

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT  
FOR PARTIAL PERFECTION

THIS CERTIFICATE ISSUED TO

CITY OF COTTAGE GROVE  
400 E MAIN ST  
COTTAGE GROVE OR 97424

confirms the right to the use of the water perfected under the terms of Permit S-42117. 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-55338

SOURCE OF WATER: ROW RIVER A TRIBUTARY OF COAST FORK OF THE WILLAMETTE RIVER

PURPOSE OR USE: MUNICIPAL USES

MAXIMUM RATE: 3.1 CUBIC FEET PER SECOND

DATE OF PRIORITY: SEPTEMBER 22, 1977

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
20 S	3 W	WM	35	NW NW	70	1000 FEET SOUTH AND 1050 FEET EAST FROM NW CORNER, SECTION 35

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
20 S	2 W	WM	30	SW SW
20 S	2 W	WM	31	NE NE
20 S	2 W	WM	31	NW NE
20 S	2 W	WM	31	SE NE
20 S	2 W	WM	31	NE NW
20 S	2 W	WM	31	NW NW
20 S	2 W	WM	31	NE SE
20 S	2 W	WM	32	SW NW
20 S	2 W	WM	32	NW SW
20 S	3 W	WM	20	SE SE
20 S	3 W	WM	21	SW SW
20 S	3 W	WM	21	SE 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
20 S	3 W	WM	21	SW SE
20 S	3 W	WM	21	SE SE
20 S	3 W	WM	22	SW SW
20 S	3 W	WM	22	SE SW
20 S	3 W	WM	22	SW SE
20 S	3 W	WM	25	SW SW
20 S	3 W	WM	25	SE SW
20 S	3 W	WM	25	SW SE
20 S	3 W	WM	25	SE SE
20 S	3 W	WM	26	SW SW
20 S	3 W	WM	26	SE SW
20 S	3 W	WM	27	NE NE
20 S	3 W	WM	27	NW NE
20 S	3 W	WM	27	SW NE
20 S	3 W	WM	27	SE NE
20 S	3 W	WM	27	NE NW
20 S	3 W	WM	27	NW NW
20 S	3 W	WM	27	SW NW
20 S	3 W	WM	27	SE NW
20 S	3 W	WM	27	NE SW
20 S	3 W	WM	27	NW SW
20 S	3 W	WM	27	SW SW
20 S	3 W	WM	27	SE SW
20 S	3 W	WM	27	NE SE
20 S	3 W	WM	27	NW SE
20 S	3 W	WM	27	SW SE
20 S	3 W	WM	27	SE SE
20 S	3 W	WM	28	NE NE
20 S	3 W	WM	28	NW NE
20 S	3 W	WM	28	SW NE
20 S	3 W	WM	28	SE NE
20 S	3 W	WM	28	NE NW
20 S	3 W	WM	28	NW NW
20 S	3 W	WM	28	SW NW
20 S	3 W	WM	28	SE NW
20 S	3 W	WM	28	NE SW
20 S	3 W	WM	28	NW SW
20 S	3 W	WM	28	SW SW
20 S	3 W	WM	28	SE SW
20 S	3 W	WM	28	NE SE
20 S	3 W	WM	28	NW SE
20 S	3 W	WM	28	SW SE
20 S	3 W	WM	28	SE SE
20 S	3 W	WM	29	NE NE
20 S	3 W	WM	29	SW NE
20 S	3 W	WM	29	SE NE
20 S	3 W	WM	29	NE SW
20 S	3 W	WM	29	NW SW
20 S	3 W	WM	29	SW SW
20 S	3 W	WM	29	SE SW
20 S	3 W	WM	29	NE SE
20 S	3 W	WM	29	NW SE
20 S	3 W	WM	29	SW SE

