction work is completed. The report must detail the activities of the archaeological monitor and any inadvertent discoveries encountered, along with actions taken to address them.

[Final Order IV.K.2.6]

12.0 CARBON DIOXIDE EMISSIONS

- 12.1. The net carbon dioxide emissions rate for the base load gas plant must not exceed 0.675 pounds of carbon dioxide per kilowatt-hour of net electric power output, with carbon dioxide emissions and net electric power output measured on a new and clean basis, as defined in OAR 345-001-0010.
[Final Order IV.P.2.1]
- 12.2. The net carbon dioxide emissions rate for incremental emissions for the facility operating with power augmentation must not exceed 0.675 pounds of carbon dioxide per kilowatt-hour of net electric power output, with carbon dioxide emissions and net electric power output measured on a new and clean basis at the site during the times of year when the facility is intended to operate with power augmentation, subject to modification under Condition 12.12.
[Final Order IV.P.2.2]
- 12.3. For the purposes of the site certificate, "monetary path payment requirement" means the amount of offset funds determined pursuant to OAR 345-024-0550, -0560, -0590 and -0600 and the amount of the selection and contracting funds that the certificate holder must disperse to The Climate Trust, as the qualified organization, pursuant to OAR 345-024-0710 and the site certificate. The certificate holder shall calculate the monetary path payment requirement using an offset fund rate of \$1.27 per ton of carbon dioxide in 2011 dollars.
- a. The certificate holder shall calculate 2011 dollars using the Index described in Condition 15.1.b.
 - b. The certificate holder shall increase the amount of the letter of credit described in Condition 12.9 by the percentage increase in the Index. The certificate holder shall index the funds from the date of the Council's approval of the site certificate to the date of disbursement of funds to The Climate Trust.
[Final Order IV.P.2.3]
- 12.4. Before beginning construction of the facility, the certificate holder shall submit to the Department information identifying its final selection of a gas turbine vendor and heat recovery steam generator vendor along with the following information, as appropriate:
- a. For the base load gas plant, the certificate holder shall submit written design information, based on its contracts with vendors, sufficient to verify the plant's designed new and clean heat rate (higher heating value) and its net power output at the average annual site condition. The certificate holder shall submit an affidavit certifying the heat rate and capacity.

- b. For the base load gas plant designed with power augmentation, the certificate holder shall submit written design information, based on its contracts with vendors, sufficient to verify the facility's designed new and clean heat rate (higher heating value) and its net power output at the site during the times of year when is facility is intended to operate with power augmentation. The certificate holder shall submit an affidavit certifying the heat rate and capacity.

[Final Order IV.P.2.4]

- 12.5. Before beginning construction of the facility, the certificate holder shall specify to the Department the annual average hours and the times that it expects to operate with power augmentation.

[Final Order IV.P.2.5]

- 12.6. To calculate the initial monetary path payment requirement, the certificate holder shall use the contracted design parameters for capacities and heat rates submitted under Condition 12.4 and the annual average hours and times of operation with power augmentation specified under Condition 12.5.

[Final Order IV.P.2.6]

- 12.7. Before beginning construction of the facility, the certificate holder shall enter into a Memorandum of Understanding (MOU) with The Climate Trust that establishes the disbursement mechanism to transfer selection and contracting funds and offset funds to The Climate Trust.

- a. The MOU must be substantially in the form of Exhibit 3 to the *Final Order on the Application*. At the request of the certificate holder, the Council may approve a different form of a letter of credit and concurrent MOU without an amendment of the site certificate.
- b. Either the certificate holder or The Climate Trust may submit to the Council for the Council's resolution any dispute between the certificate holder and The Climate Trust concerning the terms of the letter of credit, the MOU or any other issues related to the monetary path payment requirement. The Council's decision shall be binding on all parties.

[Final Order IV.P.2.7]

- 12.8. The certificate holder shall submit all monetary path payment requirement calculations to the Department for verification in a timely manner before submitting a letter of credit for Council approval, before entering into the MOU with The Climate Trust as required by Condition 12.7, and before making disbursements to The Climate Trust.

[Final Order IV.P.2.8]

- 12.9. Before beginning construction of the facility, the certificate holder shall submit to The Climate Trust a letter of credit in the amount of the offset funds of the monetary path payment requirement as determined under Condition 12.3.
- a. The certificate holder shall use a form of letter of credit that is substantially in the form of Appendix B to the MOU described in Condition 12.7. At the request of the certificate holder, the Council may approve a different form of a letter of credit without an amendment of the site certificate.
 - b. The certificate holder shall use an issuer of the letter of credit approved by the Council.
 - c. The certificate holder shall maintain the letter of credit in effect until the certificate holder has disbursed the full amount of the offset funds to The Climate Trust. The certificate holder may reduce the amount of the letter of credit commensurate with payments it makes to The Climate Trust. The letter of credit must not be subject to revocation before disbursement of the full amount of the offset funds.

[Final Order IV.P.2.9]

- 12.10. For any transfer of the site certificate approved under OAR 345-027-0100:
- a. If The Climate Trust has not yet fully withdrawn the amount of the letter of credit of the current certificate holder at the time of the transfer, the new certificate holder shall submit to The Climate Trust a pro-rated letter of credit, subject to the requirements of Condition 12.9. The new certificate holder shall submit to Council for the Council's approval the identity of the issuer of the letter of credit. The Council may approve a new letter of credit without a site certificate amendment.
 - b. The new certificate holder shall enter into an MOU with The Climate Trust as described in Condition 12.7 unless the new certificate holder demonstrates to the satisfaction of the Department that there has been a valid assignment of the current certificate holder's MOU to the new certificate holder. The Council may approve a new MOU without a site certificate amendment.
 - c. For resolution of any dispute between the new certificate holder and The Climate Trust concerning the disbursement mechanism for monetary path payments or any other issues related to the monetary path payment requirement, either party may submit the dispute to the Council as provided in Condition 12.7.b.

[Final Order IV.P.2.10]

- 12.11. The certificate holder shall disburse to The Climate Trust offset funds and selection and contracting funds when requested by The Climate Trust in accordance with Conditions 12.13 and 12.14 and the following requirements:
- a. The certificate holder shall disburse selection and contracting funds to The Climate Trust before beginning construction and as appropriate when additional offset funds are required under Conditions 12.13 and 12.14.
 - b. Upon notice pursuant to subsection (c), The Climate Trust may request from the issuer of the letter of credit the full amount of all offset funds available or it may request partial payment of offset funds at its sole discretion. Notwithstanding the specific amount of any contract to implement an offset project, The Climate Trust may request up to the full amount of offset funds the certificate holder is required to provide to meet the monetary path payment requirement.
 - c. The Climate Trust may request disbursement of offset funds pursuant to paragraph (b) by providing notice to the issuer of the letter of credit that The Climate Trust has executed a letter of intent to acquire an offset project. The certificate holder shall require that the issuer of the letter of credit disburse offset funds to The Climate Trust within three business days of a request by The Climate Trust for the offset funds in accordance with the terms of the letter of credit.

