T-11469

[] - Oversived map Location

TLI

Name CLEMN WATER SERVICES YO SIEVE KREBBG Address 16060 SW BSTH AVE TIGARD OR 977224	DESCRIPTION Name of Stream TUM	OF WATER RIGHT(s)			Date 6/27/12	FEES PAID Amount	Receipt # Custace+
Change in A Poly 1555	Trib. of WILLAME	TER					
Change in \triangle POU USE Date Filed Aug 212012	Use IVE	*	County WASHING	77701/18)			
Initial notice date Sept 42012	Quantity of water (CFS	1	No. of Acres	11010 (13)			
DPD issued date 12-7-2015	Name of ditch)		874			
PD issued date 1/25/16	App #5 26 463	Per # 5 20145	Cert # 22048	PR Date 09/195	-1		
PD notice date 2/2/16	App#	Per#	Cert #	PR Date		FEES REF	UNDED
Date of FO 3.15.16 Vol 98 Page 1037	App#	Per#	Cert #	PR Date	Date	Amount	Receipt#
	App#	Per#	Cert #	PR Date			
	App#	Per#	Cert #	PR Date			
C-Date						*	
COBU due date							
COBU Received date							
Certificate issued							
					-		
Assignments:				_			
				_			
				_			
							+
igation District							
		A					
entMAPETHA PAGEL-SCHWABE WILL	MUSON & WYATI	· f.C.					
	MUSON & WYATI	· f.C.					



Water Resources Department

North Mall Office Building 725 Summer St NE, Suite A Salem, OR 97301 Phone (503) 986-0900 Fax (503) 986-0904 www.wrd.state.or.us

March 30, 2016

CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224

REFERENCE: Transfer Application T-11469

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed <u>only</u> upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Tracy Fox, by telephone at (503) 986-0827 or by e-mail at Tracy.L.Fox@wrd.state.or.us.

Sincerely,

Marissa Andrews Water Right Services Support

cc: Jacob W. Constans, Watermaster Dist. #18 (via email)
Martha O. Pagel, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time-Limited Instream)	FINAL ORDER APPROVING A
Transfer Application T-11469,)	CHANGE IN PLACE OF USE AND
Washington County)	CHARACTER OF USE OF A WATER
The second secon)	RIGHT

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES 16060 SW 85TH AVE. TIGARD, OR 97224

Findings of Fact

- On August 27, 2012, Clean Water Services filed a time-limited instream transfer application
 to change the character of use and place of use under Certificate 22048 to instream use until
 termination is requested by the applicant. The Department assigned the application number
 T-11469.
- 2. Notice of the application for transfer was published on September 4, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- Certificate 22048 was cancelled by T-11468 and a remaining right certificate was issued December 31, 2012, for the water right not modified by Special Order Volume 88, Page 865. The new certificate is 87874.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

- 4. The application included a Land Use Information form completed and signed by a representative of the Washington County planning department. The Department also provided notice to Washington County upon receipt of the transfer application. However, the applicant did not provide notice of the proposed application to Clackamas County, and the cities of Forest Grove, Cornelius, Hillsboro, Tigard, Durham, Tualatin, King City, Rivergrove, and West Linn. All affected local governments located along the reach of a proposed instream use must be provided notice of both the intent to file the instream transfer by the applicant and upon receipt of an instream transfer application by the Department. On October 27, 2015, the Department mailed notice to these additional local governments. No comments were filed in response to the notice.
- 5. On December 7, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11469 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 8, 2016, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 6. On January 25, 2016, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11469 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 2, 2016, and in the Daily Journal of Commerce newspaper on February 3, and 10, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
- 7. The portion of the right to be transferred is as follows:

Certificate: 87874 in the name of CLEAN WATER SERVICES (perfected under

Permit S-20745)

Use: IRRIGATION of 29.7 ACRES

Priority Date: SEPTEMBER 19, 1951

Rate: 0.37 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation

season of each year.

Source: TUALATIN RIVER, a tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
18	3 W	WM	8	NE NW	47

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
18	3 W	WM	8	NE NE	47	14.1
1 S	3 W	WM	8	SE NE	47	0.8
1 S	3 W	WM	9	NW NW	47	14.8
					Total:	29.7

 Certificate 87874 does not describe the measured distances of the point of diversion, however information is available from the transfer application indicating that the point of diversion is further described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	3 W	WM	8	NE NW	47	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

- 9. The irrigation season is not specified in Certificate 87874. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 10. A total of 74.2 acre-feet of water may be beneficially used annually under the existing right.
- 11. Time-Limited Instream Transfer Application T-11469 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; and pollution abatement on a time-limited basis.
- 12. The applicant requests that the water use revert to its authorized use and place of use if it is determined by the applicant that use of water under Certificate 87874 is needed. For example, if the property is sold to a new landowner or if reclaimed water (currently being used for irrigation purposes on the described place of use) is no longer available.
- 13. Time-Limited Instream Transfer Application T-11469 proposes to change the place of use of the right to create an instream reach from the point of diversion (approximately River Mile (RM) 55) to the mouth of the Tualatin River (RM 0).
- 14. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)		
June 23 to September 30	0.37	74.2		

15. The applicant has requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 16. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2). As part of the transfer application, the applicant identified that water has not been used under the existing water right and that reclaimed municipal water has been used instead for the irrigation.
- 17. ORS 540.610(2)(h) identifies that a water right is not subject to forfeiture if the nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- 18. A registration for use of reclaimed water may be recognized by the Department under ORS 537.132 provided that the use of reclaimed water is also authorized by a national pollutant discharge elimination system or water control facilities permit issued pursuant to ORS 468B.050 or 468B.053. A National Pollutant Discharge Elimination System (NPDES) permit (Permit Number 101142) was issued by the Department of Environmental Quality, authorizing the use of reclaimed water for irrigation, on August 25, 1993.
- A registration for use of municipal reclaimed water was submitted to the Department on November 25, 2009, and identifies the reclaimed water was used for irrigation in-lieu of Certificate 22048 (superseded by Certificate 87874) and was applied under NPDES permit 101142.
- 20. Because the non-use of water occurred during a period of time within which the water right holder was using reclaimed water in lieu of the existing water right, the applicant has sufficiently rebutted the presumption of forfeiture in accordance with ORS 540.610(2)(h).
- 21. It is not clear whether a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-11469. However a delivery system to apply reclaimed water is identified as being present within the five-year period prior to submittal of Application T-11469.

22. Based upon review of the transfer application, water may be protected instream as follows: Instream Reach: From the point of diversion (approximately RM 55) to the mouth of the Tualatin River (RM 0).

Priority Date	Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)	
September 19, 1951	June 23 to September 30	0.37	74.2	

- 23. The proposed change would not result in enlargement of the right. The lands described in Finding of Fact No. 7 may continue to receive reclaimed water during the term of this timelimited instream transfer.
- 24. The proposed changes would not result in injury to other water rights.
- 25. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 26. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 27. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). Priority dates of these instream protections range from May 25, 1966, to August 5, 1993.
- 28. There are two time-limited instream water rights created as a result of the instream transfer process (ORS 537.348), being Special Order Volume 76, Page 912 (T-10332), Special Order Volume 80, Page 1127 (T-7408). There are also two permanent instream rights, Certificates 87718 and 87873, established under the instream transfer process.
- 29. The instream right established under Special Order Volume 76, Page 912 (T-10332) is junior in priority date (August 14, 1975) to instream uses under MF-174, MF-175, and Certificate 59692 and is additive to those rights.

- 30. The proposed instream use is senior in priority date to each of the existing instream water rights established as a result of ORS 537.346 (minimum flow conversion) and 537.341 (state agency application process). The proposed instream use is also senior to the instream right established under Special Order Volume 76, Page 912.
- 31. A Total Maximum Daily Load (TMDL) designation has been established for the Tualatin River Basin.
- 32. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Tualatin River are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and anadromous and resident fish habitat and pollution abatement, but are not always met. By replacing a portion of these instream water rights, and the instream right established under Special Order Volume 76, Page 912, any instream water right created as a result of this transfer will provide protection of stream flows identified as necessary for supporting aquatic life and anadromous and resident fish habitat under earlier priority dates.
- 33. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process and instream lease) and ORS 537.470 (allocation of conserved water process), located within the proposed reach, any new instream water right established by this transfer would provide protection for additional flows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.
- 34. During the period June 23 through September 30, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341, ORS 537.346, and Special Order Volume 76, Page 912, and be in addition to other instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.
- 35. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.
- 36. The combination of existing instream water rights exceeds the estimated average natural flow. Exceedance of these flows occurred under previous instream transactions. However, the proposed instream water right, in combination with other senior instream water rights established through the instream transfer process, will not exceed the estimated average natural flows.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in Time-Limited Instream Transfer Application T-11469 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

Now, therefore, it is ORDERED:

- 1. The changes in character of use and place of use to instream use proposed in Time-Limited Instream Application T-11469 are approved.
- 2. The exercise of the right evidenced by Certificate 87874 for irrigation of 29.7 acres at the former place of use shall be SUSPENDED without loss of priority, for the term of the transfer authorized herein. The former place of use may continue to receive water under an NPDES permit issued by the Department of Environmental Quality and a registration for the use of reclaimed water filed with the Department on November 25, 2009.
- 3. The instream water right shall provide for the protection of streamflows from the point of diversion (described in Finding of Fact Nos. 7 and 8) to the mouth of the Tualatin River (RM 0) for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; and pollution abatement.
- 4. The quantities of water to be protected under the instream water right are:

Priority Date	Instream Period	Instream Rate (cfs)
9/19/1951	June 23 to September 30	0.37

- Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- 6. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
- 7. During the term of this order, the instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and Special Order Volume 76, Page 912. In addition, the instream right established by this transfer shall be in addition to other instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 87874 and any related decree.
- 9. The former place of use of the transferred water shall no longer receive water as part of this right.

- 10. The order may be terminated at any time during a calendar year. However, if the termination request is received less than 30 days prior to the period of allowed instream use or after the instream period has begun, water may not be used under Certificate 87874 until the following calendar year, unless the Director determines that enlargement would not occur.
- 11. This order may be terminated upon submission of evidence by the applicant that conditions for termination of the order have been met. Conditions for termination include:
 - a) Ownership of the lands to which Certificate 87874 are appurtenant has changed and the new landowner intends to exercise Certificate 87874 on the land;
 - b) Reclaimed water is no longer available for use on the subject lands; or
 - c) The applicant provides other information demonstrating that termination of the order is appropriate.
- The term of this Final Order shall continue until terminated. Upon termination of this timelimited instream transfer, the use of water shall revert to its original use and place of use as described by Certificate 87874.

Dated at Salem, Oregon this 12 day of March, 2016.
Dwift Inl
Dwight French, Water Right Services Division Administrator, for
Tom M. Byler, Director
Oregon Water Resources Department

Mailing Date: MAR 3 1 2016

Dated at Salam Owner this 15 1 - 536 1 2016

D 74	~	
Review	Checklist	

T-11469

Caseworker: Tracy

PR Initials_

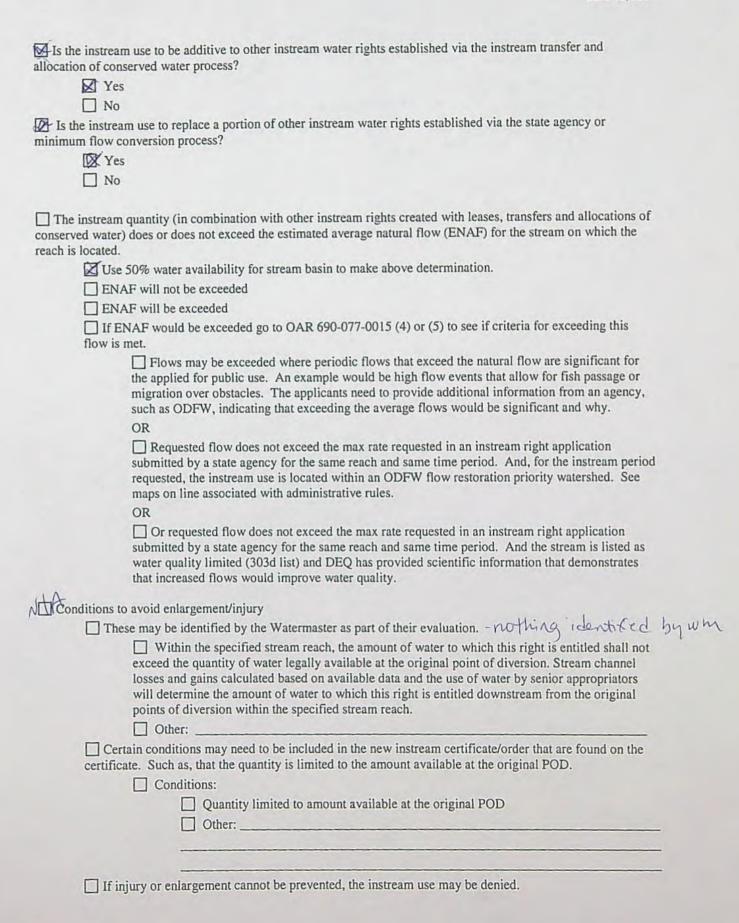
									File	Pre	p			
CW									CW					
	File A	ssigne	d (comp	puter e	ntry)					Prin	t Tax I	ot Map(s)/Ownership info if available on the web		
\boxtimes	ODF	Make Copies App, Map, GW review, (WM Review, ODFW to send to applicant later) Affidavits if applicable									Print: Certs, WR maps, (Tabulations, Sp Or, Air Photos or other helpful info to aid in processing)			
\boxtimes			inals wi	ith cov	er shee	t				Che	ck Are	a of Interest – print if needed		
			ny publi y. Prin									ion districts that need notice based on Area of Interest Yes No Note: Tualatin Valley Irrigation District		
APPLICATION/MAP I									AP R					
PR	CW									PR	CW	gend copy of PD		
D	\boxtimes	Appro	priately	signe	d						Ø	Ditch Company, Irr. Dist. and/or BOR sent copies		
		Check	ed WR	IS con	tact add	iress/e	-mail f	or accu	racy		\boxtimes	Appropriate Fees Paid		
	X	Revisi	it applic	ation	checkli	st & S	upporti	ing Doc	s	14	ALTA	Overpayment of Fees, Refund Request with FO		
		Any deficiencies that need to be addressed?							Yes			Land Use Form matches Tax Lots, is signed by proper official and is APPROVED		
				DE	CTER	RMI	NIN	G TH	E "F	RO	M" A	AND "TO" LANDS		
PR	CW									PR	CW			
	A	Only the authorized POD's/POA's and POUs to transferred are listed.						POUs to	o be		×	Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)		
		Marked on certificate the acreage being transfer cancelled and remaining by 1/4 1/4.							rred,		区	Marked on certificate the quantity of water being transferred, cancelled, and remaining		
	Ø	Compare Water Right map to App Map for Accuracy									区	Check and notate on Plat Card for Conflicts (To and From Lands) N/A if no change in POU or Use		
PR	CW				II	NJU	RYI	REVI	EWS	/CC	MM	ENTS/CONDITIONS		
NZH	DI	FODF	V		Fish	Screen	ns		ther:					
14/19	ALLA		nd water	_										
	\boxtimes	Wate	rmaster		Headg				rior to d					
						ring De			rior to d		ng	Type of Device?		
		Injury				7 1			nlargen			Yes No		
			itions to	1 55				y n	gno			ALLY OPPURISORY YEARTH		
	PD		D	F			OV		DPI)/PI)/ F1	NAL ORDER/COVER LETTER		
PR	CW	PR	CW	PR	CW	PR	CW	TIDD	A (TOTE 33/17	270 4	DDG E	V DED CERT D OF LET OVE V		
		-							UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)					
			7	2				Was/\	Check tenses exFind & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were					
		Ā							Correct address? Add Agent, Receiving Landowner if applicable etc					
			四	F					Compare "from lands" with marked up Certificate					
				P			Ш		Compare Authorized POD(s)/POA(s) with marked up Certificate					
		7	Q	1				100000				ons (send copy of review to applicant if applicable)		
4/3				ф				Add (Ground	water	condit	ions		
14日		- I	9	Ø							N/A R JU	(send copy of review to applicant if applicable)		
14		中		1					en findi					
1104								Add a	any can	cellati	ion lang	guage or special situations		
				力				Attac	h suppo	rting	docum	ents to cover letter if applicable		

OWNERSHIP VERIFICATION													
PR	CW		PR	CW									
		The deed/ROI matches the "from" lands.	X		Notarized, signed statement of consent (if applicable)								
	4	All owners on the deed/ROI have signed the application.	X	Ø	Compare with current tax lot map.								
PR	CW	PD PUBLIC NOTICE/NEWSPAPER NOTICE/COVER LETTER											
		UPDATE WRIS APPS FOLDER (FIELD STA											
	6	Check tenses exFind & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were											
	D	Format matches current template											
由		Content matches PD info?											
	中	Spell checked?											
	4	Correct address?											
		Cost Estimate for Newspaper if applicable sen	d ema	il to su	apport staff 2 weeks three weeks								
中		Send Letter to Applicant/Agent regarding new	spape	r notic	e cost								
山		Have funds been received from Applicant/Age	ent for	newsp	paper costs?								
,													
PR	CW	1211-	_		IT CERTIFICATE								
		UPDATE WRIS APPS FOLDER (FIELD ST											
		Check tenses exFind & Replace point(s), Ri	ght(s)	Meter	(s), Device(s) Is/Are, Was/Were								
		Table Format matches current template		•									
	Н	Content format matches original certificate	-										
	Н	Spell checked?											
CVV		Name and address matches originating certific		ZED	XX/D A D LID								
CW	Orac	nize Working Docs For Peer Review (Remove			WRAP UP								
H		ate Computer entry (add postal confirmation rec	_		and data file was mailed								
H		ile contents on Salem Exchange Folder	cipt ii	umber	and date the was maried								
	_	e-mail and correspondence put it in order of th	e find	ings of	PD (if applicable)								
					ate for FO: No—have Codi call newspaper								
	1143	Thought of Fuoriculon declined.			nave cour can newspaper								
Record Keeping: DPD Mailed (Date) PD Mailed (Date) COMMENTS:													
				-									
				-									
_													
_				-									
-													



Instream Use Evaluation
☑ List Rights to be transferred to instream use: 87874
☐ Season of Use: irr. Season way 1 - Sep. 30 ☐ Rate per acre: 180
Rate per acre:
Does the rate need to be prorated based on portion of right proposed for transfer? yes Prorated rate: 0.37 cfs
Duty per acre or other volume limit: 2.5 of /ac
☐ If no duty, the volume should be limited considering beneficial use without waste. May need consultation with Watermaster to determine.
Volume Limit:
Any comments received during public notice period? Yes No
If yes, do the comments raise any injury or enlargement concerns? Yes No
If yes, identify issues:
How affect instream use, if at all?
Review Watermaster Evaluation for any issues that may affect the instream use. Issues could include identification of return flows, non use, etc. These need to be accounted for as complete instream use evaluation.
Have all necessary WM Evaluations been received? Check requested reach to confirm (some reaches flow through more than one WM District).
WM Evaluation received from: Gregt Cole Beaman
☐ Return flows ☐ Use suspension issues (such as sub irrigation)
☐ Non use issues
Other issues:
Instream beneficial use requested (see instream section of application form)
Is water requested to be protected at a point or over a reach?
Point:
D-Reach: from pod to mowth
For a reach the following needs to be considered:
Location of any return flows. If below the proposed reach, do not need to account for them within the reach. If within the proposed reach, return flows should be accounted for just below the POD or, if at a definite point/area below the POD, may be accounted for at the downstream point of return flows.
Stream flow losses, such as areas of natural stream flow loss to the river bed.
Percent of loss and location:
If water is requested to be protected from the source stream and into a receiving stream is the quantity of water measurable in the receiving stream. This is based on a consultation with the Watermaster with the general parameters being whether the requested instream flow is with 5% margin of error on a measuring device considering the low flow point/reach in the receiving stream. The low flow may be, for example, the lowest flow on the low flow day/week/month depending on how the Watermaster would generally regulate, if they were to regulate.
☐ Measurable into receiving stream.
☐ Not measurable into receiving stream.

☐ Instream quantity and timing (period during which water is requested to be protected instream – if identified) is appropriate considering the rate, duty and season limits of the originating water right.
If application does not specify an instream period, this may be identified via consultation with the Watermaster, ODFW District Biologist or other agency to determine when is the best time during the limits of the irrigation season to protect water instream.
☐ Instream Period:
Basic equation info:
Requested instream rate (not more than max rate allowed): 0.37
Requested instream volume (not more max volume): 74, d
Instream period: from $6-73$ through $9-30$ = # 100 days
1 CFS = 1.983471 af/day (this is your conversion factor)
Instream volume / (1.983471 af/day * instream rate) = max days instream
or
instream volume / # days = X af/day
x af/day / 1.983471 af/day = cfs given volume and # of days proposed
or
(instream rate cfs * 1.983471 af/day) * # days = volume af
0.37 100 = 73.38842
There are also several rate calculators available to help make this determination (s:\groups\fs\instream water rights\rate calculators):
General rate calculator
Central Oregon Irrigation District on line calculator
Arnold Irrigation District
Crook County Irrigation District
Swalley Irrigation District
☐ Tumalo Irrigation District
☐ North Unit Irrigation District
Other Instream Water Rights:
[Identify all instream water rights within the reach requested by the applicant and that may be approved by the
Department. State Agency Instream Rights: 77960, 77961, 80000,
Minimum Flow Conversion Instream Rights: M- 174, 175, 173
Instream Transfer Instream Rights: Apr. 5-86 704, 86 705, 53537-TLLS
Allocation of Conserved Water Instream Rights: Cert 81718, 81815
Note: There are spreadsheets listing many of the instream rights established via these processes for the Deschutes Basin (by stream) in s:\groups\fs\programs\instream water rights\deschutes. Under Umatilla basin, there's also a listing for part of the Walla Walla.