Twp	Rng	Mer	Sec	Q-Q
20 S	3 W	WM	29	SE SE
20 S	3 W	WM	30	NE SE
20 S	3 W	WM	30	SE SE
20 S	3 W	WM	31	NE NE
20 S	3 W	WM	32	NE NE
20 S	3 W	WM	32	NW NE
20 S	3 W	WM	32	SW NE
20 S	3 W	WM	32	SE NE
20 S	3 W	WM	32	NE NW
20 S	3 W	WM	32	NW NW
20 S	3 W	WM	32	SW NW
20 S	3 W	WM	32	SE NW
20 S	3 W	WM	32	NE SW
20 S	3 W	WM	32	NW SW
20 S	3 W	WM	32	SW SW
20 S	3 W	WM	32	SE SW
20 S	3 W	WM	32	NE SE
20 S	3 W	WM	32	NW SE
20 S	3 W	WM	32	SW SE
20 S	3 W	WM	32	SE SE
20 S	3 W	WM	33	NE NE
20 S	3 W	WM	33	NW NE
20 S	3 W	WM	33	SW NE
20 S	3 W	WM	33	SE NE
20 S	3 W	WM	33	NE NW
20 S	3 W	WM	33	NW NW
20 S	3 W	WM	33	SW NW
20 S	3 W	WM	33	SE NW
20 S	3 W	WM	33	NE SW
20 S	3 W	WM	33	NW SW
20 S	3 W	WM	33	SW SW
20 S	3 W	WM	33	SE SW
20 S	3 W	WM	33	NE SE
20 S	3 W	WM	33	NW SE
20 S	3 W	WM	33	SW SE
20 S	3 W	WM	33	SE SE
20 S	3 W	WM	34	NE NE
20 S	3 W	WM	34	NW NE
20 S	3 W	WM	34	SW NE
20 S	3 W	WM	34	SE NE
20 S	3 W	WM	34	NE NW
20 S	3 W	WM	34	NW NW
20 S	3 W	WM	35	NE NE
20 S	3 W	WM	35	NW NE
20 S	3 W	WM	35	SW NE
20 S	3 W	WM	35	SE NE
20 S	3 W	WM	35	NE NW
20 S	3 W	WM	35	NW NW
20 S	3 W	WM	35	SW NW
20 S	3 W	WM	35	SE NW
20 S	3 W	WM	36	NE NE
20 S	3 W	WM	36	NW NE
20 S	3 W	WM	36	NE NW

Twp	Rng	Mer	Sec	Q-Q
20 S	3 W	WM	36	NW NW
20 S	3 W	WM	36	SW NW
20 S	3 W	WM	36	SE NW
21 S	3 W	WM	4	NE NW
21 S	3 W	WM	4	NW NW
21 S	3 W	WM	4	SW NW
21 S	3 W	WM	4	SE NW
21 S	3 W	WM	5	NE NE
21 S	3 W	WM	5	NW NE
21 S	3 W	WM	5	SW NE
21 S	3 W	WM	5	SE NE
21 S	3 W	WM	5	NE NW
21 S	3 W	WM	5	SE NW
21 S	3 W	WM	5	NE SW
21 S	3 W	WM	5	SE SW
21 S	3 W	WM	5	NE SE
21 S	3 W	WM	5	NW SE
21 S	3 W	WM	5	SW SE
21 S	3 W	WM	5	SE SE

**Conditions to Maintain the Persistence of Listed Fish**

*The first 3.1 cfs of water under Permit S-42117, perfected under Certificate 91536, or any subsequent water right(s) originating from Permit S-42117 is not and will not be conditioned for maintaining fish persistence.*

The portion of Permit S-42117 subject to these fish persistence conditions is established as 3.1 cfs in accordance with ORS 537.230(3)(d). The use of 3.1 cfs as authorized under this right must be hereafter conditioned with these fish persistence conditions. Therefore, all subsequent water right(s) originating from this portion of Permit S-42117 implemented will include these Conditions to Maintain the Persistence of Listed Fish. If more than one resulting water right is subject to these Conditions to Maintain the Persistence of Listed Fish, then legal use of the 3.1 cfs conditioned to maintain the persistence of listed fish species shall be determined among all the water right holders of record; all the water right holders of record subject to these Conditions to Maintain the Persistence of Listed Fish must ensure that these fish persistence conditions are met.

A. Minimum Fish Flow Needs

Fish persistence target flows in the Row River as recommended by ODFW are in Table 2, below; flows are to be measured in the Row River near Cottage Grove, Oregon (USGS Gage Number 14155500, or its equivalent).