[Final Order IV.P.2.11]

- 12.12. Within the first 12 months of commercial operation of the facility, the certificate holder shall conduct a 100-hour test at full power without power augmentation (Year One Test-1) and a test at full power with power augmentation (Year One Test-2). Tests performed for purposes of the certificate holder's commercial acceptance of the facility may suffice to satisfy this condition in lieu of testing after beginning commercial operation.
- a. The certificate holder shall conduct the Year One Test-1 to determine the actual heat rate (Year One Heat Rate-1) and the net electric power output (Year One Capacity-1) on a new and clean basis, without degradation, with the results adjusted for the average annual site condition for temperature, barometric pressure and relative humidity. The certificate holder shall calculate carbon dioxide emissions using a rate of 117 pounds of carbon dioxide per million Btu of natural gas fuel.
 - b. The certificate holder shall conduct the Year One Test-2 to determine the actual heat rate (Year One Heat Rate-2) and net electric power output (Year One Capacity-2) for the facility operating with power augmentation, without

degradation, with the results adjusted for the site condition for temperature, barometric pressure and relative humidity at the site during the times of year when the power augmentation is intended to operate. The certificate holder shall calculate carbon dioxide emissions using a rate of 117 pounds of carbon dioxide per million Btu of natural gas fuel.

- c. The certificate holder shall notify the Department at least 60 days before conducting the tests required in subsections (a) and (b) unless the certificate holder and the Department have mutually agreed that less notice will suffice.
- d. Before conducting the tests required in subsections (a) and (b), the certificate holder shall, in a timely manner, provide to the Department for its approval a copy of the protocol for conducting the tests. The Department may approve modified parameters for testing power augmentation on a new and clean basis and pursuant to OAR 345-024-0590(1) without a site certificate amendment. The certificate holder shall not conduct the tests until the Department has approved the testing protocols.
- e. Within two months after completing the Year One Tests, the certificate holder shall provide to the Council reports of the results of the Year One Tests.

[Final Order IV.P.2.12]

- 12.13. Based on the data from the Year One Tests described in Condition 12.12, the certificate holder shall calculate an adjusted monetary path payment. The certificate holder shall submit its calculations to the Department for verification. If the adjusted amount exceeds the amount of the letter of credit provided according to Condition 12.9 before beginning construction, the certificate holder shall fully disburse the excess amount directly to The Climate Trust within 30 days of the Department's verification of the calculations.
- a. The certificate holder shall include the appropriate calculations of the adjusted monetary path payment with its reports of the results of the Year One Tests required under Condition 12.12.
 - b. For calculating the adjusted monetary path payment, the certificate holder shall use an offset fund rate of \$1.27 per ton of carbon dioxide (in 2011 dollars) and shall calculate contracting and selecting funds based on 10 percent of the first \$500,000 in offset funds and 4.286 percent of any offset funds in excess of \$500,000 (in 2011 dollars).
 - c. In no case shall the certificate holder diminish the value of the letter of credit it provided before beginning construction or receive a refund from The Climate

Trust based on the calculations made using the Year One Capacities and the Year One Heat Rates.

[Final Order IV.P.2.13]

- 12.14. The certificate holder shall use the Year One Capacity-2 and Year One Heat Rate-2 that it reports for the facility, as described in Condition 12.12.b, to calculate whether it owes supplemental monetary path payments due to increased hours that it uses power augmentation.
- a. Each five years after beginning commercial operation of the facility (five-year reporting period), the certificate holder shall report to the Department the annual average hours the facility operated with power augmentation during that five-year reporting period, as required under OAR 345-024-0590(6). The certificate holder shall submit five-year reports to the Department within 30 days after the anniversary date of beginning commercial operation of the facility.
 - b. If the Department determines that the facility exceeded the projected net total carbon dioxide emissions calculated under Conditions 12.4, 12.5 and 12.12, prorated for five years, during any five-year reporting period described in subsection (a), the certificate holder shall offset excess emissions for the specific reporting period according to paragraph (i) and shall offset the estimated future excess emissions according to paragraph (ii), as follows:
 - i. In determining whether there have been excess carbon dioxide emissions that the certificate holder must offset for a five-year reporting period, the Department shall apply OAR 345-024-0600(4)(a). The certificate holder shall pay for the excess emissions at \$1.27 per ton of carbon dioxide emissions (in 2011 dollars). The Department shall notify the certificate holder and The Climate Trust of the amount of supplemental payment required to offset excess emissions.
 - ii. The Department shall calculate estimated future excess emissions for the remaining period of the deemed 30-year life of the facility using the parameters specified in OAR 345-024-0600(4)(b). The certificate holder shall pay for the estimated excess emissions at \$1.27 per ton of carbon dioxide (in 2011 dollars). The Department shall notify the certificate holder of the amount of supplemental payment required to offset future excess emissions.
 - iii. The certificate holder shall offset excess emissions identified in paragraphs (i) and (ii) using the monetary path as described in OAR 345-024-0710. The certificate holder shall pay selection and contracting funds

of 10 percent of the first \$500,000 in offset funds and 4.286 percent of any offset funds in excess of \$500,000 (in 2010 dollars).

- c. The certificate holder shall disburse the supplemental selection and contracting funds and supplemental offset funds to The Climate Trust within 30 days after notification by the Department of the amount that the certificate holder owes.

[Final Order IV.P.2.14]

- 12.15. The certificate holder shall use only pipeline quality natural gas or shall use synthetic gas with a carbon content per million Btu no greater than pipeline-quality natural gas to fuel the combustion turbines for the base-load gas plant and the power augmentation.

[Final Order IV.P.2.15]

- 12.16. After the certificate holder has complied with the conditions relating to the carbon dioxide standard before beginning construction, incremental increases in capacity and heat rate that otherwise fall within the limits specified in OAR 345-027-0050(2) do not require an amendment of the site certificate if the certificate holder complies substantially with Conditions 12.1 through 12.15, except as modified below, and if:

- a. The Department or the Council determines, as described in OAR 345-027-0050(5), that the proposed change in the facility does not otherwise require an amendment; and
- b. The certificate holder complies with the appropriate carbon dioxide emissions standard and monetary offset rate in effect at the time the Department or the Council makes its determination under this condition.

[Final Order IV.P.2.16]

- 12.17. If the certificate holder begins construction of the first generator block but not the second block, the certificate holder shall comply with Conditions 12.1 through 12.15 for the first block. If the certificate holder later begins construction of the second generator block, the certificate holder shall comply with Conditions 12.1 through 12.15 for the second block.

[Final Order IV.P.2.17]

13.0 NOISE CONTROL AND NOISE COMPLAINT RESPONSE

- 13.1. To reduce construction noise impacts at nearby residences, the certificate holder shall:
- a. Confine the noisiest operation of heavy construction equipment to the daylight hours.
 - b. Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and
 - c. Establish a complaint response system at the construction manager's office to address noise complaints. Records of noise complaints during construction must be made available to authorized representatives of the Department of Energy upon request.

[Final Order V.A.2.1]

- 13.2. During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the Department within 15 days of receiving a complaint about noise from the facility. The notification should include the date the complaint was received, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.

[Final Order V.A.2.2]

- 13.3. Upon written notification from the Department, the certificate holder will monitor and record the actual statistical noise levels during operations to verify that the certificate holder is operating the facility in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the Department prior to implementation. The cost of such monitoring, if required, will be borne by the certificate holder.

[Final Order V.A.2.3]

14.0 MONITORING AND REPORTING REQUIREMENTS - GENERAL

- 14.1. The following general monitoring conditions apply:
- a. The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Department of Energy and receive Department approval before beginning construction or, as appropriate, operation of the facility.

- b. The certificate holder shall implement the approved monitoring programs described in OAR 345-027-0028(1) and monitoring programs required by permitting agencies and local governments.
- c. For each monitoring program described in OAR 345-027-0028(1) and (2), the certificate holder shall have quality assurance measures approved by the Department before beginning construction or, as appropriate, before beginning commercial operation.
- d. If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.

