



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease

*A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).*

## Pursuant to ORS 537.348(2) and OAR 690-077

Optional Identification by Lessor/Lessee: \_\_\_\_\_  
Lease Application Number (assigned by WRD): IL-1262

The water right to be leased is located in Washington County.

This Lease is between:

**Lessor #1:**

Name Joint Water Commission  
Mailing address 150 E Main Street  
City, State, Zip Code Hillsboro, OR 97123  
Telephone number 503-615-6770  
E-mail address\*\* Niki.Iverson@hillsboro-oregon.gov

**Lessor #2, 3, etc. (provide same information as identified above)**

**Lessee (if different than Oregon Water Resources Department):**

Name \_\_\_\_\_  
Mailing address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Telephone number \_\_\_\_\_  
E-mail address\*\* \_\_\_\_\_

**\*\*BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

**Trustee:**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0900

## ~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 1S, Range 3W, Section 18 and Tax Lot number 301. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (Water Right Instream Leasing and Tax Lot Map), needs to be included.

1.2 Lessor #2 is the (Check one):

Not applicable

Official representative of \_\_\_\_\_, the irrigation district which conveys water to the subject water rights.

Another party with an interest in the subject water rights representing \_\_\_\_\_.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No(s). None.

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No or other Federal program: No.

**1.5 Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 38894

(If you need to enter another leased right, please use the additional water right form.)

Legal Season of Use: Storage season (November 1 to June 30)

Is the entire water right certificate being leased?  Yes  No

If no, list below the acres of the subject water right by legal description of township, range, section, and ¼ ¼ which will be dried up as part of this lease, and include a map (Attachment 1, Water Right Instream Leasing and Tax Lot Map) showing the lands which will not receive water.

**Portion of the Water Right Proposed to be Leased Instream**

T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	Page #	Priority Date	Previous Lease #	
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)										
1.	1S	3W	18	SWNE	301	N/A	Storage (8.85 AF)	38894	07/20/1965	N/A
2.				SENE						

[Attached maps must identify the water right holder, township, range, section, ¼ ¼, tax lot number, map orientation, and scale.]

Total number of acres being leased, if for irrigation (or other acre equivalent uses): N/A

Acre-feet of storage, if applicable: 8.85 AF

Maximum rate associated with the right to be leased (cfs): N/A

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): 8.85 AF

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: None.

**1.6 Validity of rights to be leased as described in Section 1.5 of this form and on any Additional Water Right Form.** Lessor(s) attests (mark one) that:

the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(a) (include necessary supporting documentation).

This water right is currently held by the City of Hillsboro for municipal purposes (See Attachment 2: Supporting Documentation Why Certificate 38894 is Valid and Not Subject to Forfeiture).

## **~II~ Instream Water Right Information**

**2.1 Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

**2.2 Instream use created by lease of the water right described in Section 1.5.**

The instream use to be created is described as follows:

In the unnamed tributary

Tributary to Tualatin River in the Willamette River Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5):

8.85 AF

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5):

0.15 cfs (30 days)

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- Instream use protected at the point of diversion (POD).
- Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): POD to the mouth of the Tualatin River.

Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described:

675.7 ft N 12° 20 ft W to SE corner Chatfield Claim 52 being within SW1/4 NE1/2 Sec 18, Township 1S, 3W, W.M. (See Attachment 3: Certificate 38894 and Permit S-30658)

**Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from June 1 through June 30 (30 days).
- Other (describe): \_\_\_\_\_

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

If you need to enter more instream uses, please use the additional water rights form.

**2.3 Term of lease.** This lease shall terminate on October 1, 2017.

- 2.4 Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

### **~III~ Other Information**

- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 Termination provision.**
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
    - Written notice to the Department;
    - Consent by all parties to the lease; and/or
    - Written notice to the Watermaster's office.
  - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.
- 3.7 Fees.** Pursuant to ORS 536.050, the following fee is included:

- \$400 for an application with four or more landowners or four or more water rights.
- \$250 for all other applications.

Lessor #1: Hein Hammer Date: 2/4/13

Lessee: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachments**

Attachment 1: Water Right Instream Leasing and Tax Lot Map

Attachment 2: Supporting documentation indicating why this right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years.