Time-li	mited Instream Transfers: App. 53537 T-10332
	Number of years:
	Conditions under which the transfer should be unwound: Same as this app
	upon request if determined by asslicent that use of
	water is needed, such as it property is sold for it
	reclaimed water becomes unavailable

- Services Luciste			Water	Right Transfer	Cover Sheet				
	r T-11469				Transfer Specia	list: Tracy			
Applica CLEAN 16060	r Type: Tim nt Name/Ad I WATER S SW 85 TH AV D OR 97224	ERVICES E	Agent 1 MART 530 CE	Name/Address: 5 THA O. PAGEL ENTER ST NE SI	UITE 400	Rec Landowner Name/Address:			
		ber: ones #450	Irr. Dis	M, OR 97301 m trict Name/Addre	tagereschi	Affected Gov'ts Nan Washington County			
Comme	ntors: Name	/Address:				Current Landowner 1	Name/Address		
Water	Rights Affec	cted							
Record Market	The second second	App File No. o Name		Permit No.	Certificate No.	RR/CR Needed	RR/CR No:		
		5-26-4	63	5-20745	22048 878				
						Yes No			
						Yes No			
Key Dates & Initial Actions									
Rec'd: Aug	ıst 27, 2012	V	Proposed Action(s): place of use; use V						
Fees Pd: 80	0.00	v	WM District: 18 ODFW District:						
Initial Notice	September	4, 2012	WM Rev	view sent: 8/31/12	2 done 12 "	ODFW Review sent:			
Acknowledge	ment Letter	Sent 🗵				GW Review sent:	_		
DPD M DPD M WM PD Sign		-15 heet sent with DI nt contact sheet s		R N/A N N/A	equest for new lews \$ received equest to publi	rs \$ sent: 1-13-16 1: 1-19-16 ish sent to newspaper: lication received: 2-	1/29/16		
Reviewe Date:		wroc 10	Review Date: Coordin Date:		lem)	Final Order Review (Salem) Reviewer: Serch Date: 7-8-16 Coordinator: Guerce Date: Z-18-16			
Date: 11-30-15 Date: Date: Z-18-16 Comments/Special Issues: Please Send TVID a copy of the PD. 144									

Notice of FO email'd to processors _

AFFIDAVIT OF PUBLICATION





921 S.W. Washington St. Suite 210 / Portland, OR 97205-2810 (503) 226-1311

STATE OF OREGON, COUNTY OF MULTNOMAH-ss.

I, Michelle Ropp, being first duly swom, depose and say that I am a Principal Clerk of the Daily Journal of Commerce, a newspaper of general circulation in the counties of CLACKAMAS, MULTNOMAH, and WASHINGTON as defined by ORS 193.010 and 193.020; published at Portland in the aforesaid County and State; that I know from my personal knowledge that the Other notice described as

STATE OF OREGON WATER RESOURCES DEPARTMENT NOTICE OF PRELIMINARY JETERMINATION FO

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 time(s) in the following issues:

2/3/2016

2/10/2016

State of Oregon County of Multnomah

> SIGNED OR ATTESTED BEFORE ME ON THE 10th DAY OF February, 2016

> > Michelle Ropp

Notary Public-State of Oregon

OFFICIAL STAMP
FELICIA MARIE DELGATTO
NOTARY PUBLIC - OREGON
COMMISSION NO. 934768
MY COMMISSION EXPIRES JANUARY 26, 2019

RECEIVED BY OWRD

FEB 1 6 2016

0

10961086

10961086

Client Reference No: T-11469

Published Feb. 3 & 10, 2016.

STATE OF OREGON WATER RESOURCES DEPARTMENT NOTICE OF PRELIMINARY DETERMINATION FOR

WATER RIGHT TRANSFER T-11469 T-11469 filed by Clean Water Services,

16060 SW 85th Ave, Tigard, OR 97224, proposes a place of use and character of use change under Certificate 87874. The

right allows the use of 0.37 cfs from the Tualatin River in Sec. 8, T1S, R3W, WM

for irrigation in Sects. 8 and 9. The applicant proposes to create an instream use in the Tualatin River from the point of diversion to the mouth. The Water Resources Department proposes to approve the transfer, based on the

requirements of ORS Chapter 540, OAR 690-380-5000 and OAR 690-077-0075.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 02/17/2016, or publication of notice in the Department's

weekly notice, whichever is later. Call (503) 986-0807 to obtain additional information or a protest form. If no protests

are filed, the Department will issue a final

order consistent with the preliminary

determination.

Order No.:

TACS- PN
Oregon Dept of Water Resources
725 Summer St NE Ste A
Salem, OR 97301-1266

SALEM, OR

Daily Journal of Commerce

Palministric

Publication Name: Daily Journal of Commerce

Publication URL: www.djcoregon.com

Publication City and State: Portland, OR

Publication County: Multnomah

Notice Popular Keyword Category:

Notice Keywords: Clean Water Service

Notice Authentication Number: 201602111033518351948 2675536362

Notice URL:

Notice Publish Date: Wednesday, February 10, 2016

Notice Content

STATE OF OREGON WATER RESOURCES DEPARTMENT NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-11469 T-11469 filed by Clean Water Services, 16060 SW 85th Ave, Tigard, OR 97224, proposes a place of use and character of use change under Certificate 87874. The right allows the use of 0.37 cfs from the Tualatin River in Sec. 8, T1S, R3W, WM for irrigation in Sects. 8 and 9. The applicant proposes to create an instream use in the Tualatin River from the point of diversion to the mouth. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540, OAR 690-380-5000 and OAR 690-077-0075. Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 02/17/2016, or publication of notice in the Department's weekly notice, whichever is later. Call (503) 986-0807 to obtain additional information or a protest form. If no protests are filed, the Department will issue a final order consistent with the preliminary determination. Published Feb. 3 & 10, 2016. 10961086

Back

Daily Journal of Commerce

FyDication Logic Unavariable

Publication Name: Daily Journal of Commerce

Publication URL: www.djcoregon.com

Publication City and State: Portland, OR

Publication County: Multnomah

Notice Popular Keyword Category:

Notice Keywords: Clean Water Service

Notice Authentication Number: 201602091646314916537 2675536362

Notice URL:

Notice Publish Date: Wednesday, February 03, 2016

Notice Content

STATE OF OREGON WATER RESOURCES DEPARTMENT NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-11469 T-11469 filed by Clean Water Services, 16060 SW 85th Ave, Tigard, OR 97224, proposes a place of use and character of use change under Certificate 87874. The right allows the use of 0.37 cfs from the Tualatin River in Sec. 8, T1S, R3W, WM for irrigation in Sects. 8 and 9. The applicant proposes to create an instream use in the Tualatin River from the point of diversion to the mouth. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540, OAR 690-380-5000 and OAR 690-077-0075. Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 02/17/2016, or publication of notice in the Department's weekly notice, whichever is later. Call (503) 986-0807 to obtain additional information or a protest form. If no protests are filed, the Department will issue a final order consistent with the preliminary determination. Published Feb. 3 & 10, 2016. 10961086

Back

FOX Tracy L

From:

FITZGERALD Kate M

Sent:

Friday, January 29, 2016 11:49 AM

To:

FOX Tracy L

Subject:

RE: Newspaper estimate for Transfer Application T-11469

Of course! It will run 2/3/16 and 2/10/16.

Kate Fitzgerald

Office Support for Water Rights | Oregon Water Resources Department

Kate.M.Fitzgerald@wrd.state.or.us | 503.986.0807

From: FOX Tracy L

Sent: Friday, January 29, 2016 11:43 AM

To: FITZGERALD Kate M

Subject: RE: Newspaper estimate for Transfer Application T-11469

Thanks Kate. Can you tell me what both the publication dates are? Or I can just wait until I receive the affidavit, whichever.

Tracy Fox | Transfer Specialist

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 986-0827 | Fax: 503 986-0901

Email: tracy.l.fox@wrd.state.or.us | Web:http://www.wrd.state.or.us

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: FITZGERALD Kate M

Sent: Friday, January 29, 2016 11:37 AM

To: FOX Tracy L

Subject: RE: Newspaper estimate for Transfer Application T-11469

Tracy,

The last date of publication for T-11469 will be 2/10/2016.

Thanks,

Kate Fitzgerald

Office Support for Water Rights | Oregon Water Resources Department

Kate, M. Fitzgerald@wrd.state.or.us | 503.986.0807

From: FOX Tracy L

Sent: Tuesday, January 12, 2016 3:43 PM

To: WILLIAMSON Bethanie R

Subject: RE: Newspaper estimate for Transfer Application T-11469

thanks

Tracy Fox | Transfer Specialist

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 986-0827 | Fax: 503 986-0901

Email: tracy.l.fox@wrd.state.or.us | Web:http://www.wrd.state.or.us

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: WILLIAMSON Bethanie R

Sent: Tuesday, January 12, 2016 2:42 PM

To: STARNES Kelly Cc: FOX Tracy L

Subject: RE: Newspaper estimate for Transfer Application T-11469

The applicant will need to pay \$118.80 for this publication.

~Bethanie Williamson~

Data Technician | Oregon Water Resources Department (503) 986-0894 | Bethanie.R. Williamson@wrd.state.or.us

From: STARNES Kelly

Sent: Monday, January 11, 2016 3:24 PM

To: WILLIAMSON Bethanie R

Cc: FOX Tracy L

Subject: Newspaper estimate for Transfer Application T-11469

Hi Bethanie -

Tracy will need an estimate for the attached TRANSFER APPLICATION notice to run in the Oregon Journal of Commerce. Run time is two weeks.

Thanks!

Kelly

Kelly Starnes, Transfer Program Analyst Oregon Water Resources Department 725 Summer St NE Suite A Salem OR 97301-1271

Telephone: 503-986-0886 Fax: 503-986-0903

E-mail: Patrick.K.STARNES@wrd.state.or.us

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.



Water Resources Department

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

January 25, 2016

Clean Water Services 16060 SW 85th Ave Tigard OR 97224

SUBJECT: Time Limited Instream Water Right Transfer Application T-11469

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11469. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Daily Journal of Commerce newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0827 or Tracy.L.Fox@wrd.state.or.us if I may be of assistance.

Sincerely,

Ms. Tracy Fox

Transfer Specialist

Transfer and Conservation Section

cc: T-11469

Jake Constans, District 18 Watermaster (via e-mail) Martha Pagel, Agent for the applicant (via e-mail)

Tualatin Valley Irrigation District

enclosure

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time-Limited Instream)	PRELIMINARY DETERMINATION
Transfer Application T-11469,)	PROPOSING APPROVAL OF A
Washington County)	CHANGE IN PLACE OF USE AND
The state of the s)	CHARACTER OF USE OF A WATER
)	RIGHT

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224

Findings of Fact

- On August 27, 2012, Clean Water Services filed a time-limited instream transfer application to change the character of use and place of use under Certificate 22048 to instream use until termination is requested by the applicant. The Department assigned the application number T-11469.
- 2. Notice of the application for transfer was published on September 4, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- Certificate 22048 was cancelled by T-11468 and a remaining right certificate was issued December 31, 2012, for the water right not modified by Special Order Volume 88, Page 865. The new certificate is 87874.
- 4. The application included a Land Use Information form completed and signed by a representative of the Washington County planning department. The Department also provided notice to Washington County upon receipt of the transfer application. However, the applicant did not provide notice of the proposed application to Clackamas County, and the cities of Forest Grove, Cornelius, Hillsboro, Tigard, Durham, Tualatin, King City, Rivergrove, and West Linn. All affected local governments located along the reach of a

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

T-11469.tlf

proposed instream use must be provided notice of both the intent to file the instream transfer by the applicant and upon receipt of an instream transfer application by the Department. On October 27, 2015, the Department mailed notice to these additional local governments. No comments were filed in response to the notice.

- 5. On December 7, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11469 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 8, 2016, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 6. The portion of the right to be transferred is as follows:

Certificate: 87874 in the name of CLEAN WATER SERVICES (perfected under

Permit S-20745)

Use: IRRIGATION of 29.7 ACRES

Priority Date: SEPTEMBER 19, 1951

Rate: 0.37 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion

of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation

season of each year.

Source: TUALATIN RIVER, a tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	3 W	WM	8	NE NW	47

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	8	NE NE	47	14.1
1 S	3 W	WM	8	SE NE	47	0.8
1 S	3 W	WM	9	NW NW	47	14.8
					Total:	29.7

7. Certificate 87874 does not describe the measured distances of the point of diversion, however information is available from the transfer application indicating that the point of diversion is further described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	3 W	WM	8	NE NW	47	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

- The irrigation season is not specified in Certificate 87874. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 9. A total of 74.25 acre-feet of water may be beneficially used annually under the existing right.
- 10. Transfer Application T-11469 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; and pollution abatement on a time-limited basis.
- 11. The applicant requests that the water use revert to its authorized use and place of use if it is determined by the applicant that use of water under Certificate 87874 is needed. For example, if the property is sold to a new landowner or if reclaimed water (currently being used for irrigation purposes on the described place of use) is no longer available.
- Transfer Application T-11469 proposes to change the place of use of the right to create an
 instream reach from the point of diversion (approximately River Mile (RM) 55) to the mouth
 of the Tualatin River (RM 0).
- 13. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)	
June 23 to September 30	0.37	74.2	

14. The applicant has requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 15. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2). As part of the transfer application, the applicant identified that water has not been used under the existing water right and that reclaimed municipal water has been used instead for the irrigation.
- 16. ORS 540.610(2)(h) identifies that a water right is not subject to forfeiture if the nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.

- 17. A registration for use of reclaimed water may be recognized by the Department under ORS 537.132 provided that the use of reclaimed water is also authorized by a national pollutant discharge elimination system or water control facilities permit issued pursuant to ORS 468B.050 or 468B.053. A National Pollutant Discharge Elimination System (NPDES) permit (Permit Number 101142) was issued by the Department of Environmental Quality, authorizing the use of reclaimed water for irrigation, on August 25, 1993.
- 18. A registration for use of municipal reclaimed water was submitted to the Department on November 25, 2009, and identifies the reclaimed water was used for irrigation in-lieu of Certificate 22048 (superseded by Certificate 87874) and was applied under NPDES permit 101142.
- 19. Because the non-use of water occurred during a period of time within which the water right holder was using reclaimed water in lieu of the existing water right, the applicant has sufficiently rebutted the presumption of forfeiture in accordance with ORS 540.610(2)(h).
- 20. It is not clear whether a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-11469. However a delivery system to apply reclaimed water is identified as being present within the five-year period prior to submittal of Application T-11469.
- Based upon review of the transfer application, water may be protected instream as follows:
 Instream Reach: From the point of diversion (approximately RM 55) to the mouth of the Tualatin River (RM 0).

Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)	
June 23 to September 30	0.37	74.2	

- The proposed change would not result in enlargement of the right. The lands described in Finding of Fact No. 6 may continue to receive reclaimed water during the term of this timelimited instream transfer.
- 23. The proposed changes would not result in injury to other water rights.
- The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 25. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;

- There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
- d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 26. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). Priority dates of these instream protections range from May 25, 1966, to August 5, 1993.
- 27. There are two time-limited instream water rights created as a result of the instream transfer process (ORS 537.348), being Special Order Volume 76, Page 912 (T-10332), Special Order Volume 80, Page 1127 (T-7408). There are also two permanent instream rights, Certificates 87718 and 87873, established under the instream transfer process.
- 28. The instream right established under Special Order Volume 76, Page 912 (T-10332) is junior in priority date (August 14, 1975) to instream uses under MF-174, MF-175, and Certificate 59692 and is additive to those rights.
- 29. The proposed instream use is senior in priority date to each of the existing instream water rights established as a result of ORS 537.346 (minimum flow conversion) and 537.341 (state agency application process). The proposed instream use is also senior to the instream right established under Special Order Volume 76, Page 912.
- 30. A Total Maximum Daily Load (TMDL) designation has been established for the Tualatin River Basin.
- 31. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Tualatin River are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and anadromous and resident fish habitat and pollution abatement, but are not always met. By replacing a portion of these instream water rights, and the instream right established under Special Order Volume 76, Page 912, any instream water right created as a result of this transfer will provide protection of stream flows identified as necessary for supporting aquatic life and anadromous and resident fish habitat under earlier priority dates.

- 32. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process and instream lease) and ORS 537.470 (allocation of conserved water process), located within the proposed reach, any new instream water right established by this transfer would provide protection for additional flows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.
- 33. During the period June 23 through September 30, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341, ORS 537.346, and Special Order Volume 76, Page 912, and be in addition to other instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.
- 34. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.
- 35. The combination of existing instream water rights exceeds the estimated average natural flow. Exceedance of these flows occurred under previous instream transactions. However, the proposed instream water right, in combination with other senior instream water rights established through the instream transfer process, will not exceed the estimated average natural flows.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-11469 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11469 is approved, the final order will include the following:

- 1. The changes in character of use and place of use to instream use proposed in application T-11469 are approved.
- 2. The exercise of the right evidenced by Certificate 87874 for irrigation of 29.7 acres at the former place of use shall be SUSPENDED without loss of priority, for the term of the transfer authorized herein. The former place of use may continue to receive water under an NPDES permit issued by the Department of Environmental Quality and a registration for the use of reclaimed water filed with the Department on November 25, 2009.
- 3. The instream water right shall provide for the protection of streamflows from the point of diversion (described in Finding of Fact Nos. 6 and 7) to the mouth of the Tualatin River (RM 0) for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.

4. The quantities of water to be protected under the instream water right are:

Priority Date	Instream Period	Instream Rate (cfs)
9/19/1951	June 23 to September 30	0.37

- 5. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
- 7. During the term of this order, the instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and Special Order Volume 76, Page 912. In addition, the instream right established by this transfer shall be in addition to other instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- 8. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 87874 and any related decree.
- 9. The former place of use of the transferred water shall no longer receive water as part of this right.
- 10. The order may be terminated at any time during a calendar year. However, if the termination request is received less than 30 days prior to the period of allowed instream use or after the instream period has begun, water may not be used under Certificate 87874 until the following calendar year, unless the Director determines that enlargement would not occur.
- 11. This order may be terminated upon submission of evidence by the applicant that conditions for termination of the order have been met. Conditions for termination include:
 - a) Ownership of the lands to which Certificate 87874 are appurtenant has changed and the new landowner intends to exercise Certificate 87874 on the land;
 - b) Reclaimed water is no longer available for use on the subject lands; or
 - c) The applicant provides other information demonstrating that termination of the order is appropriate.

12. The term of this Final Order shall continue until terminated. Upon termination of this timelimited instream transfer, the use of water shall revert to its original use and place of use as described by Certificate 87874.

Dated at Salem, Oregon this 25 day of January, 2016.

Dwight French, Water Right Services Division Administrator, for

Tom M. Byler, Director

Oregon Water Resources Department

This Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@wrd.state.or.us.

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266.

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 118663

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

INVOICE #_

RECEIVED FRO	M: Clean	Water	Service	APPLICATION						
BY:		7		PERMIT						
				TRANSFER	T-11469					
CASH: CI		OTHER: (IDENT	IFY)	TOTAL DEDIG						
	X 226422	□		TOTAL REC'D	\$118.80					
1083 TREASURY 4170 WRD MISC CASH ACCT										
			ID MIGO CACITA	1001	[c					
0407	COPIES 46	117	2000	. 1-4-0	0118 80					
0407	0207 OTHER: (IDENTIFY) NEWSPEPER Notice \$118.80									
0243 I/S Le	ase 0244	Muni Water Mg	mt. Plan 02-	45 Cons. Water	_					
		4270 WF	D OPERATING	ACCT						
	MISCELLANEOUS	3								
0407	COPY & TAPE FE	ES			\$					
0410	RESEARCH FEES				\$					
0408	MISC REVENUE:	(IDENTIFY)			\$					
TC162	DEPOSIT LIAB. (I	DENTIFY)			\$					
0240	EXTENSION OF T	IME			\$					
	WATER RIGHTS:		EXAM FEE		RECORD FEE					
0201	SURFACE WATER	1	S	0202	\$					
0203	GROUND WATER		S	0204	\$					
0205	TRANSFER		S							
	WELL CONSTRUC	CTION	EXAM FEE		LICENSE FEE					
0218	WELL DRILL CON		\$	0219	\$					
	LANDOWNER'S P			0220	\$					
	OTHER	(IDENTIEV)								
	OTHER	(IDENTIFT) _								
0536	TREASURY	0437 WE	LL CONST. STAI	RT FEE						
0211	WELL CONST STA	RTFEE	S	CARD #						
0210	MONITORING WE	LLS	S	CARD						
	OTHER	(IDENTIEV)			4					
100000000000000000000000000000000000000			DRO ACTIVITY	LIC NUMBER						
0233	POWER LICENSE		-		\$					
0231	HYDRO LICENSE	FEE (FW/WRD)			\$					
	HYDRO APPLICAT	TION			\$					
	TREASURY	ОТ	HER / RDX							
2000				-						
FUND		_ TITLE	-							
OBJ. CODE		_ VENDOR # _								
DESCRIPT	ION				\$					

RECEIPT: 118663

Attached is a check for \$118.80 (PCA #46117) for Newspaper Notice for Transfer T-11469

- made out to Oregon Water Resources Department (or WRD)
- "for T-11469-NOTICE" written on front of check

Mail to: Oregon Water Resources Department

725 Summer St. NE, Suite A

Salem, OR 97301-1266

RECEIVED BY OWRD

JAN 19 2016

SALEM, OR

REMITTANCE ADVICE

No. 226422



2550 SW Hillsboro Hwy Hillsboro OR 97123-9379 503-681-3600

Vendor Name: WATER RESOURCES DEPARTMENT

Vendor No. 10898

Check Date Jan 14, 2016

Check Total \$118.80

DATE	INVOICE #	GROSS	DISCOUNT	AMOUNT PAID	DESCRIPTION
13-Jan-2016	FOR T-11469 NOT	118.80	.00	118.80	PCA # 46117 P6408 WATER RIGHT TRANSFER APPLICATION
	RECEIVED BY	OWRD			
	JAN 19 2				
	SALEM, O	R			
	Total	118.80	.00	118.80	



Accounts Payable 2550 SW Hillsboro Highway Hillsboro, Oregon 97123

Return Service Requested

AUTO
RETURN SERVICE
REQUESTED

neopost Auto 01/15/2016 \$000.391



ZIP 97128 941M12250458



Water Resources Department

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

January 13, 2016

VIA E-MAIL

Clean Water Services c/o Steve Kebbe 16060 SW 85TH Ave Tigard OR 97224 KebbeS@cleanwaterservices.org

SUBJECT: Water Right Transfer Application T-11469

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

- submit a check for \$118.80 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
- 2. write "for T-11469 NOTICE" on the front of your check, and
- 3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than February 12, 2016.

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Oregon Journal of Commerce newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Attached is a check for \$118.80 (PCA #46117) for Newspaper Notice for Transfer T-11469

- made out to Oregon Water Resources Department (or WRD)
- "for T-11469-NOTICE" written on front of check

Mail to: Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, OR 97301-1266 If we do not receive payment for newspaper notice by February 12, 2016, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at Tracy.L.Fox@wrd.state.or.us or 503-986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox

Transfer Specialist

Transfer and Conservation Section

cc: T-11469

Jacob W. Constans, District 18 Watermaster (via e-mail) Martha O. Pagel, Agent for the applicant (via e-mail)

FOX Tracy L

From:

WILLIAMSON Bethanie R

Sent:

Tuesday, January 12, 2016 2:42 PM

To: Cc: STARNES Kelly FOX Tracy L

Subject:

RE: Newspaper estimate for Transfer Application T-11469

The applicant will need to pay \$118.80 for this publication.