[Final Order VI.2] [Mandatory Condition OAR 345-027-0028]

- 14.2. The certificate holder shall report according to the following requirements:
- a. General reporting obligation for energy facilities under construction or operating:
 - i. Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department of Energy. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall include such information related to construction as specified in the site certificate. When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in OAR 345-026-0080.
 - ii. By April 30 of each year after beginning construction, the certificate holder shall submit an annual report to the Department addressing the subjects listed in OAR 345-026-0080. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.
 - iii. To the extent that information required by OAR 345-026-0080 is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule. The Council reserves the right to request full copies of such excerpted reports.
 - b. In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:
 - i. Facility Status: An overview of site conditions, the status of facilities under construction, and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall

describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.

- ii. Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.
- iii. Fuel Use: For thermal power plants:
 1. The efficiency with which the power plant converts fuel into electric energy. If the fuel chargeable to power heat rate was evaluated when the facility was sited, the certificate holder shall calculate efficiency using the same formula and assumptions, but using actual data; and
 2. The facility's annual hours of operation by fuel type and, every five years after beginning operation, a summary of the annual hours of operation by fuel type as described in OAR 345-024-0590(5).
- iv. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period.
- v. Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those activities and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes.
- vi. Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.
- vii. Facility Modification Report: A summary of changes to the facility that the certificate holder has determined do not require a site certificate amendment in accordance with OAR 345-027-0050.
- viii. Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).

[Final Order VI.4] [Mandatory Condition OAR 345-026-0080]

- 14.3. The certificate holder and the Department of Energy shall exchange copies of all correspondence or summaries of correspondence related to compliance with statutes, rules and local ordinances on which the Council determined compliance, except for material withheld from public disclosure under state or federal law or under Council rules. The certificate holder may submit abstracts of reports in place of full reports; however, the certificate holder shall provide full copies of abstracted reports and any summarized correspondence at the request of the Department.

[Final Order VI.5] [Mandatory Condition OAR 345-026-0105]

15.0 RETIREMENT AND FINANCIAL ASSURANCE

- 15.1. Before beginning construction of each generating block, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for Block 1 is \$7.884 million (in 3rd Quarter 2011 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (a) of this condition. The initial bond or letter of credit amount for Block 2 is \$6.670 million (in 3rd Quarter 2011 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (a) of this condition.
- a. The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility and turbine types selected. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b), and is subject to review and approval by the Department.
 - b. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department.
 - i. Adjust the amount of the bond or letter of credit amount (expressed in 3rd Quarter 2011 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the "Index") and using the 3rd Quarter 2011 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 3rd Quarter 2011 dollars to present value.
 - ii. Round the resulting total to the nearest \$1,000 to determine the financial assurance amount.

- c. The certificate holder shall use a form of bond or letter of credit approved by the Council.
- d. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.
- e. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition VI.4.
- f. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Final Order IV.G.2.9] [Mandatory Condition OAR 345-027-0020(8)]

- 15.2. If the certificate holder elects to use a bond to meet the requirements of Condition 15.1, the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the energy facility. The certificate holder shall also ensure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction, operate or retire the energy facility.

[Final Order IV.G.2.10]

- 15.3. The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

[Final Order IV.G.2.5] [Mandatory Condition OAR 345-027-0020(7)]

- 15.4. The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, non-hazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.

[Final Order IV.G.2.6] [Mandatory Condition OAR 345-027-0020(9)]

- 15.5. The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed final retirement plan for the Council's approval. [Final Order IV.G.2.7] [Mandatory Condition OAR 345-027-0020(16)]
- 15.6. Upon the Council's approval of a final retirement plan prepared per Condition 15.5, the Council may draw on the bond or letter of credit submitted per the requirements of Condition 15.1 to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Final Order IV.G.2.8] [Mandatory Condition OAR 345-027-0020(16)]
- 15.7. Following receipt of the site certificate or an amended site certificate, the certificate holder shall implement a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. As a part of the compliance plan, to verify compliance with the requirement to begin construction by the date specified in the site certificate, the certificate holder shall report promptly to the Department of Energy when construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of construction, the certificate holder shall describe all work on the site performed before beginning construction, including work performed before the Council issued the site certificate, and shall state the cost of that work. For the purpose of this exhibit, "work on the site" means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council. [Final Order VI.3] [Mandatory Condition OAR 345-026-0048]

16.0 SUCCESSORS AND ASSIGNS

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.

17.0 SEVERABILITY AND CONSTRUCTION

If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement and certificate did not contain the particular provision held to be invalid.

18.0 GOVERNING LAW AND FORUM

This site certificate shall be governed by the laws of the State of Oregon. Any litigation or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.

19.0 EXECUTION

This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Energy Facility Siting Council and the authorized representative of the certificate holder.

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Portland General Electric Company.

ENERGY FACILITY SITING COUNCIL

PORTLAND GENERAL ELECTRIC COMPANY

By: W. Bryan Wolfe

By: Stephen M. Quennoz (LM)