Attachment 3: Water Right Certificate 38894 and Water Right Permit S-30658

# Instructions for the Standard Instream Leasing Form

## When Do I Use This Form?

Most individuals will use the “Standard Lease Form.” If you wish to lease more than one water right, then also use the “Additional Water Rights Form” for each additional water right to be leased. For more information on the different types of lease forms go to [www.wrd.state.or.us/OWRD/mgmt\\_leases.shtml](http://www.wrd.state.or.us/OWRD/mgmt_leases.shtml).

## Instructions

**Lease Agreement Number:** Water Resources Department staff in Salem will assign this number.

## Required Parties to the Lease

**Lessors:** The Lessor is the water right holder, or an authorized agent, of the property where, during the term of the lease:

- Water use will be suspended; or
- Water stored in a reservoir will be released for instream use.

If the lands to which the subject water rights are attached fall within the boundaries of an irrigation district or other water purveyor, as defined in ORS Chapters 545, 547, 552, 553, or 554, that organization must be a party to the lease and should be listed as Lessor #2.

Spouses and immediate family can all be listed as Lessor #1. If another individual or organization also has an interest in the rights being leased, they should be listed as Lessor #2, #3, etc.

**Lessee:** The Lessee is normally an organization, agency or individual who may compensate (or provide other consideration of value to) the Lessor for leasing the subject right for instream use.

**Trustee:** The Trustee is the Oregon Water Resources Department. If a person leases a right to the State without third party

involvement, the Department will also be considered the Lessee.

**Other Parties:** Private ditch companies, mortgage holders and others may have an interest in the lease. The legally required parties may, at their discretion, add other parties as co-lessors.

## Section One

**1.1** Provide the legal description for the lands being leased. Attachment 1, Tax Lot Map, is only needed if a portion of the water right not included in the lease is appurtenant to lands owned by others or for which others have an interest in the water right. Tax lot maps can be found at [www.ormap.org/maps/](http://www.ormap.org/maps/).

**1.2** Identify who is Lessor #2, #3, etc., if necessary. If this section does not apply, indicate so.

**1.3** Provide an inventory of all of the water rights appurtenant to the same lands as the water right(s) being leased. Water rights information may be found at <http://www.wrd.state.or.us/OWRD/WR/wris.shtml>. List all supplemental, as well as all primary rights, even if the supplemental rights are still in permit status. Indicate if the supplemental rights are not being leased instream.