~Bethanie Williamson~

Data Technician | Oregon Water Resources Department (503) 986-0894 | Bethanie.R.Williamson@wrd.state.or.us

From: STARNES Kelly

Sent: Monday, January 11, 2016 3:24 PM

To: WILLIAMSON Bethanie R

Cc: FOX Tracy L

Subject: Newspaper estimate for Transfer Application T-11469

Hi Bethanie -

Tracy will need an estimate for the attached TRANSFER APPLICATION notice to run in the Oregon Journal of Commerce. Run time is two weeks.

Thanks!

Kelly

Kelly Starnes, Transfer Program Analyst Oregon Water Resources Department 725 Summer St NE Suite A Salem OR 97301-1271

Telephone: 503-986-0886 Fax: 503-986-0903

E-mail: Patrick.K.STARNES@wrd.state.or.us

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

FOX Tracy L

From: FOX Tracy L <tracy.l.fox@state.or.us>

Sent: Thursday, January 07, 2016 3:58 PM

To: STARNES Kelly

Subject: T11469 Clean Water Services (TLIS) - newspaper quote

Attachments: 11469-pd-notice.docm

Kelly,

I need a quote from the Daily Journal of Commerce for a two-week run of the attached PD notice.

Thank you,

Tracy

Tracy Fox | Transfer Specialist

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 986-0827 | Fax: 503 986-0901

Email: tracy.l.fox@wrd.state.or.us | Web:http://www.wrd.state.or.us

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

FOX Tracy L

FOX Tracy L <tracy.l.fox@state.or.us> From: Sent:

Tuesday, January 05, 2016 8:25 AM

Langford, Shonee D. To: mpagel@schwabe.com Cc:

RE: T-11469/ Clean Water Services Subject:

Shonee.

This has been received, thank you. I've made the change requested in 1. below. You should see the Preliminary Determination in the next couple of weeks.

Tracy Fox | Transfer Specialist

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 986-0827 | Fax: 503 986-0901

Email: tracy.l.fox@wrd.state.or.us | Web:http://www.wrd.state.or.us

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: Langford, Shonee D. [mailto:SLangford@SCHWABE.com]

Sent: Monday, January 04, 2016 1:06 PM

To: FOX Tracy L

Subject: T-11469/ Clean Water Services

Tracy,

I'm assisting the applicant's agent, Martha Pagel, with the above-referenced transfer application in the name of Clean Water Services. This email responds to the items listed in your letter to the applicant, dated December 7, 2015.

- 1. The applicant requests one change to the draft preliminary determination. On page 7, we request that the word "necessary" in item 11.c be replaced with the word "appropriate" as follows: "The applicant provides other information demonstrating that termination of the order is appropriate necessary." We note that the instream transfer rules do not require a showing of necessity to terminate a transfer and believe the word "appropriate" would better provide the level of flexibility desired by the applicant. With that change, the draft preliminary determination is acceptable.
- 2. I have attached a copy of the required ownership report, which identifies Unified Sewerage Agency of Washington County as the property owner. I have also attached proof that the Unified Sewerage Agency of Washington County changed its name to Clean Water Services in 2001.
- 3. The applicant would like to publish notice of the transfer in the Daily Journal of Commerce.

Best Regards,

Shonee

Shonee D. Langford | Attorney Schwabe, Williamson & Wyatt 530 Center Street NE, Suite 400, Salem, OR 97301

Direct: 503-540-4261

Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com

Legal advisors for the future of your business®

NOTICE: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.



Water Resources Department

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

December 7, 2015

CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224

SUBJECT: Water Right Transfer Application T-11469

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-11469. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

- Please review the draft carefully to see if it accurately reflects the changes you intend to
 make, and whether you agree with the proposed action. You will need to respond in
 writing by the deadline provided below, whether you agree with the proposed action. Also
 we will appreciate having you let us know if there are typographical errors that need to be
 corrected.
- 2. A report of landownership for the lands to which the water rights are appurtenant (the FROM lands) is required. The report must be prepared by a title company and meet the criteria below. (Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
- 3. Notice of this transfer will need to be published in a local newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm that the Daily Journal of Commerce is the local paper you prefer to publish in so we can get an accurate estimate of the cost.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

Issuance of the Preliminary Determination will occur shortly after we receive:

- 1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
- 2. report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application; and
- 3. confirmation that the Daily Journal of Commerce is the newspaper you wish the Department to use for publication of the notice of the Preliminary Determination.

If we do not receive the items listed above by January 8, 2015, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at Tracy.L.Fox@wrd.state.or.us or 503 986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox

Transfer Specialist

Jacy fox

Transfer and Conservation Section

cc: Transfer Application file T-11469

Jake Constans, District 20 Watermaster (via e-mail)

Martha O. Pagel, agent for the applicant (via e-mail)

enclosure

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time-Limited Instream Transfer Application T-11469,)	DRAFT
	,	PRESENTATION OF THE PROPERTY O
Washington County)	PRELIMINARY DETERMINATION
)	PROPOSING APPROVAL OF A
)	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE OF A WATER
)	RIGHT

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224

Findings of Fact

- On August 27, 2012, Clean Water Services filed a time-limited instream transfer application to change the character of use and place of use under Certificate 22048 to instream use until termination is requested by the applicant. The Department assigned the application number T-11469.
- Notice of the application for transfer was published on September 4, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- Certificate 22048 was cancelled by T-11468 and a remaining right certificate was issued December 31, 2012, for the water right not modified by Special Order Volume 88, Page 865. The new certificate is 87874.
- 4. The application included a Land Use Information form completed and signed by a representative of the Washington County planning department. The Department also provided notice to Washington County upon receipt of the transfer application. However, the applicant did not provide notice of the proposed application to Clackamas County, and the cities of Forest Grove, Cornelius, Hillsboro, Tigard, Durham, Tualatin, King City, Rivergrove, and West Linn. All affected local governments located along the reach of a proposed instream use must be provided notice of both the intent to file the instream transfer

by the applicant and upon receipt of an instream transfer application by the Department. On October 27, 2015, the Department mailed notice to these additional local governments. No comments were filed in response to the notice.

5. The portion of the right to be transferred is as follows:

Certificate: 87874 in the name of CLEAN WATER SERVICES (perfected under

Permit S-20745)

Use: IRRIGATION of 29.7 ACRES

Priority Date: SEPTEMBER 19, 1951

Rate: 0.37 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation

season of each year.

Source: TUALATIN RIVER, a tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	3 W	WM	8	NE NW	47

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
18	3 W	WM	8	NE NE	47	14.1
18	3 W	WM	8	SE NE	47	0.8
1 S	3 W	WM	9	NW NW	47	14.8
					Total:	29.7

6. Certificate 87874 does not describe the measured distances of the point of diversion, however information is available from the transfer application indicating that the point of diversion is further described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	3 W	WM	8	NE NW	47	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

- The irrigation season is not specified in Certificate 87874. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 8. A total of 74.25 acre-feet of water may be beneficially used annually under the existing right.
- Transfer Application T-11469 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; and pollution abatement on a time-limited basis.

- 10. The applicant requests that the water use revert to its authorized use and place of use if it is determined by the applicant that use of water under Certificate 87874 is needed. For example, if the property is sold to a new landowner or if reclaimed water (currently being used for irrigation purposes on the described place of use) is no longer available.
- 11. Transfer Application T-11469 proposes to change the place of use of the right to create an instream reach from the point of diversion (approximately River Mile (RM) 55) to the mouth of the Tualatin River (RM 0).
- 12. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)
June 23 to September 30	0.37	74.2

13. The applicant has requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 14. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2). As part of the transfer application, the applicant identified that water has not been used under the existing water right and that reclaimed municipal water has been used instead for the irrigation.
- 15. ORS 540.610(2)(h) identifies that a water right is not subject to forfeiture if the nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- 16. A registration for use of reclaimed water may be recognized by the Department under ORS 537.132 provided that the use of reclaimed water is also authorized by a national pollutant discharge elimination system or water control facilities permit issued pursuant to ORS 468B.050 or 468B.053. A National Pollutant Discharge Elimination System (NPDES) permit (Permit Number 101142) was issued by the Department of Environmental Quality, authorizing the use of reclaimed water for irrigation, on August 25, 1993.
- 17. A registration for use of municipal reclaimed water was submitted to the Department on November 25, 2009, and identifies the reclaimed water was used for irrigation in-lieu of

- Certificate 22048 (superseded by Certificate 87874) and was applied under NPDES permit 101142.
- 18. Because the non-use of water occurred during a period of time within which the water right holder was using reclaimed water in lieu of the existing water right, the applicant has sufficiently rebutted the presumption of forfeiture in accordance with ORS 540.610(2)(h).
- 19. It is not clear whether a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-11469. However a delivery system to apply reclaimed water is identified as being present within the five-year period prior to submittal of Application T-11469.
- Based upon review of the transfer application, water may be protected instream as follows:
 Instream Reach: From the point of diversion (approximately RM 55) to the mouth of the Tualatin River (RM 0).

Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)
June 23 to September 30	0.37	74.2

- The proposed change would not result in enlargement of the right. The lands described in Finding of Fact No. 5 may continue to receive reclaimed water during the term of this timelimited instream transfer.
- 22. The proposed changes would not result in injury to other water rights.
- The amount and timing of the proposed instream flow is allowable within the limits and use
 of the original water right.
- 24. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 25. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream

- flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). Priority dates of these instream protections range from May 25, 1966, to August 5, 1993.
- 26. There are two time-limited instream water rights created as a result of the instream transfer process (ORS 537.348), being Special Order Volume 76, Page 912 (T-10332), Special Order Volume 80, Page 1127 (T-7408). There are also two permanent instream rights, Certificates 87718 and 87873, established under the instream transfer process.
- 27. The instream right established under Special Order Volume 76, Page 912 (T-10332) is junior in priority date (August 14, 1975) to instream uses under MF-174, MF-175, and Certificate 59692 and is additive to those rights.
- 28. The proposed instream use is senior in priority date to each of the existing instream water rights established as a result of ORS 537.346 (minimum flow conversion) and 537.341 (state agency application process). The proposed instream use is also senior to the instream right established under Special Order Volume 76, Page 912.
- A Total Maximum Daily Load (TMDL) designation has been established for the Tualatin River Basin.
- 30. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Tualatin River are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and anadromous and resident fish habitat and pollution abatement, but are not always met. By replacing a portion of these instream water rights, and the instream right established under Special Order Volume 76, Page 912, any instream water right created as a result of this transfer will provide protection of stream flows identified as necessary for supporting aquatic life and anadromous and resident fish habitat under earlier priority dates.
- 31. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process and instream lease) and ORS 537.470 (allocation of conserved water process), located within the proposed reach, any new instream water right established by this transfer would provide protection for additional flows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.
- 32. During the period June 23 through September 30, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341, ORS 537.346, and Special Order Volume 76, Page 912, and be in addition to other instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.
- 33. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.

34. The combination of existing instream water rights exceeds the estimated average natural flow. Exceedance of these flows occurred under previous instream transactions. However, the proposed instream water right, in combination with other senior instream water rights established through the instream transfer process, will not exceed the estimated average natural flows.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-11469 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11469 is approved, the final order will include the following:

- 1. The changes in character of use and place of use to instream use proposed in application T-11469 are approved.
- 2. The exercise of the right evidenced by Certificate 87874 for irrigation of 29.7 acres at the former place of use shall be SUSPENDED without loss of priority, for the term of the transfer authorized herein. The former place of use may continue to receive water under an NPDES permit issued by the Department of Environmental Quality and a registration for the use of reclaimed water filed with the Department on November 25, 2009.
- 3. The instream water right shall provide for the protection of streamflows from the point of diversion (described in Finding of Fact No. 6) to the mouth of the Tualatin River (RM 0) for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.
- 4. The quantities of water to be protected under the instream water right are:

Priority Date	Instream Period	Instream Rate (cfs)
9/19/1951	June 23 to September 30	0.37

- Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- 6. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
- 7. During the term of this order, the instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and Special Order Volume 76, Page 912. In addition, the instream right established by this transfer shall be in addition to other instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.

- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 87874 and any related decree.
- 9. The former place of use of the transferred water shall no longer receive water as part of this right.
- 10. The order may be terminated at any time during a calendar year. However, if the termination request is received less than 30 days prior to the period of allowed instream use or after the instream period has begun, water may not be used under Certificate 87874 until the following calendar year, unless the Director determines that enlargement would not occur.
- 11. This order may be terminated upon submission of evidence by the applicant that conditions for termination of the order have been met. Conditions for termination include:
 - a) Ownership of the lands to which Certificate 87874 are appurtenant has changed and the new landowner intends to exercise Certificate 87874 on the land;
 - b) Reclaimed water is no longer available for use on the subject lands; or
 - c) The applicant provides other information demonstrating that termination of the order is necessary.
- 12. The term of this Final Order shall continue until terminated. Upon termination of this timelimited instream transfer, the use of water shall revert to its original use and place of use as described by Certificate 87874.

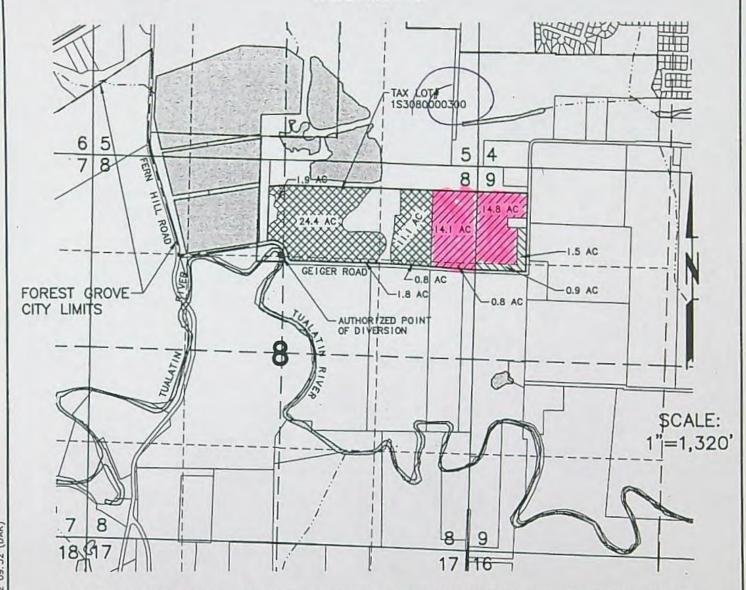
	Dated	at Salem,	Oregon this _	day of	, 2016.
--	-------	-----------	---------------	--------	---------

DRAFT

Dwight French, Water Right Services Division Administrator, for Tom M. Byler, Director Oregon Water Resources Department

This draft Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@wrd.state.or.us.

T.1S.,R.3W.,W.M. SECTION 8



APPLICATION MAP FOR INSTREAM TRANSFERS OF WATER RIGHT PERMIT NO. S-20745 CERTIFICATE NO. 22048

IN THE NAME OF RECEIVED

IN THE NAME OF CLEAN WATER SERVICES WASHINGTON COUNTY

AUG 2 8 2012

CERTIFICATE NO. 22048
CHANGE IN PLACE OF USE
PER T-7408
AREA = 40.0 ACRES

AUGUST 2012

6600

WATER RESOURCES DEPT SALEM, OREGON

CERTIFICATE NO. 22048
PROPOSED TIME LIMITED TRANSFER
AREA = 29.7 ACRES

STATE OF OREGON

PROPOSED PERMANENT TRANSFER

AREA = 2.4 ACRES

NOTE: This map is for the purpose of identifying the location of the 11469 water right only and is not intended to provide legal dimensions or locations of property lines.

G: \PDX_Projects\10\1134\CAD\10-1134-403-0R-WR MAP.dwg . 8/15/12 09:52 (DAK)

Willamette Basin - 2

12/1/2015

Instream Transfers

		The second second	Basin			Order	Order	Order	Order Dose	hadia data		PODLOC cfs	PODLOC	PodUse_Priori ty Date	Pou Acres	PrimCFS_on _Aug1st
Char	Nbr	Type	Nor	Stream	Tributary	SignDate	Vol Nbr	-	Order Desc		end_date		47	The second second		_AUG151
T	7408	TLI	2	TUALATIN R	WILLAMETTE R	5/26/2010	80	1127	Approving POU	5/26/2010	indefinite	0.5000)	9/19/1951		
T	10785	IS	2	TUALATIN R	WILLAMETTE R	8/16/2012	88	370	T-10785 approv		permanent	0.2100		3/5/1946		0.2100
T	11468	IS	2	TUALATIN R	WILLAMETTE R	12/31/2012	88	865	approving		permanent	0.0300		9/19/1951		
T	10332	TLI	2	TUALATIN R	WILLAMETTE R	12/29/2008	76	912	approving		indefinite	0.0400		8/14/1975		
T	11469	_	1	TUALATIN R	WILLAMETTE R	pending						0.3700		9/19/1951		
											subtotals:	1.1500				
												1.1100	total trans	fer minus T-103	32	

Instream Leases

		Tran														
Transfer	Transfer	sfer	Basin			Order	Order	Order					PODLOC	PodUse_Priori	Pou	PrimCFS_on
Char	Nbr	Туре	Nbr	Stream	Tributary	SignDate	Vol Nbr	Pg Nbr	Order Desc	begin_date	end_date	PODLOC cfs	acft	THE CONTRACTOR OF THE CONTRACT		_Aug1st
IL	745		2	TUALATIN R	WILLAMETTE R	8/30/2013	91	208	Approving IL-74	8/30/2013	9/30/2017	0.0500	12.0000	2/7/1951		0.0500
IL	. 868	IL	2	TUALATIN R	WILLAMETTE R	6/12/2013	89	841	IL-868-Approva	6/12/2013	9/30/2017	0.3500	70.0000	6/16/1950	28	0.3500
IL	890	IL	2	TUALATIN R	WILLAMETTE R	1/2/2014	91	643	Approving IL-89	5/1/2014	9/30/2018	0.9700	284.2500	5/25/1953	113.7	0.9700
IL	1263	IL	2	TUALATIN R	WILLAMETTE R	6/17/2013	89	894	IL-1263-Approv	6/17/2013	9/30/2017	0.1100	22.2500	2/6/1951		0.1100
IL	1263	IL	2	TUALATIN R	WILLAMETTE R	6/17/2013	89	894	IL-1263-Approv	6/17/2013	9/30/2017	0.2300	45.0000	4/14/1949		0.2300
IL	1263	IL	2	TUALATIN R	WILLAMETTE R	6/17/2013	89	894	IL-1263-Approv	6/17/2013	9/30/2017	1.6500	500.7300	10/30/1947		1.6500
IL	1324	IL	2	TUALATIN R	WILLAMETTE R	1/2/2014	91	640	Approving IL-13	5/1/2015	9/30/2019	0.0200		3/4/1947	2.7	0.0340
IL	1340	IL	2	TUALATIN R	WILLAMETTE R	9/10/2013	91	258	IL-1340-Approv	9/10/2013	9/30/2017	0.0340	6.8800	9/25/1953	2.75	0.0340
IL	1340	IL	2	TUALATIN R	WILLAMETTE R	9/10/2013	91	258	IL-1340-Approv	9/10/2013	9/30/2017	0.0710	14.2500	2/9/1959	5.72	0.0710
											subtotals	3.4850				

MF and state agency established ISWR's within proposed reach associated with T-11469

2 TUALATIN R WILLAMETTE R 2/1/1989 C-59692 App MF173 no cert/cfs & acft from app 2 TUALATIN R WILLAMETTE R App MF 174 MF 2 TUALATIN R WILLAMETTE R no cert/cfs & acft from app App MF175 MF 2 TUALATIN R WILLAMETTE R 10/4/1996 C-72960 IS 73539 IS C-72961 10/4/1996 IS73540 IS 2 TUALATIN R WILLAMETTE R 2 TUALATIN R WILLAMETTE R 4/25/2003 C-80000 IS73538

4.6350 Total leases and transfers **4.5950** Total excluding T-10332

20 to 15 CFS 5/25/1966 most junior of MF or state agency 30 to 15 CFS 110 4/15/1970 not certificated 25 to 130 CFS 75 4/19/1975 not certificated

year-round: 75 8/5/1993 year-round: 25 8/5/1993 year-round: 100 8/5/1993 130 CFS max 199

15 CFS min

subtotals

June - Sept

state agency and min flow established instream rights replace portins of each other with earlier prioirty dates where their reaches overlap

proposed transfer is senior to state agency and min flows - total instream is also less than quanties authorized under MF and state agency instream rights instream transfers additive to each other and replacing of MF and State agency ISWR's

except T-10332, which is additive to MF-174 and MF-175 and stage agency cert 59692, also assuming certificates are issued for these MF's

instream leases are also all senior to state agency and MF ISWR's - total instream with transfers is also still less than quantities authorized under MF and state agency ISWR's leases can also be additive with transfers and continue to replace MF and state agency rights within the same reach with earlier priority dates

Max instream depending on how reaches overlap appears to be 130.4 cfs with T-10332 being additive to MF 175

Max senior transfers and leases instream = 4.6 CFS, which is less than EANF flows (including with T-11469 and excluding T-10332)

Willamette Basin - 2

Ura		Uche					Order	Olece,								Primuss_		
nsf	Transfer	fer	Basin			Order	Vol	Pg			-		PODLOC	PodUse_Prio	Pou	on_Aug1		
er	Nbr	Туре	Nbr	Stream	Tributary	SignDate	Nbr	Nbr	Order Desc	begin_date	end date	cfs	acft	rity Date	Acres	st	Lessor	Applicant
IL	745	IL	2	TUALATIN R	WILLAMETTE R	8/30/2013	91	208	Approving II	8/30/2013			12.0000	2/7/1951		0.0500	ALEXAND	DER FARMS, LLC; C/O RANDY ALEXANDER
IL	868	IL	2	TUALATIN R	WILLAMETTE R	6/12/2013	89	841	IL-868-Appro	6/12/2013	9/30/2017		70.0000			0.3500	U.S. FISH	I AND WILDLIFE SERVICE
1L	890	IL	2	TUALATIN R	WILLAMETTE R	1/2/2014	91	643	Approving IL	5/1/2014			284.2500		113.7	0.9700	FLUTER,	SHELLEY; U.S. FISH AND WILDLIFE SERVICE
IL	1263	IL	2	TUALATIN R	WILLAMETTE R	6/17/2013	89	894	IL-1263-App	6/17/2013	9/30/2017		22.2500	2/6/1951		0.1100	JOINT W	ATER COMMISSION
IL	1263	IL	2	TUALATIN R	WILLAMETTE R	6/17/2013	89	894	IL-1263-App	6/17/2013		the same of the sa	45.0000			0.2300	JOINT W	ATER COMMISSION
IL	1263	IL	2	TUALATIN R	WILLAMETTE R	6/17/2013	89	894	IL-1263-App	6/17/2013	The state of the s		500.7300	10/30/1947		1.6500	JOINT W	ATER COMMISSION
IL	1324	IL	2	TUALATIN R	WILLAMETTE R	1/2/2014	91	640	Approving II	5/1/2015	9/30/2019	0.0340	6.7500	3/4/1947	2.7	0.0340	GARDNE	R, LYELL
IL	1340	IL	2	TUALATIN R	WILLAMETTE R	9/10/2013	91	258	IL-1340-App	9/10/2013	9/30/2017	0.0340	6.8800	9/25/1953	2.75	0.0340	FRY, HEI	KE
IL	1340	IL	2	TUALATIN R	WILLAMETTE R	9/10/2013	91	258	IL-1340-App	9/10/2013	9/30/2017	0.0710	14.2500	2/9/1959	5.72	0.0710	FRY, HEI	KE
T	7408	TLI	2	TUALATIN R	WILLAMETTE R	5/26/2010	80	1127	Approving P	OU USE T-740	8 TLIS	0.9000						
T/	10785	IS	2	TUALATIN R	WILLAMETTE R	8/16/2012	. 88	370	T-10785 app	roving change	e in POU, cha	0.2100		3/5/1946		0.2100		KEBBE, STEPHEN E.; CLEAN WATER SERVICES
TV	10785	IS	2	TUALATIN R	WILLAMETTE R	8/16/2012	88	370	T-10785 app	roving change	e in POU, cha	0.7100						KEBBE, STEPHEN E.; CLEAN WATER SERVICES
T	11468	IS	2	TUALATIN R	WILLAMETTE R							0.0300						CLEAN WATER SERVICES
T	11468	IS	2	TUALATIN R	WILLAMETTE R							0.8700						CLEAN WATER SERVICES
Tar	11468	IS	2	TUALATIN R	WILLAMETTE R	12/31/2012	88	865	FINAL ORDE	R APPROVING	A CHANGE	0.0300		9/19/1951	2.4	0.0300		CLEAN WATER SERVICES
											totals:	6.2490	962.1100			3.7390		

F-10332 TUT

State of Oregon

Department of Environmental Quality

Memorandum

To:

Tualatin Subbasin TMDL File

Date: August 28, 2012

From:

Greg Aldrich, WQ Administrator

Subject: Tualatin Subbasin TMDL Order

On August 28, 2012, the Tualatin Subbasin Total Maximum Daily Load (TMDL) was issued as an order by the Oregon Department of Environmental Quality (DEQ). The area covered by this TMDL is the Tualatin Subbasin [4th field Hydrologic Unit Code (HUC) 17090010] and includes the entire 712 square mile area.