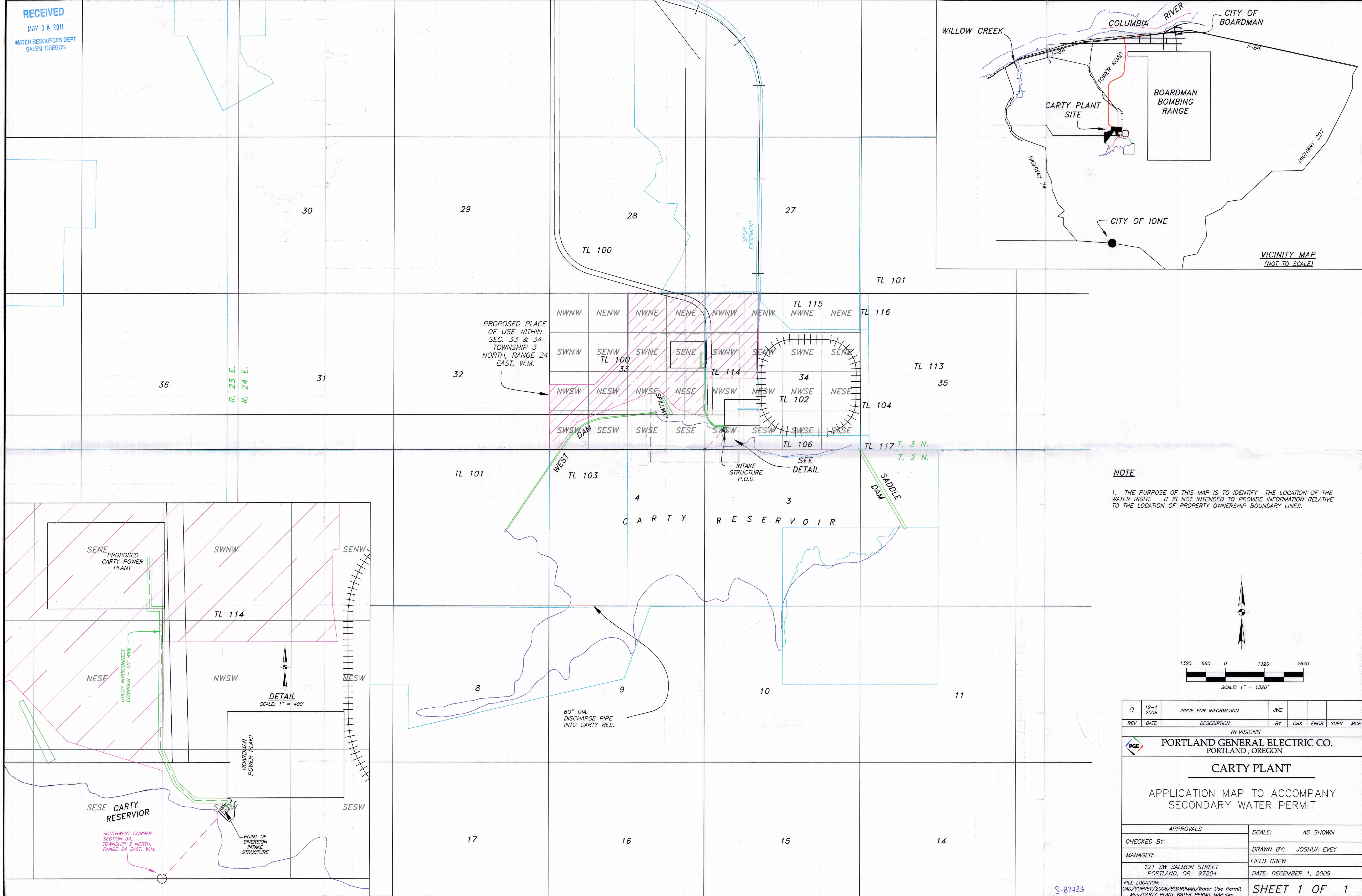
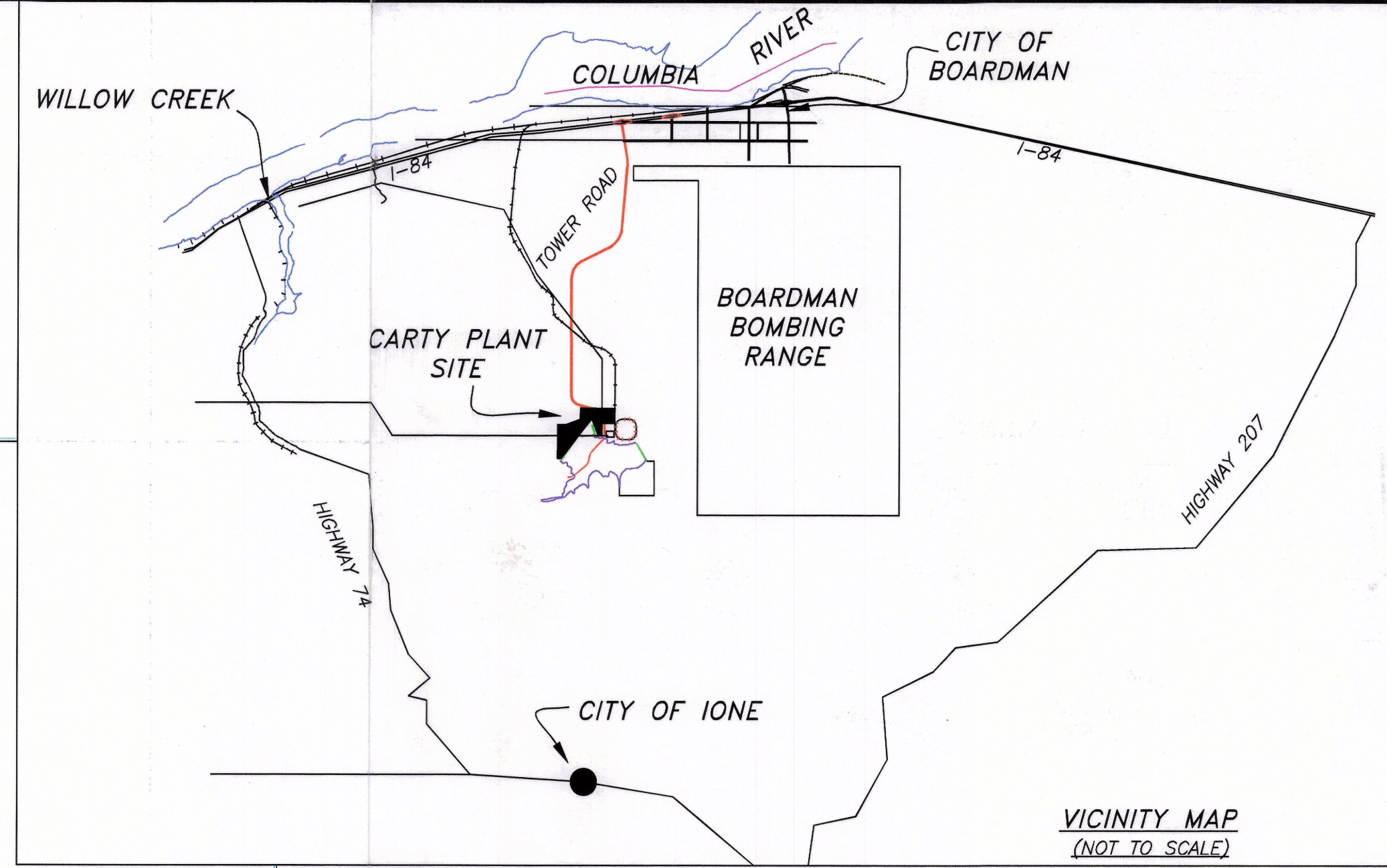
W. Bryan Wolfe, Chair
Oregon Energy Facility Siting Council

Print: STEPHEN M. QUENNOZ

Date: 6-29-12

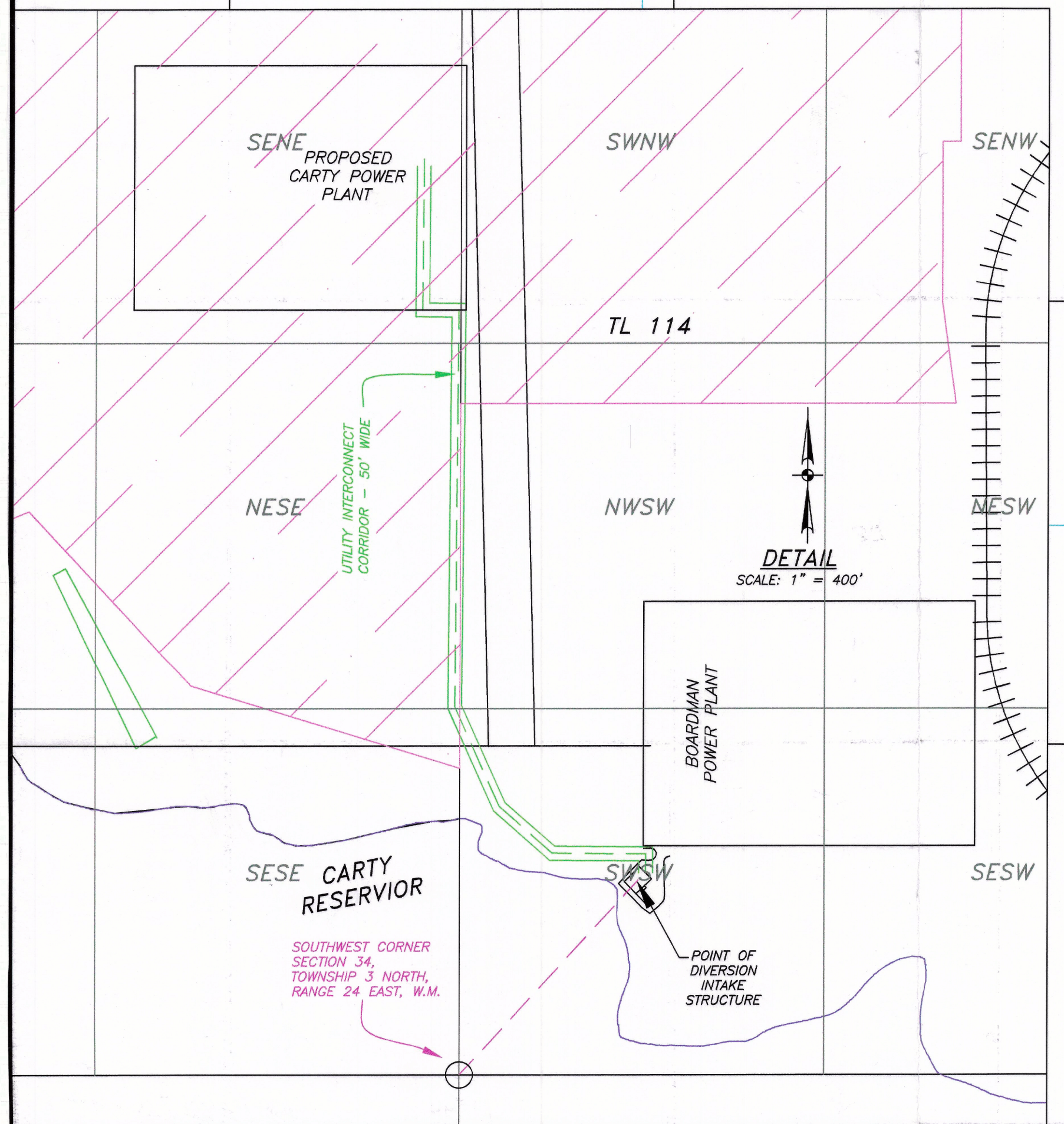
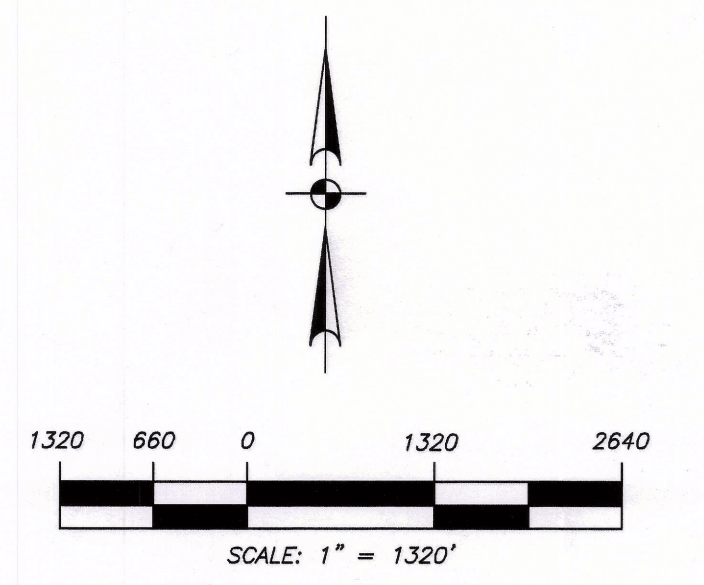
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MAY 18 2011
WATER RESOURCES DEPT
SALEM, OREGON