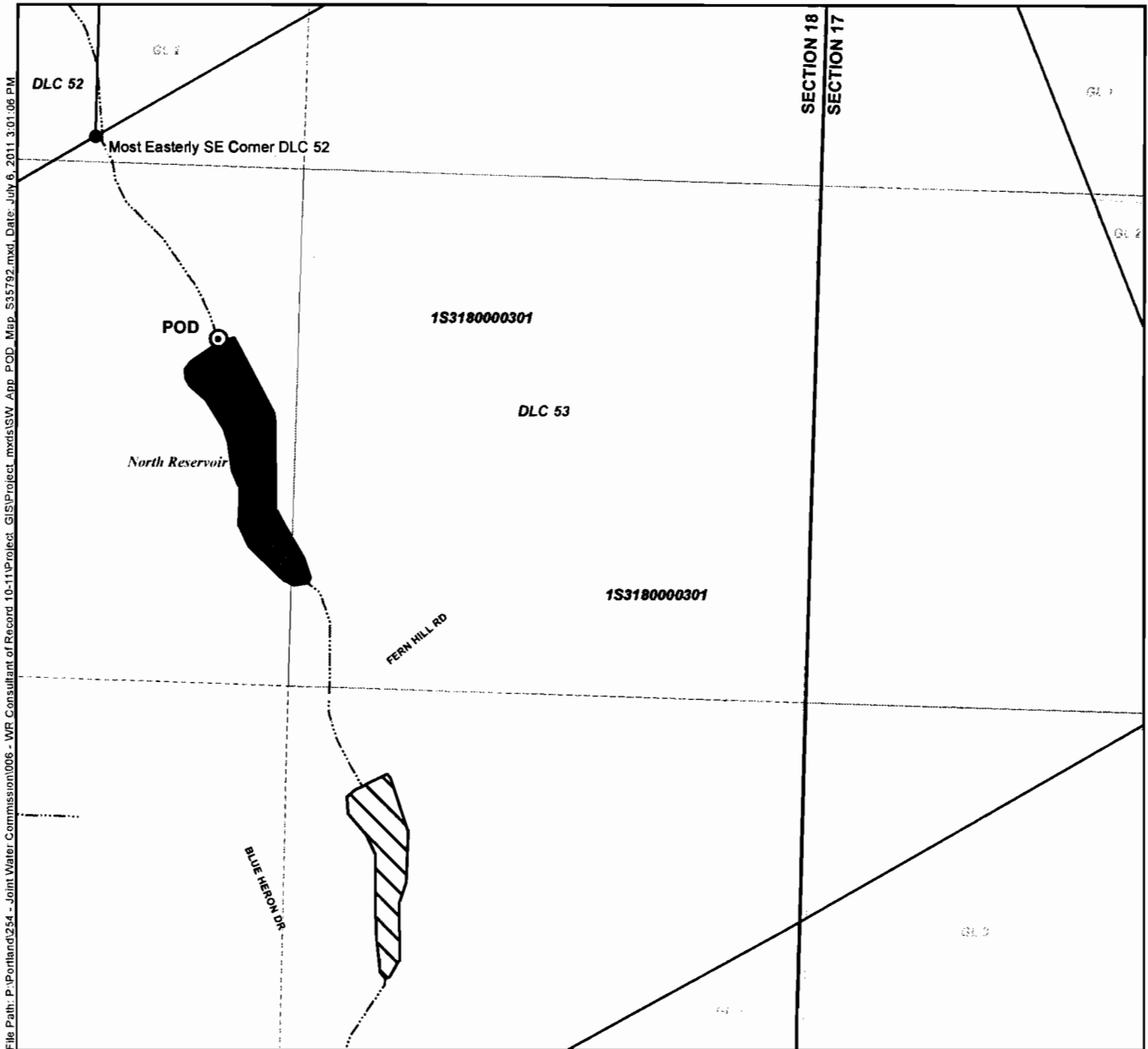
Only water right certificates can be leased instream, with the exception that a secondary right to use stored water, even if in permit status, can be leased. If this type of permit is being leased, indicate that it is a permit and list its number.

**1.4** Indicate if some or all of the lands are enrolled in the federal Conservation Reserve Enhancement Program. The Department will send a copy of the lease application and the associated order to the Farm Services Administration.

# **Attachment 1**

## **Water Right Instream Leasing and Tax Lot Map**

**Water Right Instream Leasing and Tax Lot Map**  
**Certificate 38894**  
**Water Right in the Name of: Joint Water Commission**  
 Township 1 South, Range 3 West Section 18 (W.M.)



File Path: P:\Portland\254 - Joint Water Commission\006 - WRI Consultant of Record\10-11\Project\_GIS\Project.mxd;SW\_App\_POD\_Map\_S35792.mxd, Date: July 6, 2011 3:01:06 PM

**Legend**

- Point of Diversion (POD)
- North Reservoir, To Be Leased
- South Reservoir
- Tax Lot 301
- All Other Tax Lots
- Donation Land Claims (DLCs)
- Government Lots (GLs)
- Watercourses

**Map Information**

Date: October 11, 2012  
 Prepared By: GSI Water Solutions, Inc.

**Data Sources**

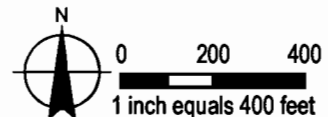
OWRD, METRO RLIS, OGIC

**Disclaimer**

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

**POD Location Description**

**North Reservoir**  
 Located 650 feet South and 120 feet East from the most Easterly SE corner of DLC 52, Township 1 South, Range 3 West (W.M.)





## **Attachment 2**

Supporting documentation why  
Certificate 38894 is valid and not  
subject to forfeiture

# CITY OF HILLSBORO

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**Water Department**

**Date:** May 24, 2005

**To:** Karen Frone, Water Resources Department

**From:** Kevin Hanway, Water Resources Manager

**RE:** Ownership Update

The Joint Water Commission recently purchased the Haworth property on Fern Hill Road. Enclosed are the ownership update forms for the pond and secondary right appurtenant to that property.