This document amends the 2001 Tualatin Subbasin TMDLs to provide waste load allocations for total phosphorus and ammonia at two new discharge locations. Both of the amended allocations allow trading among three waste water treatment plants, and both maintain the same TMDL target loads for total phosphorus and ammonia in the lower Tualatin River; the impaired reach of river targeted by the original Tualatin TMDLs. These TMDL amendments do not replace the Tualatin Subbasin TMDLs issued in 2001, and do not alter any 303(d) listings.

This final Tualatin Subbasin TMDL document, developed under §303(d) of the Clean Water Act (CWA), has been submitted for U.S. Environmental Protection Agency (USEPA) approval. The document, when approved, will be an update to Oregon's Continuing Planning Process per §303(e) of the Clean Water Act. The document includes a revised Water Quality Management Plan (WQMP) as identified in OAR 340-042-0040(4)(l). The WQMP does not need to be approved or disapproved as specified under the terms of the February 1, 2000 Memorandum of Agreement between USEPA and DEQ regarding the implementation of §303(d) of the CWA. Should USEPA modify or disapprove this TMDL, such actions will be made public.

Watershed analyses and draft TMDLs were presented to and discussed with the Tualatin River Watershed Council, a community forum, over the course of a two year during 2009-2011. The public comment period for the draft Tualatin Subbasin TMDL document was conducted from September 24, through December 14, 2011. Copies of the draft TMDL document were made available at DEQ's Northwest Region office in Portland, as well as on-line at the DEQ website and through direct mailings.

A Public hearing was held in Hillsboro, OR on November 16, 2011, and was preceded with an informational presentation and discussion. Recorded oral and formal written comments were received from 17 parties and addressed as part of the formal response to comments process. DEQ has summarized the issues raised, prepared responses and made revisions to the draft TMDL and WQMP.

This memo and the related public notification represent the beginning of the 60-day appeal period on this DEQ action. The Oregon Administrative Rules (OAR) allow for the following:

(1) Any person who participated in establishing a TMDL, including those who submitted comments and any other person entitled to seek judicial review of an order issuing a TMDL, may request reconsideration by the Director in accordance with OAR 137-004-0080. (2) A person may file a petition for judicial review of a final TMDL order as allowed by ORS 183.484.

This TMDL/WQMP and Response to Comments documents can be found at the following website: http://www.deg.state.or.us/WQ/TMDLs/willamette.htm#t or can be viewed at the following locations: DEQ Headquarters, 811 SW Sixth Avenue, Portland, OR 97204 or DEQ's Northwest Region Portland Office, 2020 SW Fourth Avenue, Suite 400, Portland, OR 97201. Once USEPA has approved this TMDL, this document will be made available via a CD, electronic file or paper copy.

Should you have any questions about these TMDLs, please contact Avis Newell, 503-229-6018 or Gene Foster, 503-229-5325.

Issued by:

Greg Aldrich

Attachments

Water Quality Administrator

hegy K. alduit



Water Quality

Total Maximum Daily Loads (TMDLs) Program

DEQ Home > Water Quality > Assessment > TMDLs Program > Approved TMDLs

Ls Home eral Info s/Modeling ementation ct a Basin:

ted Info acts п Мар 7/

pasin List

mwater -Programs Certification n Water e Revolving struction vities strial vities icipal mwater erground ction Wells) Guides: Iphabet ategory

Oregon TMDLs Approved by EPA - May 2000 through December 115

Total TMDL segments completed to date as required by the February 1, 2000 MOA between DEQ and EPA: 1,206

• TMDLs approved prior to 2000

	Waterbody (Basin)	Water Quality Impairment	Allocated Pollutant or	USEPA	Completed TMDL	Comple Segi
		Addressed	Surrogate	Approval Date	Segments by Basin	(cum
	Jpper Grande Ronde River Subbasin Grande Ronde)	Temperature, pH, Algae, DO, Sedimentation	Temperature, Sediment, Nitrogen, Phosphorous	05/03/2000	73	
- 1	Upper South Fork Coquille Watershed South Coast)	Temperature	Temperature	03/23/2001	4	
	Jmatilla River Basin Umatilla)	Temperature, pH, Sedimentation, Turbidity, Aquatic Weeds, Algae	Temperature, pH, Sedimentation, Turbidity, Aquatic Weeds, Algae	05/09/2001	45	1
	fillamook Bay Watershed North Coast)	Temperature, Bacteria	Temperature, Bacteria	07/31/2001	39	1
	ualatin Subbasin Willamette)	Temperature, Bacteria, Dissolved Oxygen, Algae, pH	Temperature, Bacteria, Dissolved Oxygen, Settleable Volatile Solids, Ammonia, Chlorophyll a, pH, Phosphorus	08/07/2001	102	2
Т	ualatin Subbasin (Willamette)	Dissolved Oxygen, Algae, pH	Ammonia, Phosphorus	12/14/2012	102	2
	ttle River Watershed North Umpqua)	Temperature, pH, Sedimentation	Temperature, pH, Sediment	01/29/2002	16	2
	restern Hood Subbasin Hood)	Temperature	Temperature	01/30/2002	7	2
	estucca Bay Watershed Jorth Coast)	Temperature, Bacteria, Sediment	Temperature, Bacteria, Sediment	05/13/2002	6	2
	ower Sucker Creek Watershed Ilinois)	Temperature	Temperature	05/30/2002	3	2
	bster Creek Watershed ogue)	Temperature	Temperature	06/13/2002	3	2
Up	per Klamath Lake Drainage lamath)	Temperature, pH, DO, Chlorophyll a	Temperature, pH, DO, Chlorophyll a	08/07/2002	32	3
	wer Columbia River	Total Dissolved Gas	Total Dissolved Gas	11/18/2002	7	3

Water Availability Analysis **Detailed Reports**

TUALATIN R > WILLAMETTE R - AT MOUTH WILLAMETTE BASIN

Water Availability as of 10/23/2015

Watershed ID #: 175 (Map) Date: 10/23/2015

Exceedance Level: 50%

Time: 1:44 PM

Water Availability Calculation	Consumptive Uses and Storages	Instream Flow Requirements	Reservations
Water	Rights	Watershed Chara	cteristics

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	3,340.00	449.00	2,890.00			2,640.00
FEB	3,320.00	510.00	2,810.00	0.00	250.00	2,560.00
MAR	2,350.00	370.00	1,980.00	0.00	250.00	1,730.00
APR	1,380.00	268.00	1,110.00	0.00	250.00	172362.00
MAY	597.00	122.00	375.00	0.00	250.00	NF-1125.00
JUN	291.00	263.00	27.70	0.00		-102.00
JUL	147.00	307.00	-160.00	0.00	100.00	-260.00
AUG	90.90	274.00	-184.00	0.00	100.00	-284.00
SEP	104.00	228.00	-124.00	0.00	94.50	-219.00
OCT	116.00	88.80	27.20	0.00	100.00	-72.80
NOV	513.00	198.00	315.00	0.00	250.00	65.00
DEC	2,970.00	431.00	2,540.00	0.00	250.00	2,290.00
ANN	913,000.00	217,000.00	724,000.00	0.00	137,000.00	616,000.00
						10.101

Download Data (Text - Formatted , Text - Tab Delimited , Excel)

- combination rexceeds EANF / loters

W/ALF 1755 - but not year conditional and those are 150332

Lou't received report IS refere

Water Availability Analysis Detailed Reports

TUALATIN R > WILLAMETTE R - AT GAGE 14207500 WILLAMETTE BASIN

Water Availability as of 10/23/2015

Watershed ID #: 30201006 (Map)

Date: 10/23/2015

Exceedance Level: 50%

Time: 1:45 PM

Water Availability Calculation	Consumptive Uses and Storages	Instream Flow Requirements	Reservations
Water	Rights	Watershed Chara	cteristics

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second Annual Volume at 50% Exceedance in Acre-Feet

Reserved Stream Flow Instream	Expected Stream Flow	Consumptive Uses and Storages	Natural Stream Flow	Month
0.00	2,890.00	448.00	3,340.00	JAN
0.00	2,810.00	509.00	3,320,00	FEB
0.00	1,980.00	369.00	2,350.00	MAR
0.00	1,110.00	267.00	1,380.00	APR
0.00	376.00	220.00	596.00	MAY
0.00	28.20	263.00	291.00	JUN
0.00	-158.00	305.00	147.00	JUL
0.00	-182.00	273.00	90.90	AUG
0.00	-123.00	227.00	104.00	SEP
0.00	28.10	87.90	116.00	OCT
0.00	315.00	197.00	512.00	NOV
0.00	2,540.00	430.00	2,970.00	DEC
0.00	725,000.00	216,000.00	913,000.00	ANN
(0.00 0.00 0.00	28.10 0.00 315.00 0.00 2.540.00 0.00	87.90 28.10 0.00 197.00 315.00 0.00 430.00 2.540.00 0.00	116.00 87.90 28.10 0.00 512.00 197.00 315.00 0.00 2,970.00 430.00 2,540.00 0.00

Download Data (Text - Formatted , Text - Tab Delimited , Excel)

of Restaurage

Folg & EANF flows exceeded Aug + Sept EANF flows exceeded W/ Cert 80000 + T-10332

but not w/ combined on of Servicer IS Xfrexs.

Water Availability Analysis

Detailed Reports

TUALATIN R > WILLAMETTE R - AT GAGE 14206500 WILLAMETTE BASIN

Water Availability as of 10/23/2015

Watershed ID #: 30201013 (Map)

Date: 10/23/2015

Exceedance Level: 50%

Time: 1:45 PM

Wate	Availability Calcula	tion Consumptive Uses	and Storages In	stream Flow Requireme	ents Reser	rvations
		Water Rights		Wat	ershed Characteristics	
		Wate	r Availability (Calculation		
		Monthly	Streamflow in Cubic	Feet per Second		
		Annual V	olume at 50% Exceed	ance in Acre-Feet		
Month N	Vatural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Avalla
JAN	2,460.00	490.00		0.00	100.00	1,870
FEB	3,040.00	553.00	2,490.00	0.00	100.00	2,390
MAR	1,980.00	414.00	1,570.00	0.00	100,00	1,470
APR	1,130.00	313.00	817.00	0.00	100.00	717
MAY	460.00	259.00	201.00	0.00	100.00	101
JUN	239.00	270.00	-31.10	0.00	100.00	-131
JUL	118.00	302.00	-184.00	0.00	100.00	-284
AUG	78.90	260.00	-182.00	0.00	100.00	-282
SEP	86.00	240.00	-154.00	0.00	94.50	-249
OCT	106.00	142.00	-36.40	0.00	100.00	-130
NOV	480.00	248.00	232.00	0.00	100.00	132
DEC	2,370.00	473.00	1,900.00	0.00	100.00	1,800
ANN	751,000.00	239,000.00	548,000.00	0.00	72,100.00	506,000
ownload Le	Data (Text - Formatt	ed, Text-Tab Delimited, Excel)	٨		> 40	0000
E	SUF	iencienda	ed by	e Start	re cocres	196
	righ	14 T.	10335	}	3)
6	Ut N	of lar co	mbol u	adjour	26	
	,	lew TS	٨			



Water Availability Analysis

TUALATIN R > WILLAMETTE R - AT GAGE 14206500 WILLAMETTE BASIN

Water Availability as of 12/1/2015

Watershed ID #: 30201013 (Map)

Date: 12/1/2015

Exceedance Level: 50%

Time: 1:51 PM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan F	eb	Mar Ap	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes \	Yes	Yes Yes	Yes								
2	175	TUALATIN R> WILLAMETTE R- AT MOUTH	Yes Y	Yes.	Yes Yes	Yes	No	No	No	No	No	Yes	Yes	Yes
3	30201006	TUALATIN R> WILLAMETTE R- AT GAGE 14207500	Yes \	Yes	Yes Yes	Yes	No	No	No	No	No	Yes	Yes	Yes
4	30201013	TUALATIN R> WILLAMETTE R- AT GAGE 14206500	Yes Y	Yes	Yes Yes	Yes	No	No	No	No	No	Yes	Yes	Yes

Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	1,870.00
FEB	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	2,390.00
MAR	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	1,470.00
APR	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	717.00
MAY	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	101.00
JUN	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	No	-131.00
JUL	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	No	-284.00
AUG	175	TUALATIN R > WILLAMETTE R - AT MOUTH	No	-284.00
SEP	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	No	-249.00
OCT	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	No	-136.00
NOV	30201006	TUALATIN R > WILLAMETTE R - AT GAGE 14207500	Yes	64.90
DEC	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	1,800.00
ANN	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	502,000.00

Detailed Reports for Watershed ID #181

WILLAMETTE R > COLUMBIA R - AT MOUTH WILLAMETTE BASIN

Water Availability as of 12/1/2015

Watershed ID #: 181 (Map)

Date: 12/1/2015

Exceedance Level: 50%

Time: 1:51 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	51,100.00	2,760.00	48,300.00	0.00	1,500.00	46,800.00
FEB	49,100.00	8,030.00	41,100.00	0.00	1,500.00	39,600.00
MAR	42,400.00	7,590.00	34,800.00	0.00	1,500.00	33,300.00
APR	36,400.00	7,200.00	29,200.00	0.00	1,500.00	27,700.00
MAY	28,300.00	4,450.00	23,800.00	0.00	1,500.00	22,300.00
JUN	15,800.00	2,420.00	13,400.00	0.00	1,500.00	11,900.00
JUL	7,980.00	2,370.00	5,610.00	0.00	1,500.00	4,110.00
AUG	5,530.00	2,120.00	3,410.00	0.00	1,500.00	1,910.00
SEP	5,740.00	1,760.00	3,980.00	0.00	1,500.00	2,480.00
OCT	8,390.00	732.00	7,660.00	0.00	1,500.00	6,160.00
NOV	24,400.00	1,020.00	23,400.00	0.00	1,500.00	21,900.00
DEC	52,800.00	1,410.00	51,400.00	0.00	1,500.00	49,900.00
ANN	19,700,000.00	2,510,000.00	17,200,000.00	0.00	1,090,000.00	16,100,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,980.00	0.00	445.00	95.60	7.74	22,30	130.00	76.60	2,760.00
FEB	7,250.00	0.00	445.00	95.60	7.74	22.30	130.00	76.00	8,030.00
MAR	6,810.00	6.64	445.00	95.60	7.73	22.30	128.00	77.70	7,590.00
APR	6,380.00	43.80	445.00	95.60	7.73	22.30	125.00	77.70	7,200.00
MAY	3,430.00	302.00	441.00	95.60	7.58	22.30	94.30	55.60	4,450.00
JUN	442.00	605.00	1,110.00	95.60	7.43	22.30	85.10	54.50	2,420.00
JUL	14.10	1,030.00	1,110.00	95.10	7.42	22.30	45.50	47.60	2,370.00
AUG	2.04	811.00	1,090.00	95.00	7.42	22.30	45.20	47.50	2,120.00
SEP	0.77	399.00	1,110.00	95.50	7.42	22.30	71.70	51.20	1,760.00
OCT	0.55	28.70	438.00	95.60	7.42	22.30	72.00	68.20	732.00
NOV	273.00	0.00	445.00	95.60	7.72	22.30	107.00	72.20	1,020.00
DEC	635.00	0.00	445.00	95.60	7.74	22.30	131.00	76.60	1,410.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF181A	APPLICATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Maximum		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1.500.00	1,500.00

Detailed Reports for Watershed ID #175

TUALATIN R > WILLAMETTE R - AT MOUTH WILLAMETTE BASIN

Water Availability as of 12/1/2015

Watershed ID #: 175 (Map)

Date: 12/1/2015

Exceedance Level: 50%

Time: 1:51 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	3,340.00	449.00	2,890.00	0.00	250.00	2,640.00
FEB	3,320.00	510.00	2,810.00	0.00	250.00	2,560.00
MAR	2,350.00	370.00	1,980.00	0.00	250.00	1,730.00
APR	1,380.00	268.00	1,110.00	0.00	250.00	862.00
MAY	597.00	222.00	375.00	0.00	250.00	125.00
JUN	291.00	263.00	27.70	0.00	130.00	-102.00
JUL	147.00	307.00	-160.00	0.00	100.00	-260.00
AUG	90.90	274.00	-184.00	0.00	100.00	-284.00
SEP	104.00	228.00	-124.00	0.00	94.50	-219.00
OCT	116.00	88.80	27.20	0.00	100.00	-72.80
NOV	513.00	198.00	315.00	0.00	250.00	65.00
DEC	2,970.00	431.00	2,540.00	0.00	250.00	2,290.00
ANN	913,000.00	217,000.00	724,000.00	0.00	137,000.00	616,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	341.00	0.00	69.00	3.51	0.11	2.80	21.20	12.20	449.00
FEB	401.00	0.00	69.00	3.51	0.11	2.80	21.20	12.20	510.00
MAR	263.00	0.03	69.00	3.51	0.11	2.80	19.60	12.20	370.00
APR	160.00	0.66	69.00	3.51	0.11	2.80	19.60	12.20	268.00
MAY	56.10	75.40	69.00	3.51	0.11	2.80	3.51	11.20	222.00
JUN	0.00	95.20	151.00	0.50	0.11	2.80	2.60	11.20	263.00
JUL	0.00	136.00	151.00	3.51	0.10	2.80	2.53	11.20	307.00
AUG	0.00	115.00	140.00	3.51	0.10	2.80	2.41	11.20	274.00
SEP	0.00	57.30	151.00	3.51	0.10	2.80	2.46	11.20	228.00
OCT	0.53	0.02	69.00	3.51	0.10	2.80	1.70	11.20	88.80
NOV	106.00	0.00	69.00	3.51	0.10	2.80	5.41	11.20	198.00
DEC	322.00	0.00	69.00	3.51	0.11	2.80	21.20	12.20	431.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Арг	May	Jun	Jul	Aug	Ser	Oct	Nov	Dec
MF174A	APPLICATION	30.00	30.00	30.00	30.00	30.00	20.00	20.00	15.00	15.00	30.00	30.00	30.00
MF175A	APPLICATION	250.00	250.00	250.00	250.00	250.00	130.00-	40.00	30.00	25.00	90.00	250.00	250.00
IS73538A	CERTIFICATE	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	94.50	100.00	100.00	100.00
S86703B	PERMIT	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80
S86704C	PERMIT	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40
Maximum		250.00	250.00	250.00	250.00	250.00	130.00	100.00	100.00	94.50	100.00	250.00	250.00

Detailed Reports for Watershed ID #30201006

TUALATIN R > WILLAMETTE R - AT GAGE 14207500 WILLAMETTE BASIN

Water Availability as of 12/1/2015

Watershed ID #: 30201006 (Map)