PROPOSED PLACE OF USE WITHIN SEC. 33 & 34 TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.

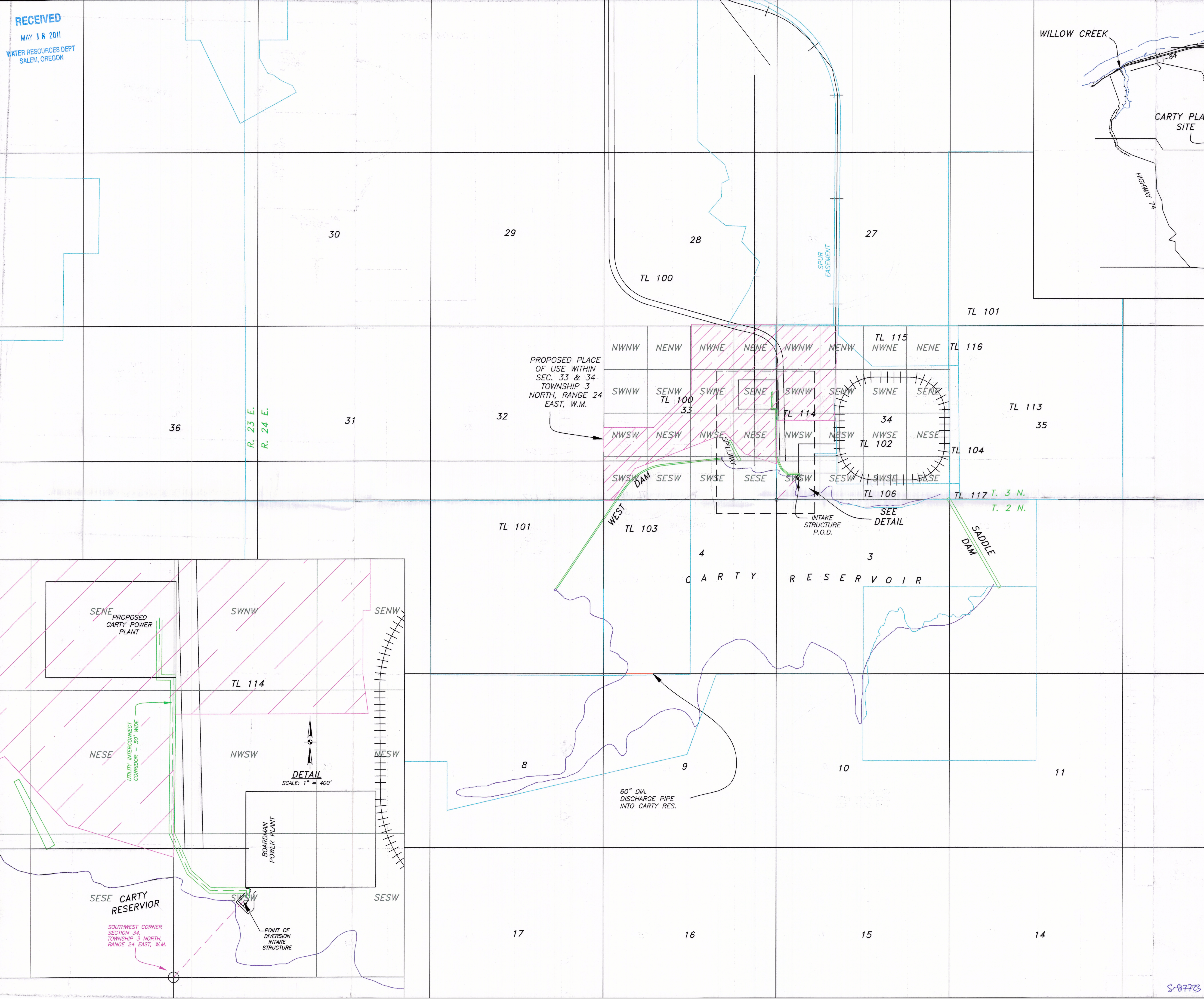
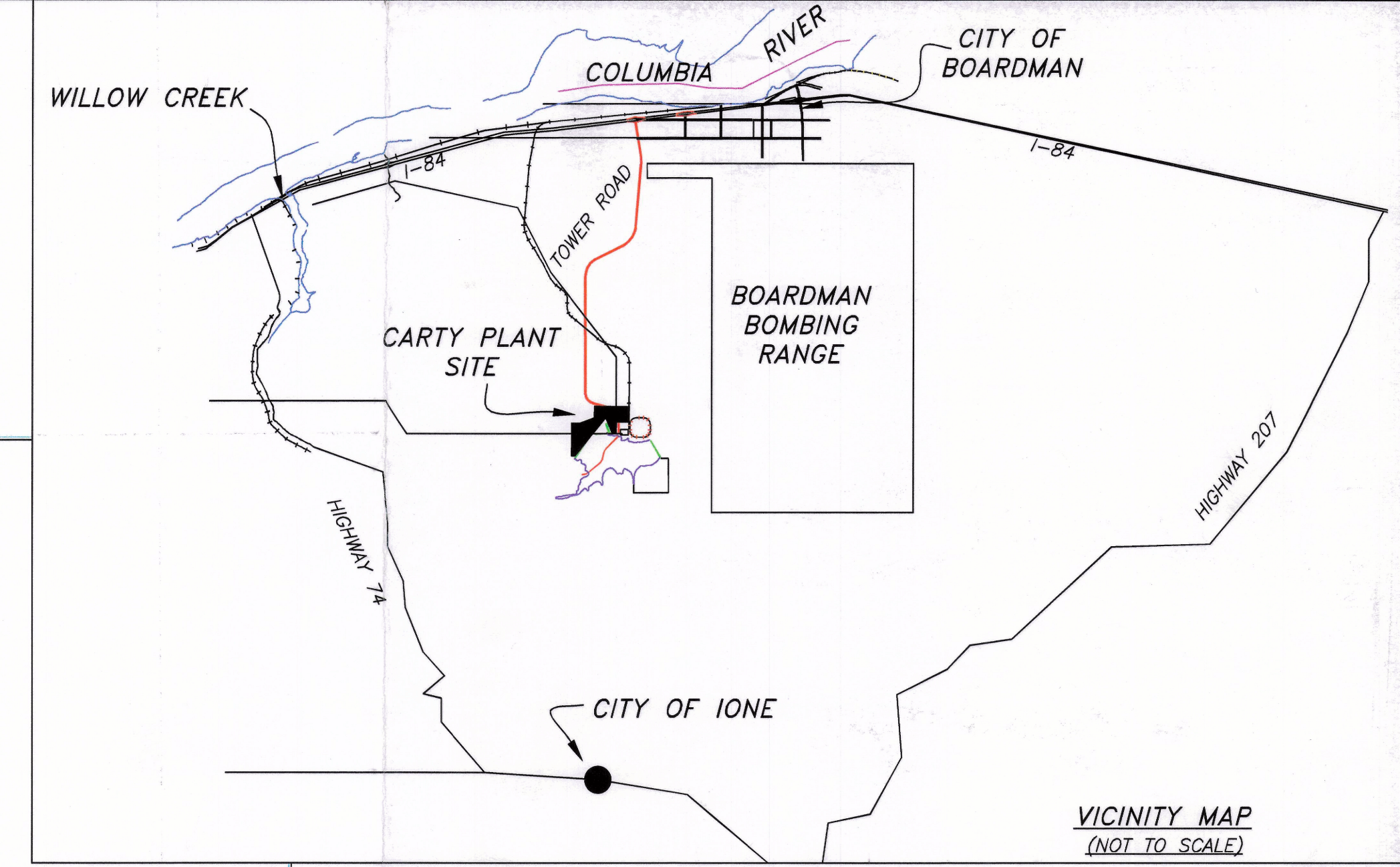
NOTE
1. THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