# WATER RIGHT OWNERSHIP UPDATE FORM

STATE OF OREGON  
WATER RESOURCES DEPT  
ATTN: WATER RIGHTS  
725 SUMMER STREET NE, SUITE A  
SALEM OREGON 97301-1271

### NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a Permit OR Water Right Certificate from the Water Resources Department is needed before using, diverting; or storing water [ORS 537-130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a Water Right Certificate to: 1) provide evidence of the Water Right Certificate to the buyer and 2) notify the Water Resources Department of the Water Right Certificate involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

*Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.*

### Property Seller Information:

Applicant: Hally L. and Mary J. Haworth  
First Last  
Mailing address: 8338 SW Spring Hill Road  
City Gaston State Oregon Zip 97119  
Phone: \_\_\_\_\_  
Home Work Other

### Property Buyer Information:

Applicant: Joint Water Commission  
First Last  
Mailing address: 150 E. Main Street  
City Hillsboro State Oregon Zip 97123  
Phone: (503) 615-6702  
Home Work Other

### Property Description (attach additional pages if necessary):

County: Washington Township: 1S Range: 3W Section: 17, 18  
Tax lot number(s): 301

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted):  
.....  
.....  
.....

### Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: 41123 Permit #: 30658 Certificate #: 38895  
Will all the lands associated with this water right be owned by the buyer? Yes  No   
Name of individual completing this form: Joe Thompson Signature:



# WATER RIGHT OWNERSHIP UPDATE FORM

STATE OF OREGON  
WATER RESOURCES DEPT  
ATTN: WATER RIGHTS  
725 SUMMER STREET NE, SUITE A  
SALEM OREGON 97301-1271

### NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a Permit OR Water Right Certificate from the Water Resources Department is needed before using, diverting; or storing water [ORS 537-130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a Water Right Certificate to: 1) provide evidence of the Water Right Certificate to the buyer and 2) notify the Water Resources Department of the Water Right Certificate involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

### Property Seller Information:

Applicant: Hally L. and Mary J. Haworth  
First Last

Mailing address: 8338 SW Spring Hill Road

City Gaston State Oregon Zip 97119

Phone: \_\_\_\_\_  
Home Work Other

### Property Buyer Information:

Applicant: Joint Water Commission  
First Last

Mailing address: 150 E. Main Street

City Hillsboro State Oregon Zip 97123

Phone: \_\_\_\_\_  
Home (503) 615-6702 Work Other

### Property Description (attach additional pages if necessary):

County: Washington Township: 1S Range: 3W Section: 17, 18

Tax lot number(s): 301

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted):

### Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: R-41122 Permit #: R-4618 Certificate #: 38894

Will all the lands associated with this water right be owned by the buyer? Yes  No