Date: 12/1/2015

Exceedance Level: 50%

Time: 1:51 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	3,340.00	448.00	2,890.00	0.00	250.00	2,640.00
FEB	3,320.00	509.00	2,810.00	0.00	250.00	2,560.00
MAR	2,350.00	369.00	1,980.00	0.00	250.00	1,730.00
APR	1,380.00	267.00	1,110.00	0.00	250.00	863.00
MAY	596.00	220.00	376.00	0.00	250.00	126.00
JUN	291.00	263.00	28.20	0.00	130.00	-102.00
JUL	147.00	305.00	-158.00	0.00	100.00	-258.00
AUG	90.90	273.00	-182.00	0.00	100.00	-282.00
SEP	104.00	227.00	-123.00	0.00	94.50	-218.00
OCT	116.00	87.90	28.10	0.00	100.00	-71.90
NOV	512.00	197.00	315.00	0.00	250.00	64.90
DEC	2,970.00	430.00	2,540.00	0.00	250.00	2,290.00
ANN	913,000.00	216,000.00	725,000.00	0.00	137,000.00	616,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	340.00	0.00	69.00	2.59	0.11	2.64	21.40	12.20	448.00
FEB	401.00	0.00	69.00	2.59	0.11	2.64	21.40	12.20	509.00
MAR	263.00	0.03	69.00	2.59	0.11	2.64	19.80	12.20	369.00
APR	160.00	0.66	69.00	2.59	0.11	2.64	19.80	12.20	267.00
MAY	56.10	75.00	69.00	2.59	0.11	2.64	3.67	11.20	220.00
JUN	0.00	94.80	151.00	0.50	0.11	2.64	2.76	11.20	263.00
JUL	0.00	135.00	151.00	2.59	0.10	2.64	2.69	11.20	305.00
AUG	0.00	114.00	140.00	2.59	0.10	2.64	2.57	11.20	273.00
SEP	0.00	57.00	151.00	2.59	0.10	2.64	2.62	11.20	227.00
OCT	0.52	0.02	69.00	2.59	0.10	2.64	1.86	11.20	87.90
NOV	106.00	0.00	69.00	2.59	0.10	2.64	5.57	11.20	197.00
DEC	322.00	0.00	69.00	2.59	0.11	2.64	21.40	12.20	430.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
MF173A	CERTIFICATE	30.00	30.00	30.00	30.00	30.00	20.00	20.00	15.00	15.00	30.00	30.00	30.00	
MF174B	APPLICATION	30.00	30.00	30.00	30.00	30.00	20.00	20.00	15.00	15.00	30.00	30.00	30.00	
MF175B	APPLICATION	250.00	250.00	250.00	250.00	250.00	130.00	40.00	30.00	25.00	90.00	250.00	250.00	
IS73538B	CERTIFICATE	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	94.50	100.00	100.00	100.00	-
S86703A	PERMIT	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	
S86704B	PERMIT	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	
Maximum		250.00	250.00	250.00	250.00	250.00	130.00	100.00	100.00	94.50	100.00	250.00	250.00	

Detailed Reports for Watershed ID #30201013

TUALATIN R > WILLAMETTE R - AT GAGE 14206500 WILLAMETTE BASIN

Water Availability as of 12/1/2015

Watershed ID #: 30201013 (Map)

Date: 12/1/2015

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second Annual Volume at 50% Exceedance in Acre-Feet

Month Natural Stream Consumptive Uses and Expected Stream Reserved Stream Instream Flow Net Water
Flow Storages Flow Flow Requirement Available

Exceedance Level: 50%

Time: 1:51 PM

JAN	2,460.00	490.00	1,970.00	0.00	100.00	1,870.00
FEB	3,040.00	553.00	2,490.00	0.00	100.00	2,390.00
MAR	1,980.00	414.00	1,570.00	0.00	100.00	1,470.00
APR	1,130.00	313.00	817.00	0.00	100.00	717.00
MAY	460.00	259.00	201.00	0.00	100.00	101.00
JUN	239.00	270.00	-31.10	0.00	100.00	-131.00
JUL	118.00	302.00	-184.00	0.00	100.00	-284.00
AUG	78.90	260.00	-182.00	0.00	100.00	-282.00
SEP	86.00	240.00	-154.00	0.00	94.50	-249.00
OCT	106.00	142.00	-36.40	0.00	100.00	-136.00
NOV	480.00	248.00	232.00	0.00	100.00	132.00
DEC	2,370.00	473.00	1,900.00	0.00	100.00	1,800.00
ANN	751,000.00	239,000.00	548,000.00	0.00	72,100.00	506,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

				-		-	Contract of F	Contract I	-
Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	333.00	0.00	125.00	2.28	0.11	1.97	15.00	12.00	490.00
FEB	397.00	0.00	125.00	2.28	0.11	1.97	15.00	12.00	553.00
MAR	259.00	0,03	125.00	2.28	0.11	1.97	13.50	12.00	414.00
APR	158.00	0.62	125.00	2.28	0.11	1.97	13.50	12.00	313.00
MAY	55.90	59.60	125.00	2.28	0.11	1.97	3.23	11.00	259.00
JUN	0.00	75.20	177.00	2.28	0,11	1.97	2.32	11.00	270.00
JUL	0.00	107.00	177.00	2.28	0.10	1.97	2.32	11.00	302.00
AUG	0.00	90.60	152.00	2.28	0.10	1.97	2.20	11.00	260.00
SEP	0.00	45.20	177.00	2.28	0.10	1.97	2.25	11.00	240.00
OCT	0.49	0.02	125.00	2.28	0.10	1.97	1.42	11.00	142.00
NOV	106.00	0.00	125.00	2.28	0.10	1.97	1.76	11.00	248.00
DEC	316.00	0.00	125.00	2.28	0.11	1.97	15.00	12.00	473.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

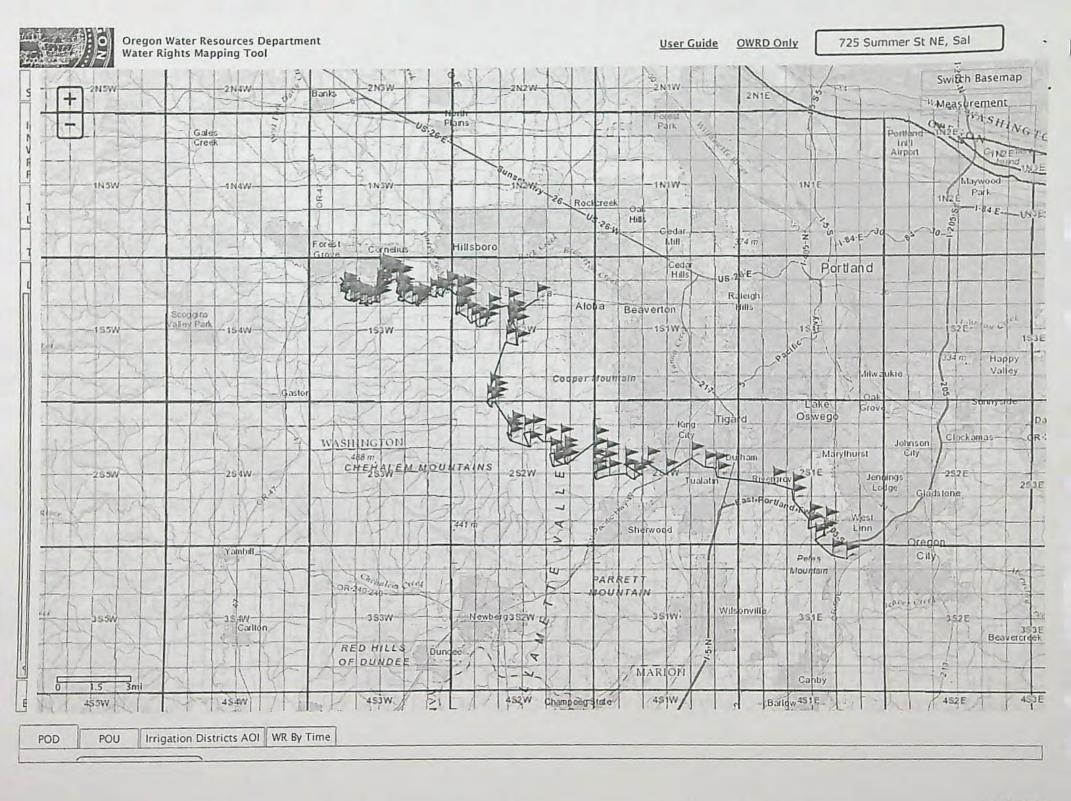
No reservations were found for this watershed.

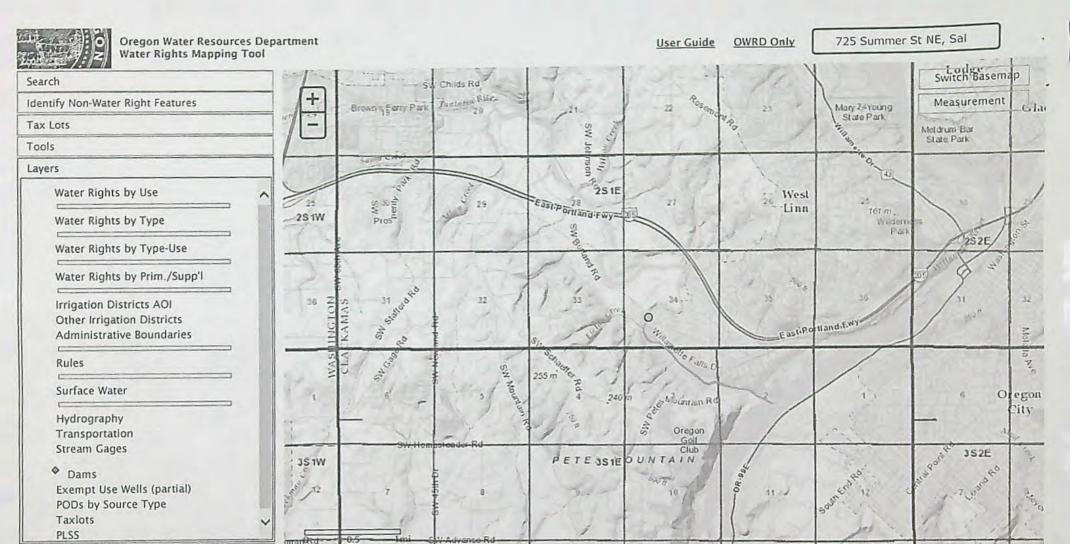
Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS73538C	CERTIFICATE	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	94.50	100.00	100.00	100.00
IS73539A	CERTIFICATE	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00
IS73540A	CERTIFICATE	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
IS73541A	CERTIFICATE	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00
S86704A	PERMIT	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40
Maximum		100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	94.50	100.00	100.00	100.00

6 of 6





(All Fields		Search										
ID (select	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp.	Duty	Rate cfs	Ri
103816		Map WR	App: MF 174 * PF	SW			OREGON WATER RE	SUPPORTING AQUATIC LIFE AND	04/15/1970	-		15	5 /
103817	(Details)		App: MF 174 * PF	sw			OREGON WATER RE	SUPPORTING AQUATIC LIFE AND	04/15/1970	-		15	5

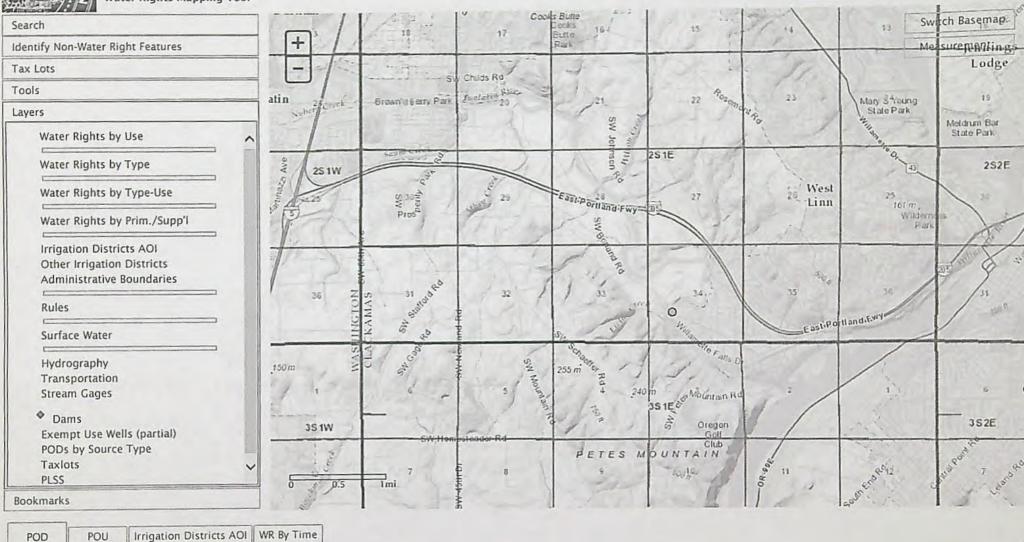
18

Bookmarks

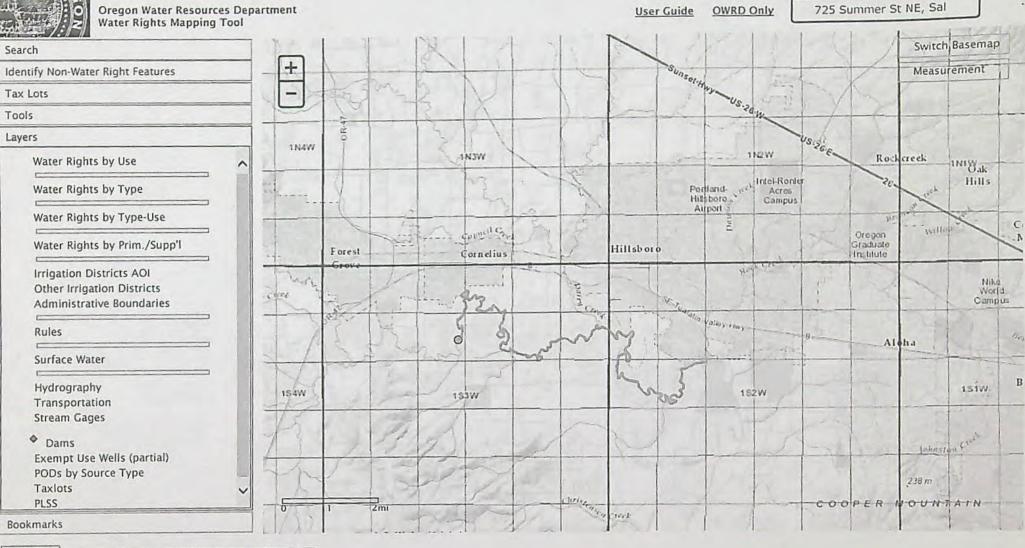
Search	P			- 57	3	1	1.		Switch[68486at	二亿
Search: Water Right by File			5	Childs Rd	10	22 Rosem D 23	Many 24		Measurement	20
Application:				· 6 · 64		and the second	Mary S4 State F	3	Meldrum Bar State Park	
Certificate:		12	mem. 8	X.	1 1 2 2	7 14 11	6.0	143	47	1
Claim:	5 1/2	25 1W	S N Sold		25		West 25	1	252E	29
Transfer:		345	Project WS	29	East: portland wy	27 20.	Linn	161 m.	30	+
Snap ID: 1939		4	E39	1 15 19	Swo of	re The second	J. 1855	Wildemo	A.	1000
POD Source: Equal	4 1	V .		12.3	and of		. A*	1	100 %	3
Irr. District:		2	E.		1 1 38	\$ 36A	TO AL	/	205	1
(Draw box on map.)	5	NOI	1000	32	23	1	35	11.	1991	1
		KAM	2000		St. Colle	Can I	ast Portlandifiviy	-		
		WASI	11 CO .	10	255 m 73	Falls D	/			1
	m ×	3	200	N No	255 m 6 72	1 de la maria	1			
	,	17	6	SM Moral	1 1 240	n tountain Rde	1		Lu)	Ci
	779	3/		LY	7	美企图	1		T	1
Identify Non-Water Right Features	35	1W	SW Hom	steador Rd	PETES M	64 ALL			ud Police 352E	. 6
Tax Lots	3					1 1000 1000	and Red	31	tid PU	9
Tools	3	30	7 1		Do	10	Sall	9	3000	1
Layers		0.5	Imi C	5	1/ 1/7		1	Mary Contract of the Contract	41 33	100
Bookmarks	Joecking	3169	18 2	Mayarton 1	Tell 16	15 / 1-114	13	N EL	18	117
POD POU Irrigation Dis	stricts AOI WR By Tin	ne								
	Search									
	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp. Di	uty Rate cfs	Rati
	App: MF 175 * PF	SW			OREGON WATER RE	SUPPORTING AQUATIC LIFE AND	04/19/1975	-	130	^
	App: MF 175 * PF	SW			OREGON WATER RE	SUPPORTING AQUATIC LIFE AND	04/19/1975	-	250	~
<		-							1-4 0	f 24
Search took 0 sec							-			5

Oregon Water Resources Department Water Rights Mapping Tool User Guide OWRD Only

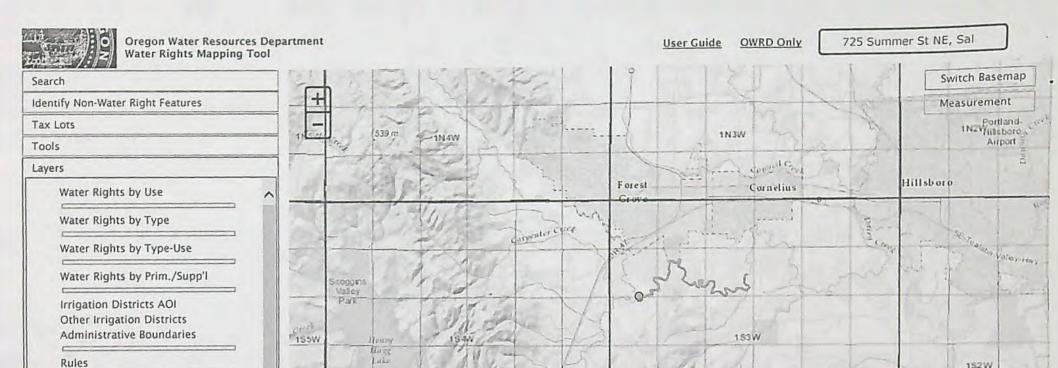
725 Summer St NE, Sal



	All Fields) Search										
ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp.	Duty	Rate cfs	R
1 109792	(Details)	Map WR	Cert:59692 OR * PF	SW			OREGON WATER RE	SUPPORTING AQUATIC LIFE AND	05/25/1966	-		30) ,
109793	(Details)	Man WR	Cert:59692 OR * PF	SW			OREGON WATER RE	SUPPORTING AQUATIC LIFE AND	05/25/1966	-		30) '



	All Fields) Search										
ID (select	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp.	Duty	Rate cfs	R
1 122733		Map WR	Cert:72960 OR * PO	SW			OREGON WATER RE	POLLUTION ABATEMENT (INSTR	08/05/1993	-		75	5 /
122734		Map WR	Cert:72960 OR * PO	SW		1	OREGON WATER RE	POLLUTION ABATEMENT (INSTR	08/05/1993	-		75	5 1



Surface Water

Hydrography Transportation Stream Gages

Exempt Use Wells (partial) PODs by Source Type

Dams

-	kmarks			No.	EN	Male	FIGL	31/11	13114187	nueri	1	į.	- 1 -	
P	DD I	POU	rrigation [Districts AOI WR By T	ime									
	A	il Fields) Search										-
ste	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp.	Duty	Rate cfs	Ra
7.0		(Details)	Map WR	Cert:72961 OR * PO	SW			OREGON WATER RE	POLLUTION ABATEMENT (INSTR	08/05/1993			25	,
1	122757	TOCCHIST				1		OREGON WATER RE	POLLUTION ABATEMENT (INSTR	08/05/1993	-		25	
1			Map WR	Cert:72961 OR * PO	SW	+								
1 2	122757 122758		Map WR	Cert:72961 OR * PO	SW								>	