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REV	DATE	DESCRIPTION	BY	CHK	ENGR	SUPV	MGR
REVISIONS							
PORTLAND GENERAL ELECTRIC CO. PORTLAND, OREGON							
CARTY PLANT APPLICATION MAP TO ACCOMPANY SECONDARY WATER PERMIT							
APPROVALS				SCALE: AS SHOWN			
CHECKED BY:				DRAWN BY: JOSHUA EVEY			
MANAGER:				FIELD CREW			
121 SW SALMON STREET PORTLAND, OR 97204				DATE: DECEMBER 1, 2009			
FILE LOCATION: CAD/SURVEY/2008/BOARDMAN/Water Use Permit Map/CARTY PLANT WATER PERMIT MAP.dwg				SHEET 1 OF 1			

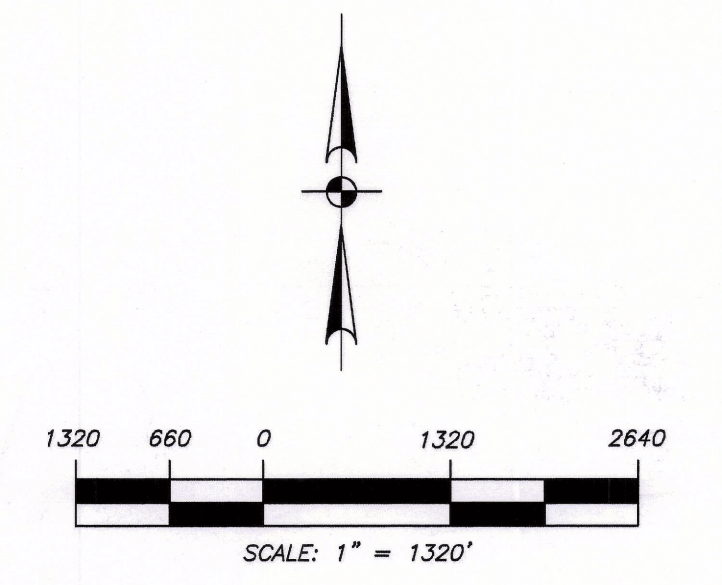
S-87723

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WATER RESOURCES DEPT
SALEM, OREGON