Name of individual completing this form: Joe Thompson Signature: \_\_\_\_\_

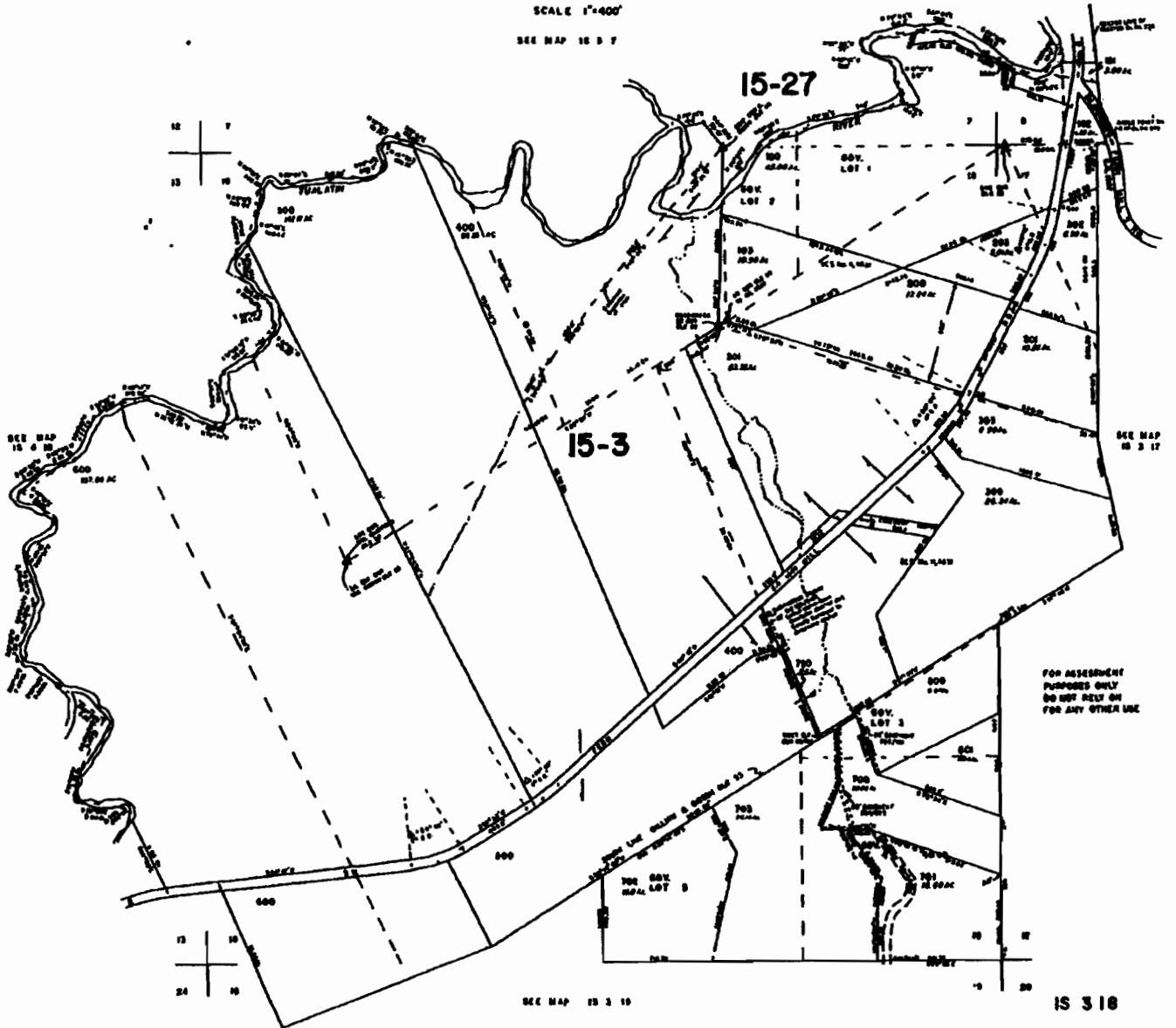
SECTION 18 T1S R3W.W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=400'

SEE MAP 15 3 7

15 3 18



SEE MAP 15 3 19

15 3 18

FOR ASSESSMENT  
PURPOSES ONLY  
DO NOT RELY ON  
FOR ANY OTHER USE



## LEGAL DESCRIPTION

A tract of land situated in Sections 17 and 18, Township 1 South, Range 3 West, of the Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

Beginning at an iron pipe at the Southeast corner of the W.B. Chatfield Donation Land Claim No. 52, in said Section 18, being the most Northerly Northeast corner of that certain tract of land described in deed to N.A. and Elinor Crippen recorded in Book 251, page 521, Records of Washington County, and running thence South 73°13'29" East along the Northeasterly line of said Crippen tract 1,673.69 feet to a point in the center of Fern Hill Road (Washington County Road No. 1205); thence along the arc of a 1,432.2 foot radius curve right, the long chord of which bears South 39°27'24" West 376.12 feet, a distance of 377.22 feet in said county road; thence South 39°02'02" East 30.0 feet to an iron rod; thence continuing South 39°02'02" East 357.04 feet to an iron rod; thence South 35°39'14" West 986.45 feet to an iron rod; thence South 19°44'24" East 482.77 feet to an iron rod on the Southerly line of said Crippen tract; thence South 57°56'43" West along said Southerly line of Crippen tract 627.89 feet to an iron rod; thence North 23°17'03" West along the Westerly line of said Crippen tract, 1,000.3 feet to a point in the center of said Fern Hill Road; thence in said road North 48°27'59" East 216.75 feet; thence North 23°25'00" West along the Westerly line of said Crippen tract 1,596.01 feet to the most Northerly Northwest corner of said Crippen tract; thence North 56°11'13" East along the Northerly line of said Crippen tract 244.88 feet to the point of beginning.