Giston

IOWA HILL

253W

will brech

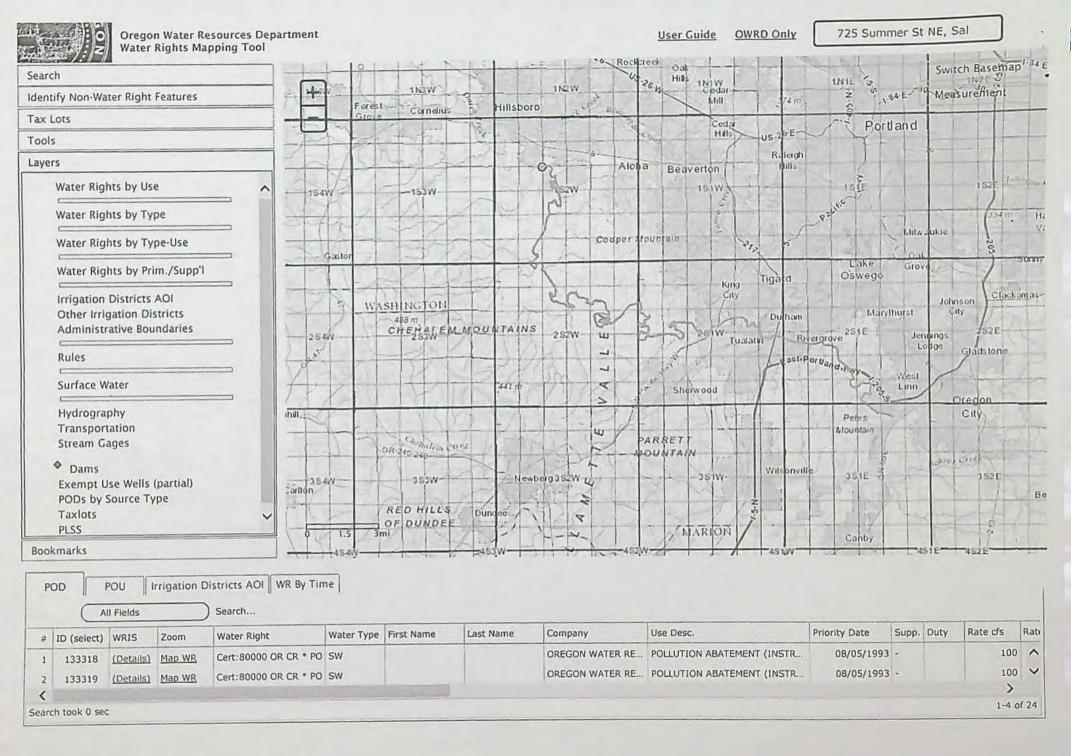
ATTON VALL

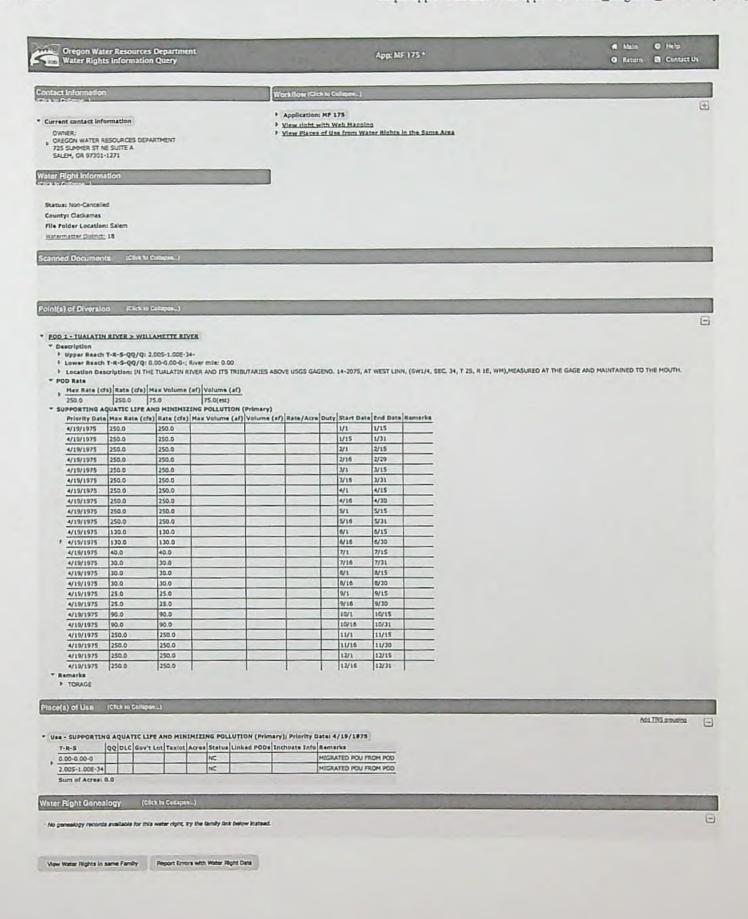
254W

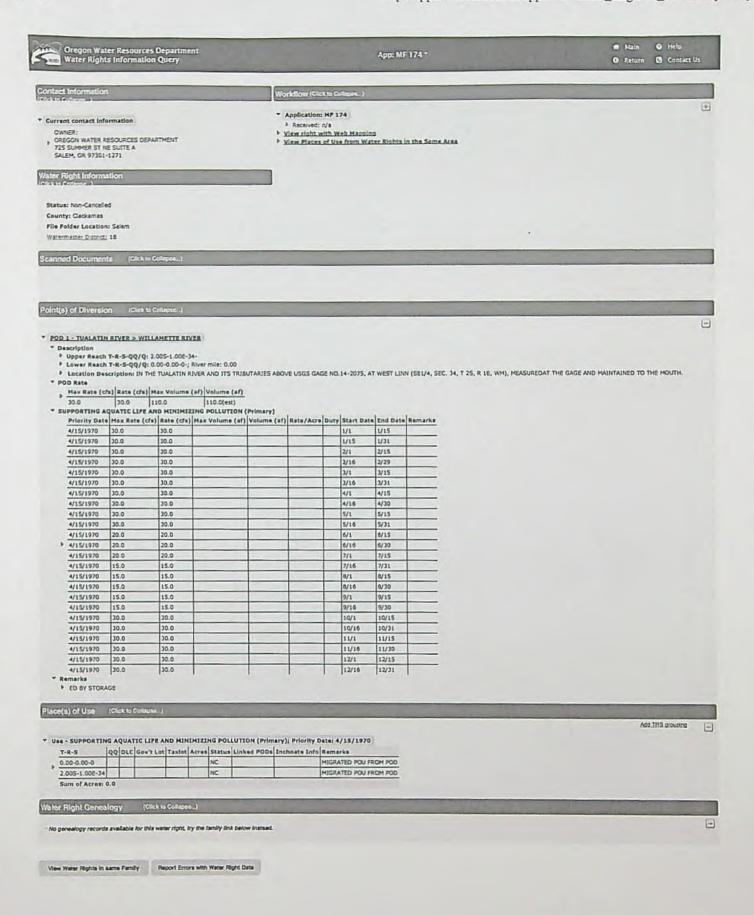
80 m

152W

reck







Water Rights Information Query Results

	Contacts	Application	n Permit	Certificate	Claim	Decree	Transfers	Status
Sele	OWNER: OREGON WATER RESOURCES DEPA 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	ARTMENT MF174					0	NC
Sele	OWNER: OREGON WATER RESOURCES DEP. 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	ARTMENT MF175	1	670	55	10°	P15	NC
Sele	OWNER: OREGON WATER RESOURCES DEP 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	ARTMENT MF173		59692				NC
Sele	725 SUMMER STINE SUITE A	ARTMENT MF176 Hearts aby la	1 90	59693	+4	or to	is abv	NC
Sele	OWNER: OREGON WATER RESOURCES DEP 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	ARTMENT IS73539		72960				NC
Sele	OWNER: OREGON WATER RESOURCES DEP 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	ARTMENT IS73540		72961				NC
Sele	OWNER: OREGON WATER RESOURCES DEP 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	ARTMENT IS73541		72962				NC
Sele	OWNER: OREGON WATER RESOURCES DEP 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	ARTMENT IS73538		80000				NC
Sels	OWNER: CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224 eff N		S54476	1	pu	1	· × · · ×	NC
Sele	OWNER: CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224	586703	S54475	10	W ⁹	29		NC
7 Sele	APPLICANT: CLEAN WATER SERVICES/UNIFIED 2550 SW HILLSBORO HWY HILLSBORO, OR 97123	SEWERAGE AGENCY S53537	S38215				▶ I10332 (Confirming,Remaining)	NC
Sele	OWNER: OREGON WATER RESOURCES DEF 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	PARTMENT S21453	S16830	87718			▶ T10785	NC
Sele	OWNER: OREGON WATER RESOURCES DEF	PARTMENT S26463	S20745	87873			▶ <u>T11468</u>	NC

Download: Point of diversion data, Place of use data, Stakeholder data

Return to WRIS Query

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON WATER RESOURCES DEPARTMENT SALEM, OREGON 97310

confirms the right to use the waters of TUALATIN RIVER, a tributary of the WILLAMETTE RIVER, in the WILLAMETTE RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION.

The right is for flows to be maintained IN THE TUALATIN RIVER AND ITS TRIBUTARIES ABOVE USGS GAGE NO. 14-2075, AT WEST LINN (SW 1/4, SECTION 34, T 2 S, R 1 E, W.M.), MEASURED AT THE GAGE.

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MAY 25, 1966.

The right is limited to not more than the amounts during the time periods listed below:

Period		Flows (cubic feet per second)
OCT 1 - MAY	31	30
JUN 1 - JUL	15	20
JUL 16- SEP	30	15

This instream water right shall not have priority over domestic or livestock uses or waters to be legally stored or legally released from storage.

Witness the signature of the Water Resources Director affixed this 1st day of February, 1989.

William H. Young Water Resources Director

Recorded in State Record of Water Right Certificates number 59692.

MF173

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department 158 12th Street NE Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: TUALATIN R tributary to WILLAMETTE R

County: WASHINGTON

Purpose: Providing required stream flows for pollution abatement.

To be maintained in:

TUALATIN RIVER FROM RIVER MILE 52.8 (NE1/4, SECTION 9, TOWNSHIP 1S, RANGE 3W WM); TO THE MOUTH AT RIVER MILE 38.5 (NW1/4, SECTION 16, TOWNSHIP 1S, RANGE 2W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 8/5/93.

The following conditions apply to the use of water under this certificate:

The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

- The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
- For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
- 4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
- The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director, affixed OCTOBER 4, 1996.

Martha O. Pagel

Recorded in State Record of Water Right Certificate numbered 72960.

IS 73539

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department 158 12th Street NE Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: TUALATIN R tributary to WILLAMETTE R

County: WASHINGTON

Purpose: Providing required stream flows for pollution abatement.

To be maintained in:

TUALATIN RIVER FROM RIVER MILE 58.8 (SE1/4, SECTION 7, TOWNSHIP 1S, RANGE 3W WM); TO RIVER MILE 52.8 (NE1/4, SECTION 9, TOWNSHIP 1S, RANGE 3W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 8/5/93.

The following conditions apply to the use of water under this certificate:

 The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

- The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
- For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
- The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
- The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director, affixed OCTOBER 4, 1996.

Martha O. Pagel

Recorded in State Record of Water Right Certificate numbered 72961.

IS 73540

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department 158 12th Street NE Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: TUALATIN RIVER tributary to WILLAMETTE RIVER

County: WASHINGTON

Purpose: Providing required stream flows for pollution abatement.

To be maintained in:

TUALATIN RIVER FROM RIVER MILE 38.5 (NW 1/4, SECTION 16, TOWNSHIP 1 SOUTH, RANGE 2 WEST, WM); TO THE MOUTH AT RIVER MILE 0.0 (SW 1/4, SECTION 2, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 8/5/93.

The following conditions apply to the use of water under this certificate:

1. The right is binited to not more than the amounts, in cubic feet per second, during the time periods listed below:

2. The water right holder small measure and report the instream flow along the mach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

TS 73538COR.SB

Certificate Number 80000



AUG 141975

WATER RESOURCES DEPT SALEM, OREGON

*APPLICATION FOR PERMIT

CENTIFICATE NO. 48491

To Appropriate the Public Waters of the State of Oregon

1, 9 Pm 12	110-6-			April Angle	1984 Jane 1801 1	
f Viv.5 75 W 8	reine.	Name of applicat	11)		Le i	
tate of Ossis , 9						ite the
ollowing described public waters of						
If the applicant is a corporation	n, give date (incorporati			
1. The source of the proposed		n is	Julili.	KName of atr		
2. The amount of water which						
ubic feet per second	(If water is to b	e used from mor	e than one source	give quant	ty from each)	
3. The use to which the water	r is to be app	lied is	ration, power, mir	ding, manufa	cturing, domestic aipplier	etc.)
4. The point of diversion is locariner of	14.	ft. (N. or	and/.S	ft	h from the	SC.
(If there is more than one potential within the SE (Olve small		sch must be desc	ribed. Use separa			 د
R, W. M., in the count					111. 0	
5. The(Main dite	h canal or nine lin		to be			
n length, terminating in the						
R, W. M., the prop						
	DESCRIP	TION OF	NORKS			
Diversion Works—	Dadoille	11011 01	WOLLIED.			
6. (a) Height of dam	fee	et, length or	top		feet, length at	botton
feet; material to be	used and ch	aracter of c	onstruction		(Loose rock, concrete	e, masonr
rock and brush, timber crib, etc., wasteway over or	around dam)					
(b) Description of headgate .		(Timber, c	oncrete, etc., num	ber and size	of openings)	******
(c) If water is to be pumped 4" whit (Size and type of	give general					
* A different form of application is provided instructions, by addressing the State Engineer, Sale	d where storage w				cured without charge to	

The state of the s	r Pipc Linc— ve dimensions at e	ach point of	canal where materially chang	ed in size, starting to
dgate. At hea	adgate: width on t	op (at water	line)	fee.; width, or but o
usand feet.			adgate: width on top (at wa	ter line)
	feet; width on be	ottom	feet; depth of	water jeet;
de	feet fall 1	per one thous	sand feet.	
				in.; size at jt.
				ference in elevation between
00 92.50	Mid. sec-ft.		s grade uniform?	Estimated capacity,
Township	Range E. or W. of Willamette Meridian			
North or South		Section	Forty-acre Tract	Number Acres To De Irrigated
25	IW	14	NE TESET	21. 9
			* .	
		(If more space	e required, attach separate sheet)	
(a) Chare	acter of soil		00 1	
(b) Kind	of crops raised		Pastire	
	ng Purposes—			
				theoretical horsepower.
			r power	sec. ft.
			(Head) feet.	
(d) Ti	ie nature of the w	orks by mear	ns of which the power is to b	e developed
(e) Su	ich works to be lo	cated in	Cesal publication)	of Sec
	, R			
			tream?(Yes or No.)	
(1) 18				
		and locate po	oint of return	

A CALL STORE CONTRACTOR AND A STORE OF THE S

.

1

STATE	OF	OREGON,)
Coun	tu c	of Marion	\$5.

1

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 g	ranted is limited to the	e amount of	water whi	ch can be applie	
		in case of rotation wit				
***********		this water is to be appli				

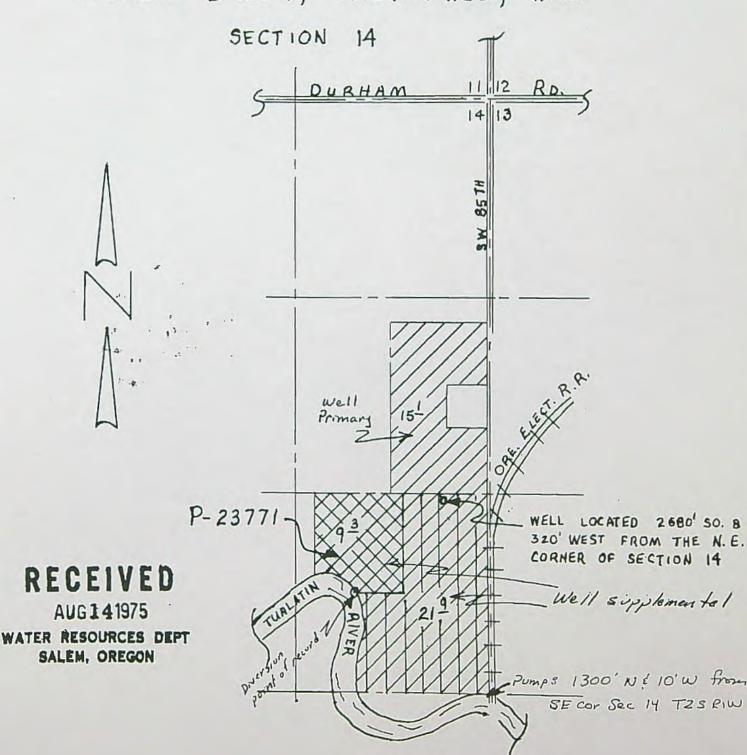
		his appropriation shall				
		for each acre irrigated				
		acre feet per acre				

and si	hall be subject to The priority date Actual construction	such reasonable rotation of this permit is	on system a	s may be o August Septe	rdered by the p	roper state officer.
		tion of the water to the				
	WITNESS my has	nd this16th day	ofSep	ntember	6, 19.75	
			Hate	r Resource	es Director	STATE-ENGINEER
Application No. 5353.7. Permit No. 3824.5.	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 May of May	Returned to applicant:	Approved:	Recorded in book No	Defire, Mr. No. 2 page 524

Application No. 53537 \$ 6-7070 Permit No. 38215 \$ 65823

JOHN THOMAS 16575 SW 85TH TIGARD, OREGON

TOWNSHIP 2 SOUTH, RANGE I WEST, W.M.



SCALE: 1" = 660 FT.

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time-Limited Instream)	FINAL ORDER APPROVING A
Transfer Application T-10332, Washington)	TIME-LIMITED INSTREAM
County)	TRANSFER

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES c/o STEPHEN E. KEBBE 2550 SW HILLSBORO HIGHWAY HILLSBORO OR 97123

Findings of Fact

Background

- On March 5, 2007, Clean Water Services filed a time-limited instream transfer application to change the character of use and place of use under Certificate 48491 to instream use until such time that the applicant requests to terminate the instream use. The Department assigned the application number T-10332.
- On July 31, 2008, the applicant amended the application to include the use of water for
 pollution abatement as an instream use in addition to conservation, maintenance and
 enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and any other
 ecological values.
- 3. The portion of the right to be transferred is as follows:

Certificate: 48491 in the name of John M. Thomas (perfected under Permit S-38215)

Use: Irrigation of 3.6 acres
Priority Date: August 14, 1975

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Rate: 0.04 Cubic Foot per Second (CFS)

Limit/Duty: One-eightieth cfs per acre, not to exceed 2.5 acre-feet (AF) per acre per year

Source: Tualatin River, tributary to the Willamette River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	1 W	WM	14	NE SE	1320 FEET SOUTH AND 30 FEET WEST FROM EAST 1/4 CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	1 W	WM	14	NE SE	3.6

- 4. A total of 9.0 AF of water may be beneficially used annually under the existing right.
- Application T-10332 proposes to change the character of use to instream use for pollution abatement, conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and any other ecological values on a time limited basis.
- 6. The applicant requests that the water right described in Finding of Fact #3 revert to its authorized use and place of use upon request if it is determined by the applicant that use of water under Certificate 48491 is needed, such as if the property is sold to a new landowner or if reclaimed water (currently being used for irrigation purposes on the described place of use) becomes unavailable.
- Application T-10332 proposes to change the place of use of the right to create an instream reach from the point of diversion (as described in Finding of Fact #3) to the mouth of the Tualatin River.
- The applicant proposes the quantities of water to be transferred instream to be protected as follows:

Instream Period	Rate (cfs)	Volume (AF)
June 22 through September 30	0.045	9.0

- 9. There are existing instream water rights within the same reach as that proposed for the new instream water right. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights and are senior to the proposed instream use. Instream water right Certificate 59692, which was converted from a minimum streamflow (MF-173) under ORS 537.346, is also senior to the proposed instream use. Instream water right Certificate 80000, which was established as a result of the state agency instream application process (ORS 537.341), is junior to the proposed instream use.
- 10. The applicant proposes that any instream water right established as a result of this instream transfer to be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant also proposes that any instream water right

- established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with an earlier priority date.
- 11. The application includes a Land Use Information form completed and signed by a representative of the City of Tigard planning department. Additionally, the Department provided notification of the proposed action to Washington County, Clackamas County, and the cities of Tualatin, West-Linn, Durham, Rivergrove, and King City.
- Notice of the application for transfer was published on March 20, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 13. On June 9, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10332 to the applicant. The cover letter for the draft Preliminary Determination set forth a deadline of July 8, 2008, for the applicant to respond. The additional information requested by the Department was received on July 31, 2008. On July 31, 2008, the applicant concurred with the draft Preliminary Determination and requested that the Department proceed with issuance of a Preliminary Determination.
- 14. On October 31, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10332 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 4, 2008, and in the Daily Journal of Commerce on November 12, 19, and 26, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice or to the newspaper notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 15. Water was not used within the five years prior to submittal of the transfer application on March 5, 2007, according to the terms and conditions of the right. The subject land has been irrigated with treated wastewater effluent known as reclaimed water. A registration for use of reclaimed water was filed with the Department on September 18, 1997. Because the nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under the existing water right, the applicant has sufficiently rebutted the presumption of forfeiture in accordance with ORS 540.610(2)(h).
- 16. A diversion structure, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 17. Certificate 48491 allows the diversion of 0.24 CFS for irrigation of 19.3 acres. The applicant has requested to transfer 3.6 acres of irrigation use to instream use on a time-limited basis. A total of 15.7 acres will continue to receive water, up to a maximum of 0.2 CFS, under Certificate 48491. The portion available for transfer to instream use from the irrigation of 3.6 acres is 0.04 CFS.

18. Based upon Finding of Fact #16, on July 31, 2008, the applicant agreed to modify the quantity to be transferred instream and protected as follows:

Instream Period	Rate (cfs)	Volume (AF)
June 22 through September 30	0.04	9.0

- 19. The proposed change, as modified, would not result in enlargement of the right. The lands described in Finding of Fact #3 may continue to receive reclaimed water during the term of this time-limited instream transfer.
- 20. The proposed change, as modified, would not result in injury to other water rights.
- 21. The amount and timing of the proposed instream flow, as modified, is allowable within the limits and use of the original water right.
- 22. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 23. The existing instream flow protections and instream water rights are at times not met during the requested period for instream protection. In addition, the proposed instream reach is located within a high priority area for stream flow restoration.
- 24. The proposed instream use is junior in priority date to stream flow protections MF-174 and MF-175 and to instream water right Certificate 59692. Each of these instream uses was established for the purpose of supporting aquatic life and minimizing pollution. The proposed instream use may not replace a portion of these instream flows as requested (see Finding of Fact #10). However, based upon Finding of Fact #22, the proposed instream use may be additive to these existing instream protections.
- 25. The proposed instream use is senior in priority date to instream water right Certificate 80000, established for the purpose of pollution abatement, and may replace a portion of that right with an earlier priority date.
- 26. By adding to MF-174, MF-175, Certificate 59692, and any instream water rights established as a result of the instream transfer or conserved water statutes, the instream right will provide protection for additional streamflows necessary for aquatic life and minimizing pollution.

- 27. By replacing a portion of Certificate 80000 or other junior instream rights created as a result of the state agency or minimum streamflow conversion process, the instream right will provide protection for streamflows previously identified as necessary for minimizing pollution under earlier priority dates.
- 28. The total monthly quantities of water to be protected under the proposed instream right, in addition to the existing instream water rights, within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in time-limited instream transfer application T-10332 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

Now, therefore, it is ORDERED:

- The changes in character of use and place of use to instream use proposed in application T-10332 are approved.
- 2. The exercise of the right evidenced by Certificate 48491 for irrigation of 3.6 acres at the former place of use shall be SUSPENDED, without loss of priority, for the term of the transfer authorized herein. The former place of use may continue to receive water under a registration for use of reclaimed water filed with the Department on September 18, 1997.
- The instream water right established under this order shall provide for the protection of streamflows from the point of diversion (as described in Finding of Fact #3) to the mouth of the Tualatin River.
- 4. The quantities of water to be protected instream during the term of this order are:

Instream Period	Rate (cfs)	Volume (AF)
June 22 through September 30	0.04	9.0

- Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- During the term of this order, the instream water right shall be additive to MF-174, MF-175, and Certificate 59692 and replace a portion of Certificate 80000 during the period June 22 through September 30.
- During the term of this order, the right to the instream use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 48491 and any related decree.

- 8. This order may be terminated upon submission of evidence by the applicant that conditions for termination of the order have been met. Conditions for termination include:
 - a) Ownership of the lands to which certificate 48491 are appurtenant has changed and the new landowner intends to exercise Certificate 48491 on the land;
 - b) Reclaimed water is no longer available for use on the subject lands; or
 - The applicant provides other information demonstrating that termination of the order is necessary.
- 9. The order may be terminated at any time during a calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use (May 22) or after the instream period has begun, water may not be used under Certificate 48491 until the following calendar year, unless the Director determines that enlargement would not occur.
- 10. Upon termination of this transfer order, the use of water shall revert to its original use and place of use as described by Certificate 48491. The use shall revert to the authorized use and place of use upon submission of a termination request from the applicant.

Dated at Salem, Oregon this 29th day of December, 2008.

Phillip C. Ward, Director

Mailing Date JAN 0 2 2009

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON WATER RESOURCES DEPARTMENT

confirms the right to use the waters of TUALATIN RIVER, tributary to WILLAMETTE RIVER, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

This right was perfected under Permit S-16830. The date of priority is MARCH 5, 1946. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.21CUBIC FOOR PER SECOND (CFS), or its equivalent in case of rotation measured at the point of diversion, from JUNE 23 through SEPTEMBER 30 of each year.

The description of the stream reach in which flows are to be maintained is as follows:

From the location of the diversion authorized previously under Certificate 20013, located approximately at:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	LOCATED APPROXIMATELY AT RIVER MILE 55

To the Mouth of the Tualatin River.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right is subject to all other terms and conditions of Certificate 20013, and any related decree.