**Table 2**

ODFW'S RECOMMENDED FISH PERSISTENCE TARGET FLOWS IN THE ROW RIVER DOWNSTREAM OF COTTAGE GROVE'S POINT OF DIVERSION	
Month	Cubic Feet per Second
January	190
February	190
March	190

ODFW'S RECOMMENDED FISH PERSISTENCE TARGET FLOWS IN THE ROW RIVER DOWNSTREAM OF COTTAGE GROVE'S POINT OF DIVERSION	
April	190
May	190
June	190
July	100
August	100
September	100
October	100
November 1 - 15	175
November 16 - 30	175

Alternate Streamflow Measurement Point

The location of a streamflow measurement point as established in these Conditions to Maintain the Persistence of Listed Fish may be revised if the water right holder provides evidence in writing that ODFW has determined that flows may be measured at an alternate streamflow measurement point and the water right holder provides an adequate description of the location of the alternate streamflow measurement point, and the Water Resources Director concurs in writing.

B. Determining Water Use Reductions - Generally

The maximum amount of the 3.1 cfs conditioned for fish persistence that can be appropriated is determined in proportion to the amount by which the target flows shown in Table 2 are missed based on gaged daily flows<sup>1</sup> as determined or measured by the water user in the Row River above the City's Point of Diversion, near Cottage Grove (or USGS Gage Number 14155500, or its equivalent). The curtailment need based on the fraction of target flow achievement is defined as:

$$T_a = (Q_g - P) / Q_t \quad (EQ 1)$$

- $Q_g$  = gaged daily flow
- $P$  = amount of water conditioned for fish persistence (3.1 cfs)
- $Q_t$  = target flow
- $T_a$  = target flow achievement

When the fraction target flow achievement ( $T_a$ ) is greater than 1, no curtailment is recommended. When the fraction target flow achievement is less than 1, curtailment of the 3.1 cfs conditioned for fish persistence is recommended. The curtailed rate is determined by scaling the 3.1 cfs conditioned for fish persistence by the fraction the flow target is not being met (EQ 2).

**If  $T_a \geq 1$ , no curtailment necessary. Otherwise:**

$$D_m = T_a * P \quad (EQ 2)$$

$D_m$  = maximum amount of water conditioned for fish persistence that can be appropriated as a result of this fish persistence condition

C. Examples

Example 1: Target flow met.

On August 15, the gaged daily flow is 105 cfs. Given that the amount of water conditioned for fish persistence is 3.1 cfs, then the gaged daily flow ( $Q_g$ ) minus 3.1 cfs ( $P$ ) is greater than the 100 cfs target

<sup>1</sup> Alternatively, the City may use a seven day rolling average of mean daily flows.

flow ( $Q_t$ ) for August 15. In this example,  $(Q_g - P)/Q_t \geq 1$ .  
 $(105 - 3.1)/100 = 1.019$

$$1.019 \geq 1$$

The amount of water conditioned for fish persistence that can be diverted would not be reduced because the target flow is considered met.

Example 2: Target flow missed.

On August 15, the gaged daily flow is 80 cfs. Given that the amount of water conditioned for fish persistence is 3.1 cfs, then the gaged daily flow ( $Q_g$ ) minus 3.1 cfs ( $P$ ) is less than the 100 cfs target flow ( $Q_t$ ) for August 15.

Step 1: Given that the amount of water conditioned for fish persistence ( $P$ ) is 3.1 cfs, if on August 15, the average of the gaged daily flow ( $Q_g$ ) is 80 cfs and the target flow ( $Q_t$ ) is 100 cfs, the fraction of target flow achievement ( $T_a$ ) is less than 1.

$$(80 - 3.1)/100 = 0.769$$

$$0.769 \leq 1$$

Step 2: Given the fraction of target flow achievement ( $T_a$ ) is less than 1 (from Step 1), and amount of water conditioned for fish persistence ( $P$ ) is 3.1 cfs; the maximum amount of water conditioned for fish persistence that can be appropriated as a result of this fish persistence condition ( $D_m$ ) is 2.384 cfs.

$$0.769 * 3.1 \text{ cfs} = 2.384 \text{ cfs}$$

End of Conditions to Maintain the Persistence of Listed Fish

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

This certificate is issued as the final increment of partial perfection of Permit S-42117, for 3.1 CFS, as described in OAR 690-320-0040 and by an order of the Water Resources Director entered 12-16-, 2022 at Special Order Volume 125, Pages 977-978.

**DEC 16 2022**

Issued \_\_\_\_\_



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