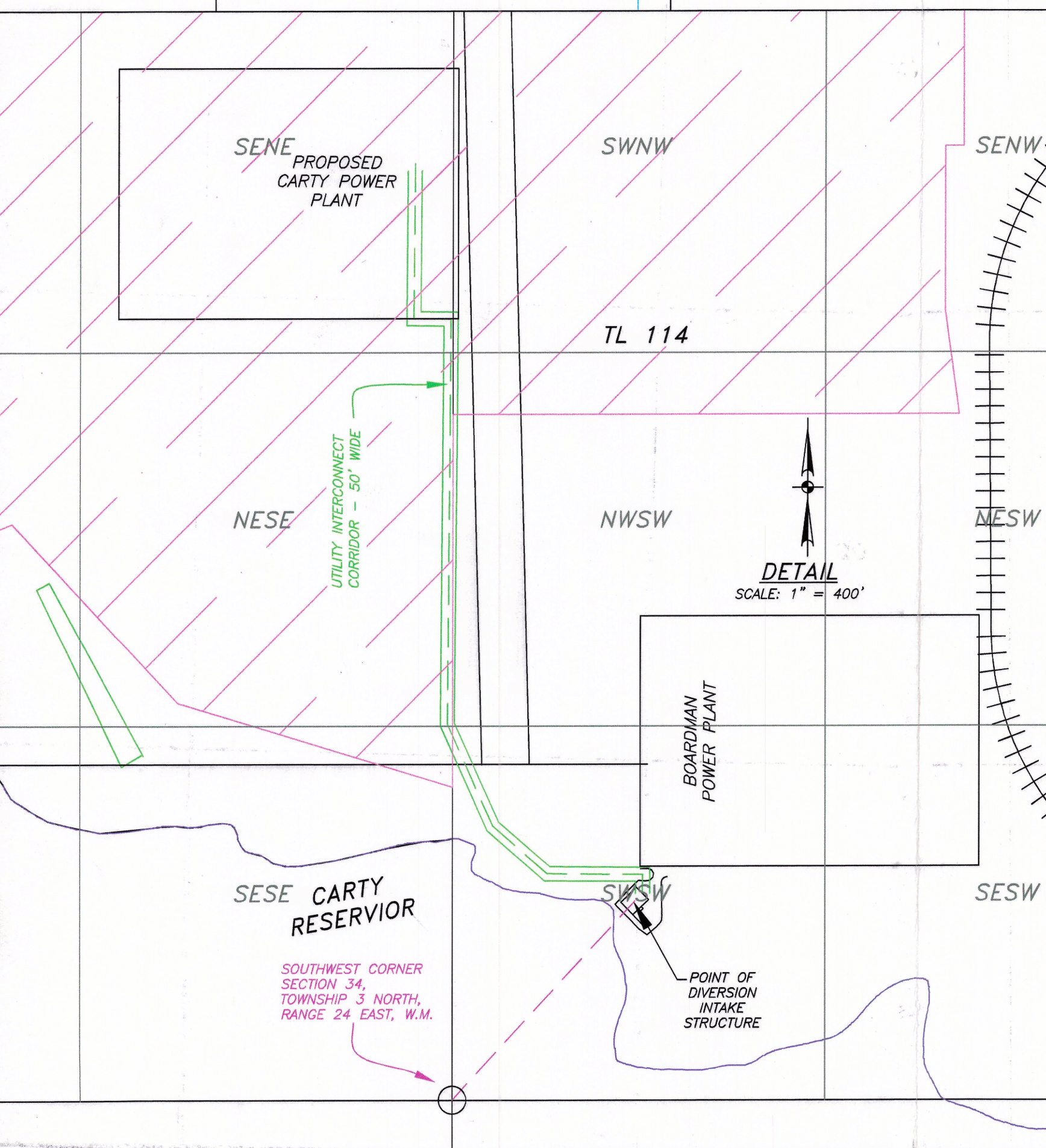


PROPOSED PLACE OF USE WITHIN SEC. 33 & 34 TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.

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SCALE: 1" = 400'

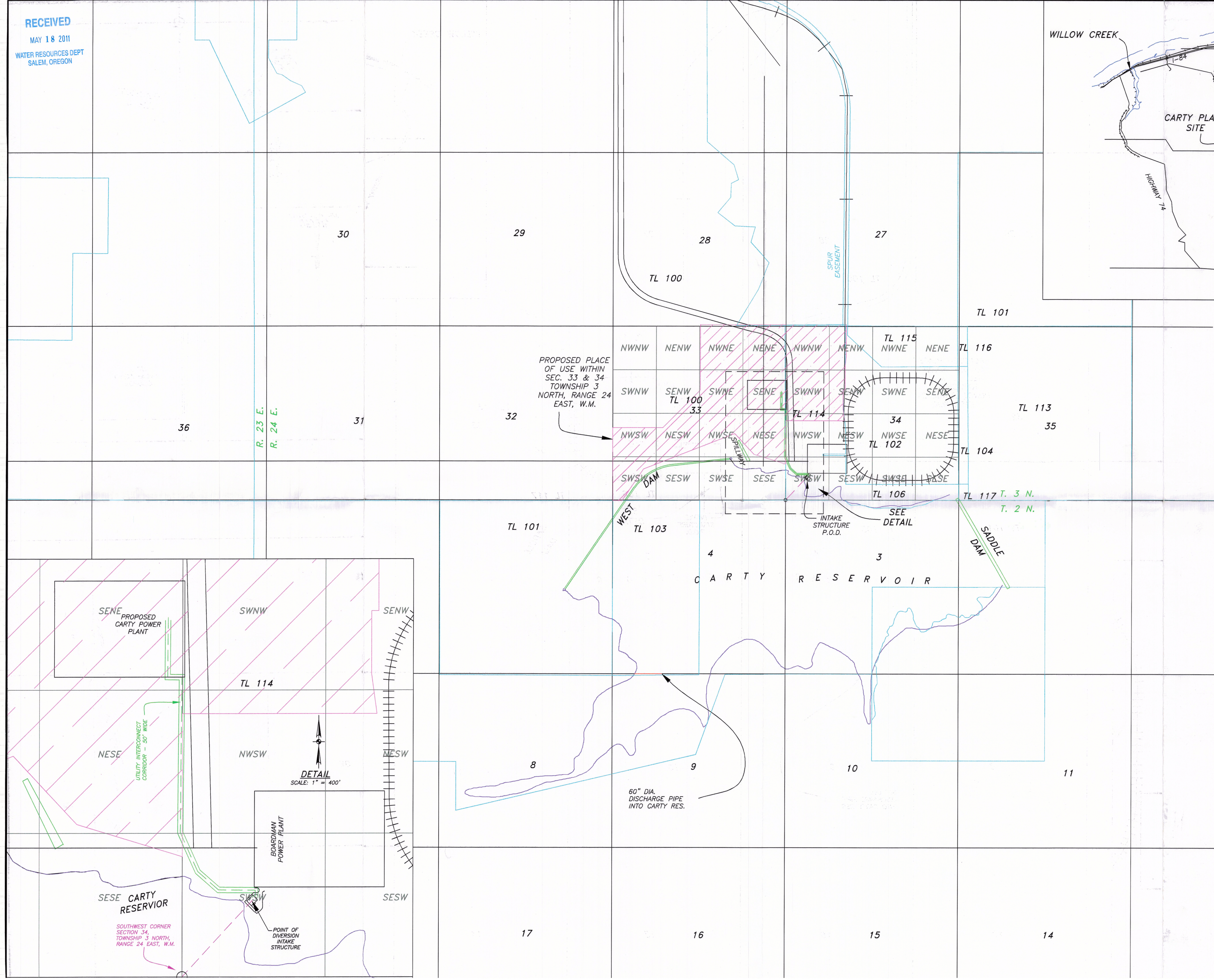
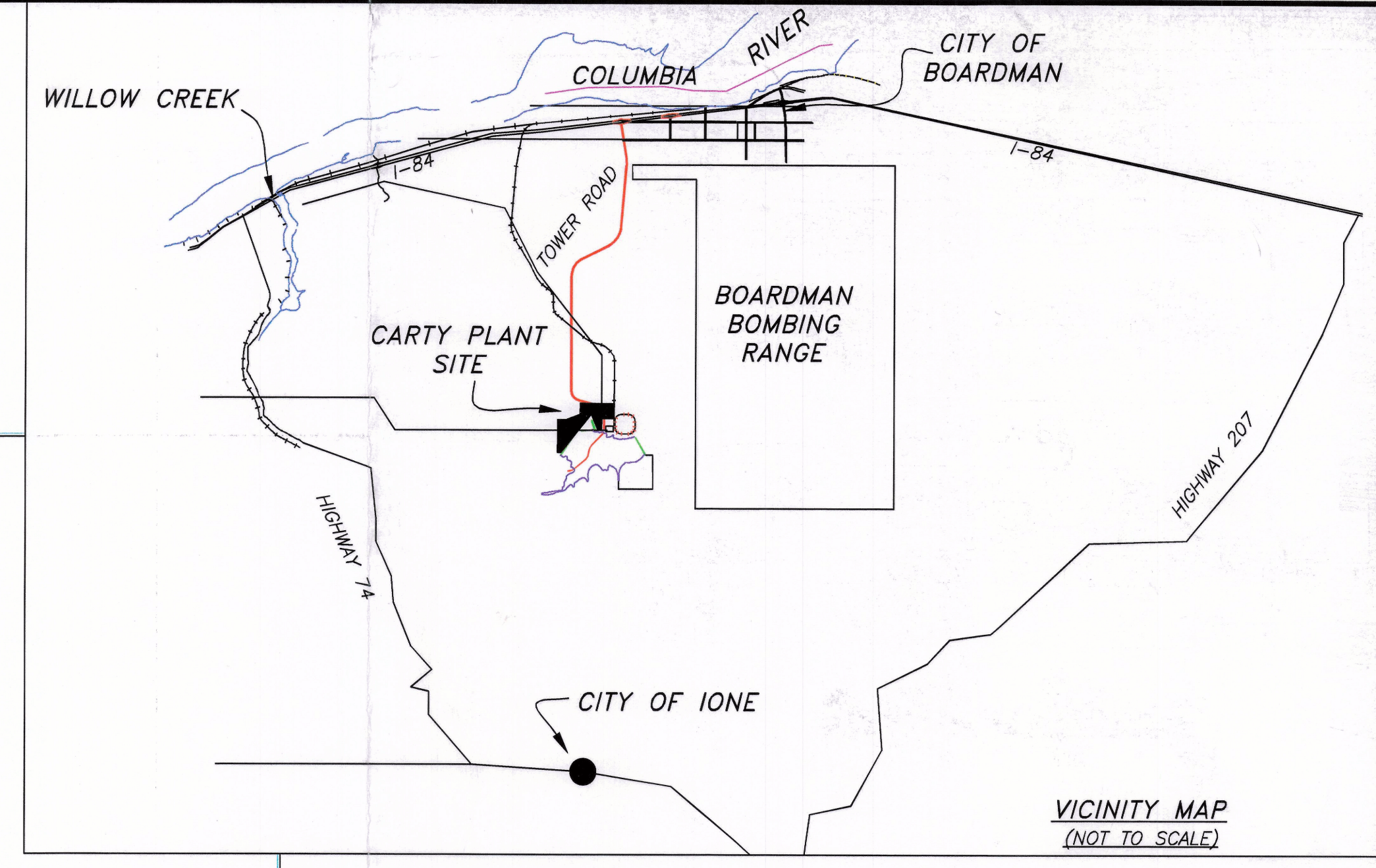