This is a final 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 certificate is issued to confirm a change in use and pla	ace of use approved by an order of the Water
Resources Director issued August 16 2012	, and recorded in Special
Order Volume 88, Pages 370 to 377, approving Transfer T	-10785. This certificate together with
Certificate 87719 supersedes Certificate 20013, State Reco	ord of Water Right Certificates.
the second secon	

WITNESS the signature of the Water Resources Director, affixed August 16 2012

Dwight French, Water Right Services Administrator, for PHILLIP C. WARD, DIRECTOR

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer)	FINAL ORDER APPROVING A
Application T-10785, Washington County)	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE AND
)	PARTIAL CANCELLATION OF A
)	WATER RIGHT

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant CLEAN WATER SERVICES ATTN: STEPHEN KEBBE 2550 SW HILLSBORO HWY HILLSBORO, OR 97123 Agent SCHWABE, WILLIAMSON & WYATT, P.C. ATTN: MARTHA O. PAGEL 530 CENTER STREET NE, SUITE 400 SALEM, OR 97301

Findings of Fact

Background

- On February 20, 2009, Clean Water Services filed an application to change the place of use and character of use under a portion of Certificate 20013 to instream use. The Department assigned the application number T-10785.
- On October 6, 2009, the applicant submitted a revised application map and modified the instream transfer application to resolve a discrepancy in the number of acres to be transferred instream.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

3. The portion of the right to be transferred is as follows:

Certificate: 20013 in the name of J. W. NELSON (perfected under Permit S-16830)

Use: IRRIGATION of 19.0 ACRES Priority Date: MARCH 5, 1946

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q-Q	DLC	GOV'T LOTS	MEASURED DISTANCES
18	3 W	WM	8	NE NW	44		
18	3 W	WM	8	SWNW	44	3, 4 and 5 NONE SPECIFIED	
18	3 W	WM	8	SENW	44		3, 4 and 5 NONE SPECIFIED
1 S	3 W	WM	8	NE SW	44		
18	3 W	WM	8	NWSW	44		44

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	DLC	ACRES
18	3 W	WM	8	NENW	44	17.1
18	3 W	WM	8	NW NW	44	1.9
				7	OTAL:	19.0

- The irrigation season is not specified in Certificate 20013. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 5. Certificate 20013 is a deficient rate water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rate allowed (described in Finding of Fact #3), the total rate for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rate allowed at the Points of Diversion (described in Finding of Fact #3), the portion of the right involved in this transfer would be limited to 0.19 Cubic Foot Per Second (CFS).

Voluntary Partial Cancellations of a Water Right

6. The applicant has submitted an affidavit authorizing cancellation of a portion of the following right:

Certificate: 20013 in the name of J. W. NELSON (perfected under Permit S-16830)

Use: IRRIGATION of 10.0 ACRES Priority Date: MARCH 5, 1946

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its

equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q-Q	DLC	GOV'T LOTS	MEASURED DISTANCES
1 S	3 W	WM	8	NENW	44		
15	3 W	WM	8	SWNW	44	3, 4 and 5 NONE SPECIFIE	
15	3 W	WM	8	SENW	44		3, 4 and 5 NONE SPECIFIED
15	3 W	WM	8	NESW	44		
15	3 W	WM	8	NWSW	44		

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	DLC	ACRES
15	3 W	WM	8	NENW	44	7.3
1 S	3 W	WM	8	NW NW	44	2.7
				7	OTAL:	10.0

7. The partial cancellation of the water rights described in Finding of Fact #6 affects acres, but not rate. The water right is a deficient rate water right, thus no rate is cancelled. Based on the information displayed in the following table, the prorated rate subject to transfer is 0.21 cubic foot per second (CFS) as calculated by applying the authorized rate to remaining non-canceled acres and acres proposed for transfer.

Water Right Certificate	Authorized Rate (cfs)	Original Authorized Acres	Affidavit Canceled Acres	Non-Canceled Remaining Acres	Proposed Transfer Acres
20013	0.92	93.6	10.0	83.6	19.0

- 8. A total of 41.65 acre-feet of water may be beneficially used annually under the transferred portion of the existing right.
- Transfer Application T-10785 proposes to change the character of use to instream use for
 pollution abatement and conservation, maintenance and enhancement of aquatic and fish
 life, wildlife, fish and wildlife habitat and other ecological values.
- 10. Transfer application T-10785 proposes to change the place of use of the right to create an instream reach from the point of diversion to the mouth of the Tualatin River. Certificate 20013 has multiple points of diversion. Information submitted with the application identifies that the requested point of diversion at which to begin the instream use is more accurately located as follows:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	LOCATED APPROXIMATELY AT RIVER MILE 55

11. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Instream Period	Rate (cfs)	Volume (acre-feet)	
June 23 through September 30	0.21	41.65	

- 12. The applicant proposes that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant also proposes that any instream water right established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with an earlier priority date.
- 13. The application includes a Land Use Information form completed and signed by a representative of the City of Forest Grove planning department. Additionally, the Department provided notice of the proposed application to Washington County, Clackamas County, and the cities of Tigard, Tualatin, West Linn, Durham, Rivergrove, King City, Forest Grove, Cornelius and Hillsboro.
- 14. Notice of the application for transfer was published on March 3, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 15. On December 23, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-10785 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 21, 2011, for the applicant to respond. The agent, on behalf of the applicant, requested that the deadline be extended. The latest extension of this deadline ended October 31, 2011. Before the end of the extension period the applicant requested additional time in which to provide the requested information, but the Department denied the request. The applicant failed to provide all of the additional information requested by the Department by the October 31, 2011, deadline.
- 16. On November 7, 2011, the Department issued a Preliminary Determination proposing to deny Transfer Application T-10785 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November, 8, 2011, and in the Daily Journal of Commerce on November 17 and 24 and December 1, 2011, pursuant to ORS 540.520 and OAR 690-380-4020.
- On December 29, 2011, Clean Water Services through its agent Martha O. Pagel timely submitted a Protest of the Preliminary Determination.
- 18. On February 9, 2012, the Department received a Registration of Reclaimed Municipal Water Use under NPDES permit 101142, signed by both the applicant and the Oregon Department of Environmental Quality, for irrigation of 19.0 acres of wetland plants using reclaimed water in-lieu of the use of water authorized under Water Right Certificate 20013.

- 19. On May 16, 2012, Clean Water Services staff and agent met with Department staff on-site to review how reclaimed municipal water was delivered to the place of use and applied beneficially to irrigate wetland plants in-lieu of the use of water under Certificate 20013.
- 20. The on-site review showed: a) the applicant had a water delivery system in-place sufficient to deliver municipal reclaimed water from Hillsboro and Forest Grove to the place of use (Pond #2); and b) wetland plants were being propagated in Pond #2.
- 21. On June 15, 2012, the applicant submitted additional information about the delivery system and data and pumping records showing reclaimed municipal water was used to irrigate and maintain the wetland plants during the irrigation season of May 1 through September 30 in the five year period prior to submittal of the transfer application on February 20, 2009.
- 22. On July 23, 2012, and as amended on August 16, 2012, the applicant submitted an affidavit requesting partial cancellation of Certificate 20013 and amended the application to request transfer of the rate and volume as described in Findings of Fact #7, #8 and #11.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 23. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2).
- 24. In the Preliminary Determination issued November 7, 2011, the Department determined water was not used within the five years prior to submittal of the transfer application on February 20, 2009, according to the terms and conditions of the right. The applicant had submitted documentation with the application and additional documentation on September 21, 2010, under ORS 540.610 (2) to rebut the presumption that the water right was subject to forfeiture. The applicant asserted that reclaimed water had been used on the place of use in-lieu of diverting water under Certificate 20013 and therefore was not subject to forfeiture.
- 25. ORS 540.610 (2) (h) identifies that a water right is not subject to forfeiture if the non use occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- A registration for use of reclaimed water may be recognized by the Department under ORS 537.132.
- 27. The registration for use of municipal reclaimed water submitted on February 9, 2012, for transfer application T-10785 identifies the water was used for irrigation of wetlands plants in-lieu of Certificate 20013 is applied under NPDES permit 101142.
- 28. Subsequent to issuance of the Preliminary Determination the applicant submitted additional information establishing that a pump, pipeline and water delivery system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of transfer application T-10785 (See Findings of Fact #18 through #21).

29. The applicant has requested to transfer 19.0 acres of irrigation use to instream use at a rate of 0.21 CFS. The rate proposed for transfer exceeds the rate of 0.19 CFS allowed to be diverted at the point of diversion for 19.0 acres of irrigation as described in Finding of Fact #5, but is consistent with the calculated rate described in Finding of Fact #7 based on the cancellation of an additional 10.0 acres of water right. Thus, the applicant proposes the quantities of water to be transferred instream to be protected as follows:

Instream Period	Rate (cfs)	Volume (acre-feet)
June 23 through September 30	0.21	41.65

- 30. The proposed change, as amended, would not result in enlargement of the right.
- 31. The proposed change, as amended, would not result in injury to other water rights.
- The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 33. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 34. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). There are also two instream rights created as a result of the instream transfer process (ORS 537.348), Special Order Volume 76, Page 912, and Special Order Volume 80, Page 1127, which protect water instream on a time-limited basis.
- The proposed instream use is senior in priority date to each of the existing instream water rights.
- 36. Any new instream water right established by this transfer:
 - a) By replacing a portion of MF-174, MF-175, and the instream water rights established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), will provide for protection of streamflows previously identified as

necessary for supporting aquatic life and pollution abatement under an earlier priority date.

- b) By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the same location, will provide protection for additional streamflows necessary for fish and wildlife habitat.
- c) Any instream water right established by this transfer may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.
- d) The total monthly quantities of water to be protected under the proposed instream right, in addition to the existing instream water rights, within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-10785 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled.

Now, therefore, it is ORDERED:

- The changes in character of use and place of use to instream use proposed in application T-10785 are approved. The portion of the right that has been abandoned is cancelled.
- Water Right Certificate 20013 is cancelled. Water Right Certificate 87718, a new
 certificate, confirms the instream water right established by this transfer. Water Right
 Certificate 87719, a new certificate, describes the remaining portion of the right not affected
 by this transfer and cancellation.
- 3. The instream water right shall provide for the protection of streamflows from the point of diversion to the mouth of the Tualatin River. The point of diversion is located as follows:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
18	3 W	WM	8	NENW	LOCATED APPROXIMATELY AT RIVER MILE 55

4. The quantities of water to be protected under the instream water right are:

Period	Rate (cfs)		
June 23 through September 30	0.21		

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

- Within the specified stream reach, the amount of water to which this right is entitled shall
 not exceed the quantity of water legally available at the original point of diversion.
- 7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 20013 and any related decree.
- 9. The former place of use of the transferred water shall no longer receive water as part of this right.
- 10. The approval of Transfer Application T-10785 provides mitigation of 0.21 CFS to be applied towards Transfer Application T-7012.

Dated at Salem, Oregon this ______ day of August, 2012.

Dwight French, Water Right Services Administrator, for

PHILLIPC. WARD, DIRECTOR

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON WATER RESOURCES DEPARTMENT

confirms the right to use the waters of TUALATIN RIVER, tributary to WILLAMETTE RIVER, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.

This right was perfected under Permit S-20745. The date of priority is SEPTEMBER 19, 1951. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.03 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion, from June 23 through September 30 of each year.

The description of the stream reach in which flows are to be maintained is as follows:

From the location of the diversion authorized previously under Certificate 22048, located approximately at:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	3 W	WM	8	NENW	47	1275 FEET SOUTH AND 40 FEET WEST FROM THE N ¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

To the Mouth of the Tualatin River.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right is subject to all other terms and conditions of Certificate under Certificate 22048, and any related decree.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 88, Page ____, approving Transfer T-11468. This certificate, together with Certificate 87874, supersedes Certificate under Certificate 22048, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed Vetember 31, 2012.

Dwight Prepen, Water Right Services Administrator, for

PHILLIP C. WARD, DIRECTOR

This is a final 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.

T-11468-cf-iswr-22048.dip

Page 1 of 1

Certificate 87873

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer)	FINAL ORDER APPROVING A
Application T-11468, Washington County)	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant CLEAN WATER SERVICES c/o STEVE KEBBE 16060 SW 85TH AVE TIGARD, OR 97224

Findings of Fact

Background

- On August 27, 2012, Clean Water Services filed an application to change the place of use and character of use under Certificate 22048 to instream use. The Department assigned the application number T-11468.
- 2. The portion of the right to be transferred is as follows:

Certificate: 22048 in the name of RUSSELL A. COWAN (perfected under Permit

S-20745)

Use: IRRIGATION of 2.4 ACRES

Priority Date: SEPTEMBER 19, 1951

Rate: 0.03 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source:

TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	3 W	WM	8	NE NW	47

Authorized Place of Use:

		IRR	IGATI	ON		
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	9	NW NW	47	1.5
1 S	3 W	WM	9	SWNW	47	0.9

3. Certificate 22048 does not describe the coordinates of the point of diversion, however information is available from the transfer application indicating that the point of diversion is located at approximately River Mile 55 and is further measured as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	3 W	WM	8	NE NW	47	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

- 4. The irrigation season is not specified in Certificate 22048. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 5. A total of 6.0 acre-feet of water may be beneficially used annually under the existing right.
- Application T-11468 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.
- Application T-11468 proposes to change the place of use of the right to create an instream reach from point of diversion as described in Finding of Fact #3 to the mouth of the Tualatin River.
- The applicant proposes the quantities water to be transferred instream be protected as follows:

Instream Period	Rate (cfs)	Volume (acre-feet)
June 23 to September 30	0.03	6.0

The applicant has requested that any instream water right established as result of this
instream transfer be additive to existing instream water rights for the same reach established
pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of

- conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.
- 10. The application includes a Land Use Information form completed and signed by a representative of the Washington County planning department. The Department also provided notice to Washington County upon receipt of the transfer application. However, the applicant did not provide notice of the proposed application to Clackamas County, and the cities of Tigard, Tualatin, West Linn, Durham, Rivergrove, King City, Cornelius and Hillsboro. All affected local governments located along the reach of a proposed instream use must be provided notice of both the intent to file the instream transfer by the applicant and upon receipt of an instream transfer application by the Department. On September 19, 2012, the Department provided notice to these additional local governments.
- Notice of the application for transfer was published on September 4, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 12. On October 8, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11468 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 9, 2012, for the applicant to respond. On October 25, 2012, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 13. On November 15, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11468 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 20, 2012, and in the Daily Journal of Commerce newspaper on November 23 and 30, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 14. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2).
- 15. ORS 540.610 (2) (h) identifies that a water right is not subject to forfeiture if the non use occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- A registration for use of reclaimed water may be recognized by the Department under ORS 537.132.

- 17. The registration for use of municipal reclaimed water submitted on November 25, 2009, for transfer application T-7408 identifies the reclaimed water was used for irrigation in-lieu of Certificate 22048 and was applied under NPDES permit 101142.
- 18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-11468.
- 19. The proposed change, as described in Findings of Fact #7 and #8, would not result in enlargement of the right. The lands described in Finding of Fact #2 may continue to receive reclaimed water.
- 20. The proposed change, as described in Findings of Fact #7 and #8, would not result in injury to other water rights.
- 21. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 22. The protection of flows within the proposed reach is appropriate, considering:
 - The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 23. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). There are also three instream rights created as a result of the instream transfer process (ORS 537.348), Special Order Volume 76, Page 912 (T-10332), and Special Order Volume 80, Page 1127 (T-7408), which protect water instream on a time-limited basis, and T-10785 recorded at Special Order Volume 88, Page 370, which created instream water right Certificate 87718.
- 24. The proposed instream use is senior in priority date to each of the existing instream water rights except for Certificate 87718 for 0.21 cfs with priority date March 5, 1946.

- 25. The existing instream flow protections and instream water rights established under ORS 537.346 and ORS 537.341 within the proposed reach are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and pollution abatement, but are at times not met during the requested period for instream protection.
- 26. Any new instream water right established by this transfer:
 - a) By replacing a portion of MF-174, MF-175, and the instream water rights established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), will provide for protection of streamflows previously identified as necessary for supporting aquatic life and pollution abatement under an earlier priority date.
 - b) By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the same location, will provide protection for additional streamflows necessary for fish and wildlife habitat.
- 27. Any instream water right established by this transfer may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.
- 28. The total monthly quantities of water to be protected under the proposed instream right, in addition to the existing instream water rights, within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-11468 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

Now, therefore, it is ORDERED:

- The changes in character of use and place of use to instream use proposed in application T-11468 are approved.
- Water Right Certificate 22048 is cancelled. A new certificate confirming the instream water right shall be issued. A new certificate will be issued describing that portion of the right not affected by this transfer.

3. The instream water right shall provide for the protection of streamflows from the point of diversion to the mouth of the Tualatin River. The point of diversion is located as follows:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

4. The quantities of water to be protected under the instream water right are:

Instream Period	Rate (cfs)
June 23 through September 30	0.03

- Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
- 7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 22048 and any related decree.
- The former place of use of the transferred water shall no longer receive water as part of this right.
- The approval of Transfer Application T-11468 provides mitigation of 0.03 CFS to be applied towards Transfer Application T-7012.

Dated at Salem, Oregon this 3 day of December, 2012.

Dwight Vench, Water Right Services Administrator, for

PHILLIPC. WARD, DIRECTOR

Mailing date:

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time-Limited Instream)	FINAL ORDER APPROVING A
Transfer Application T-7408, Washington)	CHANGE IN PLACE OF USE AND
County)	CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES 16060 SW 85TH AVENUE TIGARD, OR 97224

Findings of Fact

Background

- On August 9, 1995, Unified Sewerage Agency filed an application to change the place of use and character of use under Certificate 22048 to wetlands enhancement. The Department assigned the application number T-7408.
- 2. On July 24, 2008, the applicant (now known as Clean Water Services) submitted amended application materials and a request to amend the application. The applicant requested that the application be modified to change the character of use and place of use from irrigation to instream use until such time that the applicant requests to terminate the instream use.
- 3. The portion of the right to be transferred is as follows:

Certificate: 22048 in the name of RUSSELL A. COWAN (perfected under Permit

S-20745)

Use: IRRIGATION of 40.0 acres
Priority Date: SEPTEMBER 19, 1951

Rate: 0.5 CUBIC FOOT PER SECOND (CFS)

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Limit/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source:

TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15	3 W	WM	8	NE NW	Unspecified in certificate

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	8	NE NE	47	11.1
18	3 W	WM	8	NW NE	47	24.4
15	3 W	WM	8	SW NE	47	1.8
1 S	3 W	WM	8	SE NE	47	0.8
18	3 W	WM	8	NENW	47	1.9

4. The coordinates (measured distances) for the point of diversion are not specified in Certificate 22048. However, information submitted with the original transfer application identify that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	8	NE NW	1275 FEET SOUTH AND 40 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 8

- 5. The irrigation season is also not specified in Certificate 22048. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 6. A total of 100.0 acre-feet of water may be beneficially used annually under the existing right.
- Application T-7408 proposes to change the character of use to instream use for pollution abatement, conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and any other ecological values on a time limited basis.
- 8. The applicant requests that the water right described in Finding of Fact #3 revert to its authorized use and place of use upon request if it is determined by the applicant that use of water under Certificate 22048 is needed. For example, if the property is sold to a new landowner or if reclaimed water (currently being used for irrigation purposes on the described place of use) becomes unavailable.
- Application T-7408 proposes to change the place of use of the right to create an instream reach from the point of diversion (as described in Findings of Fact #3 and #4) to the mouth of the Tualatin River (River Mile 0.0).

10. The applicant proposes the quantities water to be transferred instream to be protected follows:

Instream Period	Rate (cfs)	Volume (AF)	
June 23 through September 30	0.5	100.0	

- There are existing instream water rights within the same reach as that proposed for the new instream water right.
- 12. Within the proposed reach, the applicant requests that any instream use created as a result of this time-limited instream transfer replace a portion of the existing instream water rights established under and ORS 537.346 (state agency instream water right application process) and ORS 537.341 (minimum streamflow conversion process) with an earlier priority date for the duration of the instream use.
- 13. The applicant also requests that, within the proposed instream reach, any instream use created as a result of this time-limited instream transfer be additive to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the duration of the instream use.
- 14. The amended application includes a Land Use Information form completed and signed by a representative of Washington County. Additionally, the Department provided notification of the proposed action to Clackamas County, and the cities of Tualatin, West-Linn, Durham, Rivergrove, King City, Tigard, Forest Grove, Cornelius, and Hillsboro.
- 15. Notice of the application as an instream transfer was published on October 29, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 16. On February 8, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-7408 to the applicant. The cover letter for the draft Preliminary Determination set forth a deadline of March 9, 2010, for the applicant to respond. The additional information requested by the Department was received on March 10, 2010. On February 16, 2010, the applicants concurred with the draft Preliminary Determination and requested that the Department proceed with issuance of a Preliminary Determination.
- 17. On March 17, 2010, the Department issued a Preliminary Determination proposing to approve Time-Limited Instream Transfer Application T-7408 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 23, 2010, and in the Daily Journal of Commerce on March 29, and April 5 and 12, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice or to the newspaper notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 18. Water was not used within the five years prior to submittal of the transfer application on August 25, 1995, according to the terms and conditions of the right. The subject land has been irrigated with treated wastewater effluent known as reclaimed water. A National Pollutant Discharge Elimination System (NPDES) permit was issued by the Department of Environmental Quality, authorizing the use of reclaimed water for irrigation, on August 25, 1993, replacing an earlier NPDES permit. A registration for use of reclaimed water was not originally filed with the Department at the time the use of reclaimed water began but a registration was filed on November 25, 2009. Because the nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under the existing water right, the applicant has sufficiently rebutted the presumption of forfeiture in accordance with ORS 540.610(2)(h).
- 19. It is not clear whether a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-7408. However, there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610. A delivery system to apply reclaimed water is identified as being present within the five years prior to submission of Application T-7408.
- 20. The proposed change would not result in enlargement of the right. The lands described in Finding of Fact #3 may continue to receive reclaimed water during the term of this timelimited instream transfer.
- 21. The proposed change would not result in injury to other water rights.
- 22. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 23. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 24. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream

flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). There is also an instream right created as a result of the instream transfer process (ORS 537.348), Special Order Volume 76, Page 912, which is protected instream on a time-limited basis.