EXCEPT THEREFROM that portion described in deed to Humphrey Boyd recorded March 17, 2009 in Book 83, Page 164.

ALSO EXCEPT THEREFROM that portion described in deed to Washington County recorded December 3, 1925 in Book 131, Page 523.

AND ALSO EXCEPT THEREFROM that portion described in deed to Washington County recorded April 9, 1928 in Book 138, Page 310.

**STATUTORY WARRANTY DEED**

Grantor: Hally L. Haworth and Mary J. Haworth  
Grantee: Joint Water Commission, an Intergovernmental Entity  
Organized and Operated Under ORS Chapter 190

Until a change is requested, all tax statements shall be sent to the following address:

City of Hillsboro  
Civic Center Building  
150 East Main Street  
Hillsboro OR 97123

After Recording return to:

City of Hillsboro  
Civic Center Building  
150 East Main Street  
Hillsboro OR 97123

Escrow No. 836657 AMS  
Title No. 836667

T785



I, Jerry Hansen, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.



HALLY L. HAWORTH, AS TO AN UNDIVIDED 1/2 INTEREST AND MARY J. HAWORTH, AS TO AN UNDIVIDED 1/2 INTEREST, AS TENANTS IN COMMON, Grantor, conveys and warrants to JOINT WATER COMMISSION, AN INTERGOVERNMENTAL ENTITY ORGANIZED AND OPERATED UNDER ORS CHAPTER 190, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Washington County, Oregon, to wit:

See Attached Legal Description

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.830.

The true consideration for this conveyance is \$1,300,000.00. (Here comply with the requirements of ORS 93.030).

Dated this 3 day of May, 2005.

Hally L. Haworth  
Hally L. Haworth

Mary J. Haworth  
Mary J. Haworth

State: OR  
County: Washington

The foregoing instrument was acknowledged before me this 3rd day of May, 2005, by:

Hally L. Haworth and Mary J. Haworth

Jeanne F Ayala  
Notary Public  
My Commission Expires: 8/12/08



# **Attachment 3**

Permit S-30658

Certificate 38894



\*APPLICATION FOR PERMIT

CERTIFICATE NO. 3775

To appropriate the Public Waters of the State of Oregon

I, MARNIS H. CRIPPER  
of R#1 BX 23 - Forest Grove, Oregon  
State of Oregon, do hereby make application for a permit to appropriate the

following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation \_\_\_\_\_

1. The source of the proposed appropriation is UNNAMED Stream and Reservoir, a tributary of Tualatin River 37 f.c.

2. The amount of water which the applicant intends to apply to beneficial use is 10725 cubic feet per second.

3. The use to which the water is to be applied is IRRIGATION - livestock water E.C.  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 175 ft. SW and 175 ft. SW from the corner of 675.7 FT N 12° 20' W to S.E. CORNER Chatfield  
CHAIN 52

being within the SW 1/4 NE 1/4 of Sec. 18, Tp. 15  
R. 3W, W. M., in the county of WASH.

5. The RESERVOIR to be 800 ft in length, terminating in the SE 1/4 NE 1/4 of Sec. 18, Tp. 15  
R. 3W, W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 9.6 feet, length on top 165 feet, length at bottom 137 feet; material to be used and character of construction Tamped Earth

(b) Description of headgate \_\_\_\_\_

(c) If water is to be pumped give general description 1 1/2 Centrifugal  
7 1/2 HP Electric Portable

\*A different form of application is provided where storage works are contemplated.  
\*\*Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width, on top (at water line) \_\_\_\_\_ feet; width on bottom \_\_\_\_\_ feet; depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_ feet fall per one thousand feet.

(b) At \_\_\_\_\_ miles from headgate: width on top (at water line) \_\_\_\_\_ feet; width on bottom \_\_\_\_\_ feet; depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_ feet fall per one thousand feet.

(c) Length of pipe, 1000 ft.; size at intake, 4" in.; size at 1000 ft. from intake 4" in.; size at place of use 4" in.; difference in elevation between intake and place of use, 15 ft. Is grade uniform? Yes Estimated capacity, \_\_\_\_\_ sec. ft.