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APPROVALS			SCALE: AS SHOWN				
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121 SW SALMON STREET PORTLAND, OR 97204			DATE: DECEMBER 1, 2009				
FILE LOCATION: CAD/SURVEY/2008/BOARDMAN/Water Use Permit Map/CARTY PLANT WATER PERMIT MAP.dwg			SHEET 1 OF 1				

S-8773

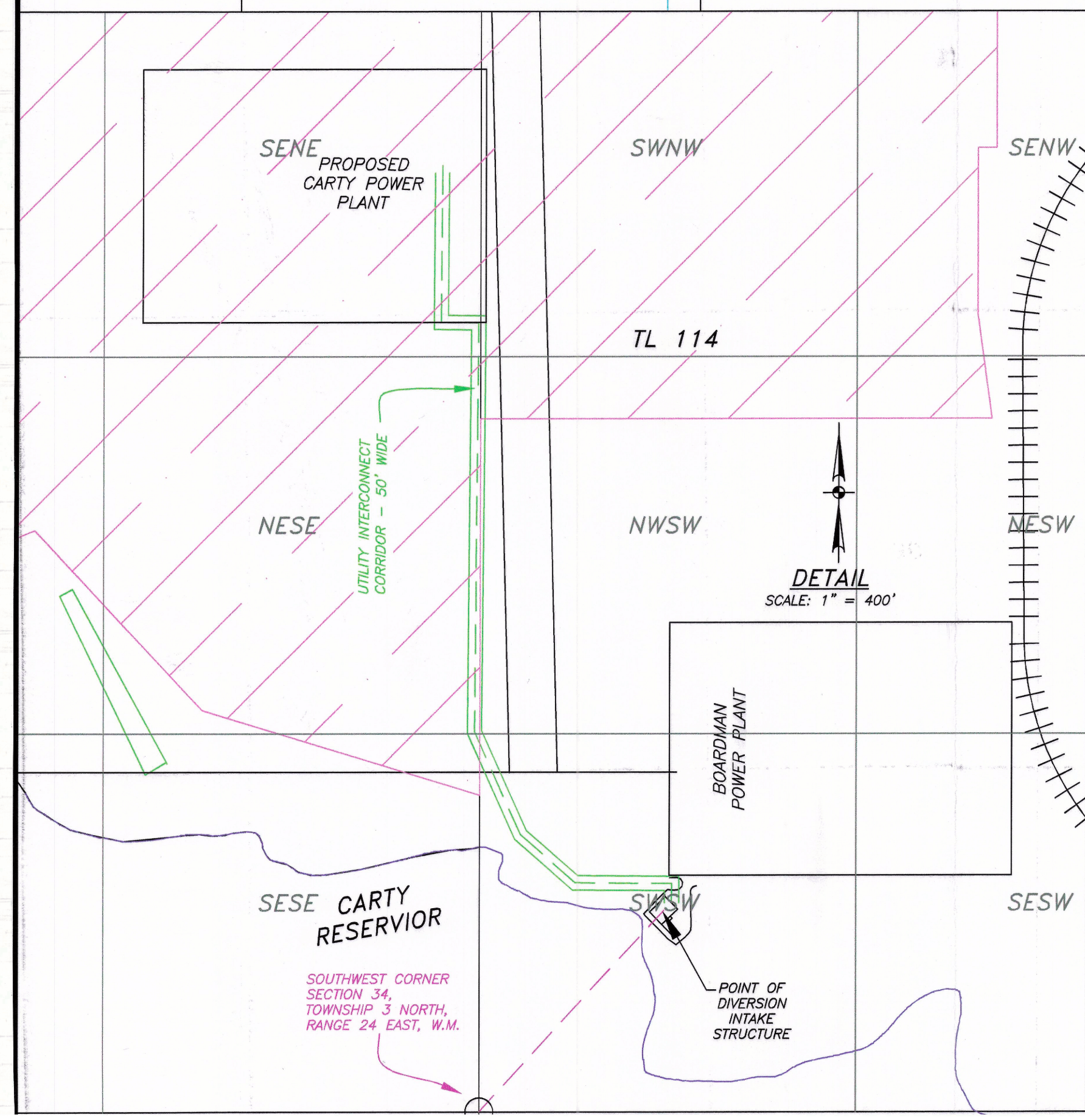
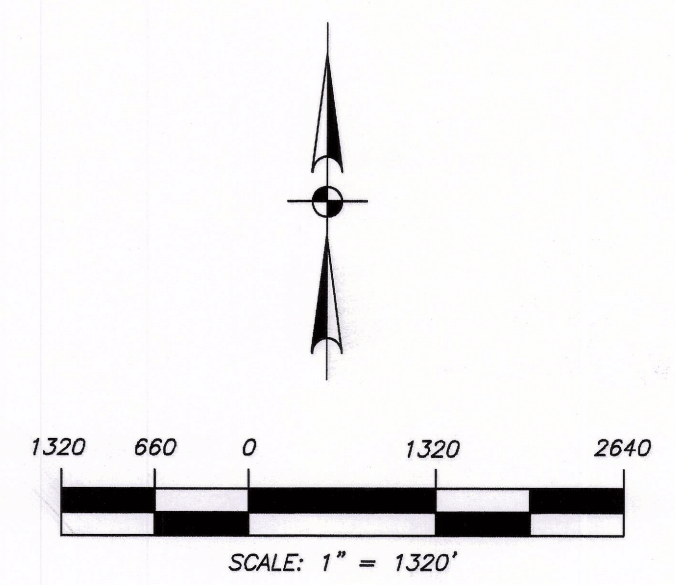
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MAY 18 2011
WATER RESOURCES DEPT
SALEM, OREGON



PROPOSED PLACE OF USE WITHIN SEC. 33 & 34 TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.

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0	12-1 2009	ISSUE FOR INFORMATION	JWE				

REVISIONS

PGE PORTLAND GENERAL ELECTRIC CO.
PORTLAND, OREGON

CARTY PLANT

APPLICATION MAP TO ACCOMPANY
SECONDARY WATER PERMIT

APPROVALS		SCALE:	AS SHOWN
CHECKED BY:		DRAWN BY:	JOSHUA EVEY
MANAGER:		FIELD CREW:	
121 SW SALMON STREET PORTLAND, OR 97204		DATE:	DECEMBER 1, 2009