8. Location of area to be irrigated, or place of use SE 1/4 NE 1/4 SW 1/4 NE 1/4

Township North or South	Range E. or W. of Washington Meridian	Section	Partly-own Tract	Number Acres To Be Irrigated
1S	3W	18	SE 1/4 NE 1/4	20.05
1S	3W	18	SW 1/4 NE 1/4	9.8
1S	3W	18	NW 1/4 NE 1/4	.75
				<u>24.60</u>

(If more space required, attach separate sheet)

(a) Character of soil LOAM

(b) Kind of crops raised GRASS-CLOVER PASTURE ALFALFA

Power or Mining Purposes—

9. (a) Total amount of power to be developed \_\_\_\_\_ theoretical horsepower.

(b) Quantity of water to be used for power \_\_\_\_\_ sec. ft.

(c) Total fall to be utilized \_\_\_\_\_ feet.

(d) The nature of the works by means of which the power is to be developed \_\_\_\_\_

(e) Such works to be located in \_\_\_\_\_ of Sec. \_\_\_\_\_

Tp. \_\_\_\_\_, R. \_\_\_\_\_, W. M. \_\_\_\_\_

(f) Is water to be returned to any stream? \_\_\_\_\_

(g) If so, name stream and locate point of return \_\_\_\_\_

\_\_\_\_\_ Sec. \_\_\_\_\_, Tp. \_\_\_\_\_, R. \_\_\_\_\_, W. M. \_\_\_\_\_

(h) The use to which power is to be applied is \_\_\_\_\_

(i) The nature of the mines to be served \_\_\_\_\_

10. (a) To supply the city of \_\_\_\_\_  
County, having a present population of \_\_\_\_\_  
(State of)  
and an estimated population of \_\_\_\_\_ in 19\_\_\_\_\_

(b) If for domestic use state number of families to be supplied \_\_\_\_\_

(Answer questions 11, 12, 13, and 14 in all cases)

- 11. Estimated cost of proposed works, \$ \_\_\_\_\_
- 12. Construction work will begin on or before 7-20-'65
- 13. Construction work will be completed on or before Oct 1-'65
- 14. The water will be completely applied to the proposed use on or before Oct 1-'66

M. A. Chipper  
(Signature of applicant)

Remarks: \_\_\_\_\_

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 \_\_\_\_\_

APPLICANT

PERMIT

STATE OF OREGON, }  
County of Marion, }

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.31 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from unnamed stream and reservoir to be constructed under Application No. R41122, Permit No. R-4618

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir to be constructed under permit No. R-4618,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is July 20, 1965

Actual construction work shall begin on or before January 5, 1967 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1967.

Complete application of the water to the proposed use shall be made on or before October 1, 1968.

WITNESS my hand this 5th day of January, 1966  
*Chris L. Miller*

Application No. 41123  
Permit No. 30658

PERMIT  
TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 20th day of July 1965 at 3:10 o'clock P.M.

Returned to applicant:  
Approved: January 5, 1966

Recorded in book No. 30658  
Permits on page

CHRIS L. MILLER  
State Engineer  
Drainage Basin No. 2 page 62124  
Fees 15.00

## STATE OF OREGON

COUNTY OF WASHINGTON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That **MARNIS A. CRIPPEN**of **Route 1, Box 23, Forest Grove**, State of **Oregon**, has made proofto the satisfaction of the **STATE ENGINEER** of Oregon, of a right to store the waters of an unnamed stream, tributary of Tualatin River, appropriated under application number 41123, permit number 30658, storage in North and South Reservoirs

for the purposes of  
 irrigation and stock  
 under Reservoir Permit No. **R-4618** of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **July 20, 1965**

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed **8.85** acre feet in North reservoir, being **8.35** acre feet for irrigation and **0.50** acre feet for stock and **1.30** acre feet in South reservoir \*  
 The reservoir is located in

North Reservoir	South Reservoir
-----------------	-----------------

SW $\frac{1}{4}$ NE $\frac{1}{4}$	NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$	

All as projected within Gibbon DLC 53  
 Section 18  
 T. 1 S., R. 3 W., W. M.

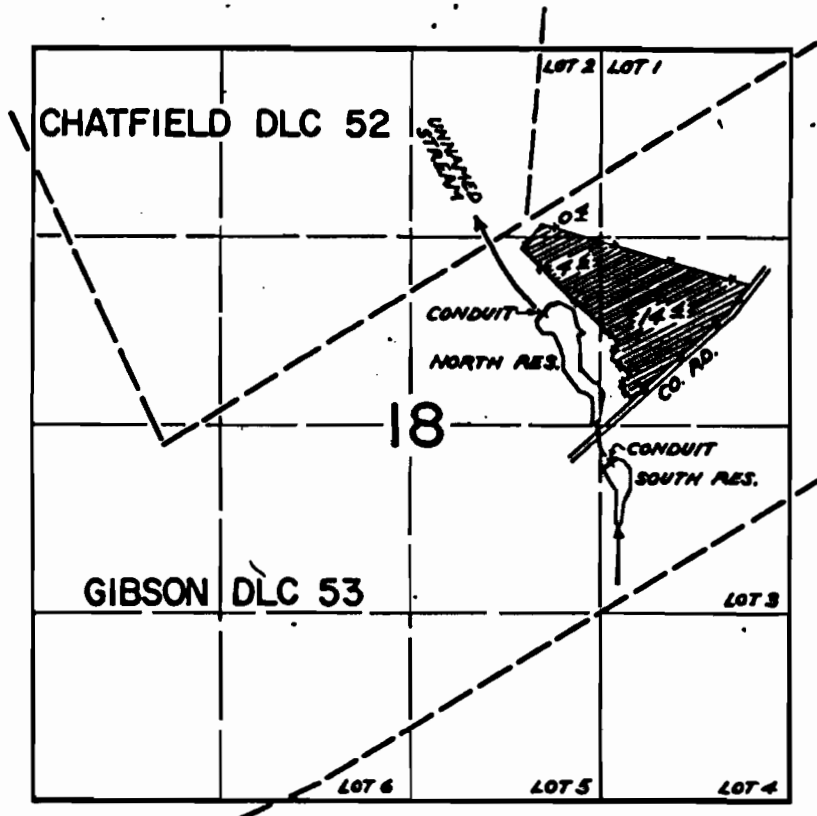
\* for stock.

WITNESS the signature of the State Engineer, affixed  
 this date. **January 31, 1973**

**CHRIS L. WHEELER**

State Engineer

# T. 1 S. R. 3 W. W. M.



DIX PTS. LOCATED: NORTH RES. 650' S. & 120' E., SOUTH RES. 1690' S. & 590' E., BOTH FROM MOST EASTELY SE. COR. CHATFIELD DLC 52

## FINAL PROOF SURVEY UNDER

Application No. R-41122 Permit No. R-4618  
IN NAME OF

MARNIS A. CRIPPEN

Surveyed SEPT. 16 & 17 1971, by GREG BACA

**Joint Water Commission**



**General Manager**

Kevin Hanway  
150 E. Main Street  
Hillsboro, OR 97123  
503-615-6585

**Board of  
Commissioners**

***City of Hillsboro***

John Godsey  
John Rosenberger  
David Judah

***City of Forest Grove***

Rod Fuiten  
Carl Heisler  
Victoria Lowe

***City of Beaverton***

Marc San Soucie  
Denny Doyle

***Tualatin Valley Water  
District***

Greg DiLoreto  
Dick Schmidt  
Marilyn McWilliams

January 31, 2013

Ms. Dorothy Pedersen  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Re: Water Right Instream Lease Application for Certificates 38894 –  
Joint Water Commission

Dear Dorothy,

The Joint Water Commission (JWC) is submitting the enclosed Application for Water Right Instream Lease for Certificate 38894. The JWC is requesting an instream rate of 0.15 cfs and an instream use period of June 1 through 30 in the Tualatin River. The JWC also has enclosed a check to cover the required fee of \$250 for an instream lease application.

If you need additional information please contact Niki Iverson, the Water Resources Manager, at 503-615-6770 or Adam Sussman of GSI Water Solutions, Inc. at 541-753-0745.

Sincerely,

Kevin Hanway  
General Manager  
Joint Water Commission

Enclosures

Cc: Adam Sussman, GSI Water Solutions, Inc.  
Niki Iverson, City of Hillsboro