- 25. The proposed instream use is senior in priority date to each of the existing instream water rights.
- 26. The existing instream flow protections and instream water rights established under ORS 537.346 and ORS 537.341 within the proposed reach are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and pollution abatement but are at times not met during the requested period for instream protection.
- 27. By replacing a portion of MF-174, MF-175, and the instream water rights established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), any instream water right created as a result of this transfer will provide for protection of streamflows previously identified as necessary for supporting aquatic life and pollution abatement under an earlier priority date.
- 28. By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the same location, a new instream right established by this transfer will provide protection for additional streamflows necessary for fish and wildlife habitat.
- 29. During the period June 23 through September 30 any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- 30. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-7408 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

Now, therefore, it is ORDERED:

- The changes in character of use and place of use to instream use proposed in application T-7408 are approved.
- 2. The exercise of the right evidenced by Certificate 22048 for irrigation of 40.0 acres at the former place of use shall be SUSPENDED, without loss of priority, for the term of the

- transfer authorized herein. The former place of use may continue to receive water under an NPDES permit (issued August 25, 1993) and a registration for use of reclaimed water filed with the Department on November 25, 2009.
- 3. The instream water right established under this order shall provide for the protection of streamflows from the point of diversion (as described in Finding of Fact #4) to the mouth of the Tualatin River for the purpose of pollution abatement and conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
- 4. The quantities of water to be protected under the instream water right are:

Priority Date	Instream Period	Rate (cfs)	
Sept. 19, 1951	June 23 through September 30	0.5	

- Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- 6. During the term of this order, the instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- 7. The order may be terminated at any time during a calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use (May 23) or after the instream period has begun, water may not be used under Certificate 22048 until the following calendar year, unless the Director determines that enlargement would not occur.
- 8. This order may be terminated upon submission of evidence by the applicant that conditions for termination of the order have been met. Conditions for termination include:
 - a) Ownership of the lands to which certificate 22048 are appurtenant has changed and the new landowner intends to exercise Certificate 22048 on the land;
 - b) Reclaimed water is no longer available for use on the subject lands; or
 - The applicant provides other information demonstrating that termination of the order is necessary.
- During the term of this order, the right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 22048 and any related decree.

10. Upon termination of this transfer order, the use of water shall revert to its original use and place of use as described by Certificate 22048. The use shall revert to the authorized use and place of use upon submission of a termination request from the applicant.

Dated at Salem, Oregon this 26 day of May 2010.

Mailing Date

MAY 2 8 ZUTU

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer)	FINAL ORDER APPROVING A
Application T-10785, Washington County	5	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE AND
)	PARTIAL CANCELLATION OF A
)	WATER RIGHT

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant CLEAN WATER SERVICES ATTN: STEPHEN KEBBE 2550 SW HILLSBORO HWY HILLSBORO, OR 97123 Agent SCHWABE, WILLIAMSON & WYATT, P.C. ATTN: MARTHA O. PAGEL 530 CENTER STREET NE, SUITE 400 SALEM, OR 97301

Findings of Fact

Background

- On February 20, 2009, Clean Water Services filed an application to change the place of use and character of use under a portion of Certificate 20013 to instream use. The Department assigned the application number T-10785.
- On October 6, 2009, the applicant submitted a revised application map and modified the instream transfer application to resolve a discrepancy in the number of acres to be transferred instream.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

3. The portion of the right to be transferred is as follows:

Certificate: 20013 in the name of J. W. NELSON (perfected under Permit S-16830)

Use: IRRIGATION of 19.0 ACRES Priority Date: MARCH 5, 1946

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q-Q	DLC	GOV'T LOTS	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	44	3, 4 and 5	
18	3 W	WM	8	SWNW	44		
15	3 W	WM	8	SE NW	44		NONE SPECIFIED
1 S	3 W	WM	8	NE SW	44		
15	3 W	WM	8	NWSW	44		

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	DLC	ACRES
18	3 W	WM	8	NENW	44	17.1
18	3 W	WM	8	NW NW	44	1.9
				7	TOTAL:	19.0

- 4. The irrigation season is not specified in Certificate 20013. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 5. Certificate 20013 is a deficient rate water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rate allowed (described in Finding of Fact #3), the total rate for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rate allowed at the Points of Diversion (described in Finding of Fact #3), the portion of the right involved in this transfer would be limited to 0.19 Cubic Foot Per Second (CFS).

Voluntary Partial Cancellations of a Water Right

6. The applicant has submitted an affidavit authorizing cancellation of a portion of the following right:

Certificate: 20013 in the name of J. W. NELSON (perfected under Permit S-16830)

Use: IRRIGATION of 10.0 ACRES Priority Date: MARCH 5, 1946

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its

equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q-Q	DLC	GOV'T LOTS	MEASURED DISTANCES		
1 S	3 W	WM	8	NENW	44				
1 S	3 W	WM	8	SWNW	44				
18	3 W	WM	8	SENW	44	3, 4 and 5	3, 4 and 5 NONE SPEC	NONE SPECIFIED	
1 S	3 W	WM	8	NESW	44				
1 S	3 W	WM	8	NWSW	44				

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	DLC	ACRES
1 S	3 W	WM	8	NE NW	44	7.3
1 S	3 W	WM	8	NW NW	44	2.7
				I	OTAL:	10.0

7. The partial cancellation of the water rights described in Finding of Fact #6 affects acres, but not rate. The water right is a deficient rate water right, thus no rate is cancelled. Based on the information displayed in the following table, the prorated rate subject to transfer is 0.21 cubic foot per second (CFS) as calculated by applying the authorized rate to remaining non-canceled acres and acres proposed for transfer.

Water Right Certificate	Authorized Rate (cfs)	Original Authorized Acres	Affidavit Canceled Acres	Non-Canceled Remaining Acres	Proposed Transfer Acres
20013	0.92	93.6	10.0	83.6	19.0

- 8. A total of 41.65 acre-feet of water may be beneficially used annually under the transferred portion of the existing right.
- Transfer Application T-10785 proposes to change the character of use to instream use for
 pollution abatement and conservation, maintenance and enhancement of aquatic and fish
 life, wildlife, fish and wildlife habitat and other ecological values.
- 10. Transfer application T-10785 proposes to change the place of use of the right to create an instream reach from the point of diversion to the mouth of the Tualatin River. Certificate 20013 has multiple points of diversion. Information submitted with the application identifies that the requested point of diversion at which to begin the instream use is more accurately located as follows:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	LOCATED APPROXIMATELY AT RIVER MILE 55

11. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Instream Period	Rate (cfs)	Volume (acre-feet)
June 23 through September 30	0.21	41.65

- 12. The applicant proposes that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant also proposes that any instream water right established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with an earlier priority date.
- 13. The application includes a Land Use Information form completed and signed by a representative of the City of Forest Grove planning department. Additionally, the Department provided notice of the proposed application to Washington County, Clackamas County, and the cities of Tigard, Tualatin, West Linn, Durham, Rivergrove, King City, Forest Grove, Cornelius and Hillsboro.
- Notice of the application for transfer was published on March 3, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 15. On December 23, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-10785 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 21, 2011, for the applicant to respond. The agent, on behalf of the applicant, requested that the deadline be extended. The latest extension of this deadline ended October 31, 2011. Before the end of the extension period the applicant requested additional time in which to provide the requested information, but the Department denied the request. The applicant failed to provide all of the additional information requested by the Department by the October 31, 2011, deadline.
- 16. On November 7, 2011, the Department issued a Preliminary Determination proposing to deny Transfer Application T-10785 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November, 8, 2011, and in the Daily Journal of Commerce on November 17 and 24 and December 1, 2011, pursuant to ORS 540.520 and OAR 690-380-4020.
- On December 29, 2011, Clean Water Services through its agent Martha O. Pagel timely submitted a Protest of the Preliminary Determination.
- 18. On February 9, 2012, the Department received a Registration of Reclaimed Municipal Water Use under NPDES permit 101142, signed by both the applicant and the Oregon Department of Environmental Quality, for irrigation of 19.0 acres of wetland plants using reclaimed water in-lieu of the use of water authorized under Water Right Certificate 20013.

- 19. On May 16, 2012, Clean Water Services staff and agent met with Department staff on-site to review how reclaimed municipal water was delivered to the place of use and applied beneficially to irrigate wetland plants in-lieu of the use of water under Certificate 20013.
- 20. The on-site review showed: a) the applicant had a water delivery system in-place sufficient to deliver municipal reclaimed water from Hillsboro and Forest Grove to the place of use (Pond #2); and b) wetland plants were being propagated in Pond #2.
- 21. On June 15, 2012, the applicant submitted additional information about the delivery system and data and pumping records showing reclaimed municipal water was used to irrigate and maintain the wetland plants during the irrigation season of May 1 through September 30 in the five year period prior to submittal of the transfer application on February 20, 2009.
- 22. On July 23, 2012, and as amended on August 16, 2012, the applicant submitted an affidavit requesting partial cancellation of Certificate 20013 and amended the application to request transfer of the rate and volume as described in Findings of Fact #7, #8 and #11.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 23. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2).
- 24. In the Preliminary Determination issued November 7, 2011, the Department determined water was not used within the five years prior to submittal of the transfer application on February 20, 2009, according to the terms and conditions of the right. The applicant had submitted documentation with the application and additional documentation on September 21, 2010, under ORS 540.610 (2) to rebut the presumption that the water right was subject to forfeiture. The applicant asserted that reclaimed water had been used on the place of use in-lieu of diverting water under Certificate 20013 and therefore was not subject to forfeiture.
- 25. ORS 540.610 (2) (h) identifies that a water right is not subject to forfeiture if the non use occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- A registration for use of reclaimed water may be recognized by the Department under ORS 537.132.
- 27. The registration for use of municipal reclaimed water submitted on February 9, 2012, for transfer application T-10785 identifies the water was used for irrigation of wetlands plants in-lieu of Certificate 20013 is applied under NPDES permit 101142.
- 28. Subsequent to issuance of the Preliminary Determination the applicant submitted additional information establishing that a pump, pipeline and water delivery system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of transfer application T-10785 (See Findings of Fact #18 through #21).

29. The applicant has requested to transfer 19.0 acres of irrigation use to instream use at a rate of 0.21 CFS. The rate proposed for transfer exceeds the rate of 0.19 CFS allowed to be diverted at the point of diversion for 19.0 acres of irrigation as described in Finding of Fact #5, but is consistent with the calculated rate described in Finding of Fact #7 based on the cancellation of an additional 10.0 acres of water right. Thus, the applicant proposes the quantities of water to be transferred instream to be protected as follows:

Instream Period	Rate (cfs)	Volume (acre-feet)
June 23 through September 30	0.21	41.65

- 30. The proposed change, as amended, would not result in enlargement of the right.
- 31. The proposed change, as amended, would not result in injury to other water rights.
- 32. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 33. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 34. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). There are also two instream rights created as a result of the instream transfer process (ORS 537.348), Special Order Volume 76, Page 912, and Special Order Volume 80, Page 1127, which protect water instream on a time-limited basis.
- 35. The proposed instream use is senior in priority date to each of the existing instream water rights.
- 36. Any new instream water right established by this transfer:
 - a) By replacing a portion of MF-174, MF-175, and the instream water rights established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), will provide for protection of streamflows previously identified as

necessary for supporting aquatic life and pollution abatement under an earlier priority date.

- b) By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the same location, will provide protection for additional streamflows necessary for fish and wildlife habitat.
- c) Any instream water right established by this transfer may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.
- d) The total monthly quantities of water to be protected under the proposed instream right, in addition to the existing instream water rights, within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-10785 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled.

Now, therefore, it is ORDERED:

- The changes in character of use and place of use to instream use proposed in application T-10785 are approved. The portion of the right that has been abandoned is cancelled.
- Water Right Certificate 20013 is cancelled. Water Right Certificate 87718, a new certificate, confirms the instream water right established by this transfer. Water Right Certificate 87719, a new certificate, describes the remaining portion of the right not affected by this transfer and cancellation.
- 3. The instream water right shall provide for the protection of streamflows from the point of diversion to the mouth of the Tualatin River. The point of diversion is located as follows:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
18	3 W	WM	8	NENW	LOCATED APPROXIMATELY AT RIVER MILE 55

4. The quantities of water to be protected under the instream water right are:

Period	Rate (cfs)
June 23 through September 30	0.21

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

- Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
- 7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 20013 and any related decree.
- The former place of use of the transferred water shall no longer receive water as part of this right.
- The approval of Transfer Application T-10785 provides mitigation of 0.21 CFS to be applied towards Transfer Application T-7012.

Dated at Salem, Oregon this ______ day of August, 2012.

Dwight French, Water Right Services Administrator, for

PHILLIPC. WARD, DIRECTOR

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer)	FINAL ORDER APPROVING A
Application T-11468, Washington County)	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES c/o STEVE KEBBE 16060 SW 85TH AVE TIGARD, OR 97224

Findings of Fact

Rate:

Background

- On August 27, 2012, Clean Water Services filed an application to change the place of use and character of use under Certificate 22048 to instream use. The Department assigned the application number T-11468.
- 2. The portion of the right to be transferred is as follows:

Certificate: 22048 in the name of RUSSELL A. COWAN (perfected under Permit

S-20745)

Use: IRRIGATION of 2.4 ACRES

Priority Date: SEPTEMBER 19, 1951

Limit/Duty: The amount of water used for irrigation, together with the amount secured

0.03 CUBIC FOOT PER SECOND

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source:

TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	3 W	WM	8	NE NW	47

Authorized Place of Use:

		IRR	IGATI	ON		
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
18	3 W	WM	9	NW NW	47	1.5
18	3 W	WM	9	SWNW	47	0.9

3. Certificate 22048 does not describe the coordinates of the point of diversion, however information is available from the transfer application indicating that the point of diversion is located at approximately River Mile 55 and is further measured as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	3 W	WM	8	NE NW	47	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

- 4. The irrigation season is not specified in Certificate 22048. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 5. A total of 6.0 acre-feet of water may be beneficially used annually under the existing right.
- Application T-11468 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.
- Application T-11468 proposes to change the place of use of the right to create an instream reach from point of diversion as described in Finding of Fact #3 to the mouth of the Tualatin River.
- 8. The applicant proposes the quantities water to be transferred instream be protected as follows:

Instream Period	Rate (cfs)	Volume (acre-feet)
June 23 to September 30	0.03	6.0

The applicant has requested that any instream water right established as result of this
instream transfer be additive to existing instream water rights for the same reach established
pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of

- conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.
- 10. The application includes a Land Use Information form completed and signed by a representative of the Washington County planning department. The Department also provided notice to Washington County upon receipt of the transfer application. However, the applicant did not provide notice of the proposed application to Clackamas County, and the cities of Tigard, Tualatin, West Linn, Durham, Rivergrove, King City, Cornelius and Hillsboro. All affected local governments located along the reach of a proposed instream use must be provided notice of both the intent to file the instream transfer by the applicant and upon receipt of an instream transfer application by the Department. On September 19, 2012, the Department provided notice to these additional local governments.
- Notice of the application for transfer was published on September 4, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 12. On October 8, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11468 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 9, 2012, for the applicant to respond. On October 25, 2012, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 13. On November 15, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11468 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 20, 2012, and in the Daily Journal of Commerce newspaper on November 23 and 30, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 14. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2).
- 15. ORS 540.610 (2) (h) identifies that a water right is not subject to forfeiture if the non use occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- A registration for use of reclaimed water may be recognized by the Department under ORS 537.132.

- The registration for use of municipal reclaimed water submitted on November 25, 2009, for transfer application T-7408 identifies the reclaimed water was used for irrigation in-lieu of Certificate 22048 and was applied under NPDES permit 101142.
- 18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-11468.
- 19. The proposed change, as described in Findings of Fact #7 and #8, would not result in enlargement of the right. The lands described in Finding of Fact #2 may continue to receive reclaimed water.
- The proposed change, as described in Findings of Fact #7 and #8, would not result in injury to other water rights.
- 21. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 22. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 23. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). There are also three instream rights created as a result of the instream transfer process (ORS 537.348), Special Order Volume 76, Page 912 (T-10332), and Special Order Volume 80, Page 1127 (T-7408), which protect water instream on a time-limited basis, and T-10785 recorded at Special Order Volume 88, Page 370, which created instream water right Certificate 87718.
- 24. The proposed instream use is senior in priority date to each of the existing instream water rights except for Certificate 87718 for 0.21 cfs with priority date March 5, 1946.

- 25. The existing instream flow protections and instream water rights established under ORS 537.346 and ORS 537.341 within the proposed reach are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and pollution abatement, but are at times not met during the requested period for instream protection.
- 26. Any new instream water right established by this transfer:
 - a) By replacing a portion of MF-174, MF-175, and the instream water rights established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), will provide for protection of streamflows previously identified as necessary for supporting aquatic life and pollution abatement under an earlier priority date.
 - b) By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the same location, will provide protection for additional streamflows necessary for fish and wildlife habitat.
- 27. Any instream water right established by this transfer may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.
- 28. The total monthly quantities of water to be protected under the proposed instream right, in addition to the existing instream water rights, within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-11468 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

Now, therefore, it is ORDERED:

- The changes in character of use and place of use to instream use proposed in application T-11468 are approved.
- Water Right Certificate 22048 is cancelled. A new certificate confirming the instream water right shall be issued. A new certificate will be issued describing that portion of the right not affected by this transfer.

3. The instream water right shall provide for the protection of streamflows from the point of diversion to the mouth of the Tualatin River. The point of diversion is located as follows:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

4. The quantities of water to be protected under the instream water right are:

Instream Period	Rate (cfs)
June 23 through September 30	0.03

- Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
- 7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 22048 and any related decree.
- The former place of use of the transferred water shall no longer receive water as part of this right.
- The approval of Transfer Application T-11468 provides mitigation of 0.03 CFS to be applied towards Transfer Application T-7012.

Dated at Salem, Oregon this 31 day of December, 2012.
Det An
Dwight Wench, Water Right Services Administrator, for PHILLIF C. WARD, DIRECTOR
Mailing date:

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224

confirms the right to use the waters of the TUALATIN RIVER, a tributary to the WILLAMETTE RIVER for IRRIGATION of 69.7 ACRES.

This right was perfected under Permit S-20745. The date of priority is SEPTEMBER 19, 1951. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.87 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

	Twp	Rng	Mer	Sec	Q-Q	DLC
F	1 S	3 W	WM	8	NENW	47

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

		IRR	IGATI	ON			rr
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	
1 S	3 W	WM	8	NE NE	47	25.2	14.1 11.1(T-7408) 14.1 (T-7408)
15	3 W	WM	8	NW NE	47	24.4	24.4 (1-1400)
1 S	3 W	WM	8	SW NE	47	1.8	1.8 T-7408
1 S	3 W	WM	8	SE NE	47	1.6	0.4
15	3 W	WM	8	NENW	47	1.9	1.9
1 S	3 W	WM	9	NWNW	47	14.8	14.8 40.0 0.50 cf
			0.1				dill CEV

This certificate describes that portion of the water right confirmed by Certificate 22048, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered 12-31-12 approving Transfer Application T-11468.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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.

WITNESS the signature of the Water Resources Director, affixed 12-31-12

0.87-69.7 = 0.012482

Dwight Prench, Water Right Services Administrator, for

C. WARD, DIRECTOR

×40 ×29.7 0.4998 0.37071 0.50 cs 0.37cs

T-11468-rr-22048.dip

Page 1 of 1

Recorded in State Record of Water Right Certificates numbered 87874.

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That .. RUSSELL A. COMAN

of Route 2, Box 179, Cornelius , State of Oregon , has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Tuzlatin River a tributary of Rillamette River for the purpose of

irrigation under Permit No. 207h5 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 19, 1951

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.9 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the MEZNWY, as projected within Geiger DLC #17,
Section 8, Township 1 South, Range 3 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightlich of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acro feet per acre for each acre irrigated during the irrigation season of each year,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

25.2 acres in the NENE;
24.4 acres in the NUME;
1.8 acres in the SUME;
1.6 acres in the SEPE;
1.9 acres in the NETE;
Section 6
16.3 acres in the NETE;

0.9 acres in the SWAWA Section 9 all as projected within Geiger DLC #47

all as projected within Geiger DLC #47 Township 1 South, Range 3 West, W. M.

Land on which water is to be used is part of that described as follows: Beginning at a point S. 0°16' W. from the NE corner of the NH of Goiger DLC #h7; thance S. 0°16' W. 16.17 chains then N. 89°14' W. 55.64 chains; then N. 0°16' E. 16.17 chains; then S. 0°16' E. to the point of beginning.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 7th day of February , 19 57.

LEGIS A. CTAHLET
State Engineer

Recorded in State Record of Water Right Certificates, Volume 16 , page 22048.

AUG 2 5 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary Krahmer Unified Sewerage Agency of Washington County 155 N. First Avenue, Suite 270 Hillsboro, OR 97124 nvolved Oregon

The DER

DEPARTMENT OF

ENVIRONMENTAL

QUALITY

OVER THE COUNTER

Re: Waste Discharge Permit File No. 90745 USA Permit Appeals/Forest Gr

USA Permit Appeals/Forest Grove Facility

Washington County

Dear Mr. Krahmer:

We have received the signed Stipulation and Settlement denoting your approval of agreements reached during permit appeal meetings, and terms and conditions of the draft permit and permit evaluation report addendum sent to you July 1, 1993. Lydia R. Taylor has signed the agreement for Fred Hansen on behalf of the Department, and a fully executed original copy is enclosed. The new NPDES permit issued with modifications to comply with the agreement, is also enclosed.

Existing NPDES Permit No. 100786 has been terminated concurrently with issuance of the new permit.

Feel free to contact Barbara Burton at 229-6099 if you have any questions.

Sincerely,

Michael Downs
Administrator

Water Quality Division

dh

Enclosures

CC: U.S. Environmental Protection Agency (w/encls)
Northwest Region, DEQ, Kent Ashbaker (w/encls)

Michael Huston, Oregon AG (w/encls)

Mike Downs, DEQ (w/encls)

Arno Denecke, Hearings Officer, 3890 Dakota Road SE, Salen

Oregon 97302 (w/encls)

Tom Imdiecke, USA1 (w/encls)

Dakota Road SE, Salem

RECEIVED

JAN 19 2010

811 SW Sixth Avenue Portland, OR 97204-1390 (503) 229-5696 TDD (503) 229-6993 DEQ-1

Expiration Date: 6-30-98 Permit Number: 101142 File Number: 90745 Page 1 of 19 Pages

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT

Department of Environmental Quality 811 S.W. Sixth Avenue, Portland, OR 97204 Telephone: (503) 229-5696

Issued pursuant to ORS 468.740 and The Federal Clean Water Act

ISSUED TO: Unified Sewer:	age Agency of	SOURCES COVERE	D BY THIS Outfall	PERMIT: Outfall
Washington Co		Type of Waste	Number	
	Avenue, Su. 270	Domestic	001	RM 56.7
Hillsboro, Or		Sewage	002	Reuse
		3	003	Reuse
Emergency Ove	rflows (Pump Sta	tions) 004 - 01	1 as follo	ows:
Cornelius	- 9th & Linden		- 004	(Council Cr)
N. 4th Ave.	Cornelius - N. 4th Avenu	4	005	10 12 01
N. 4CH AVE.	(end of dirt		- 005	(Council Cr)
Hong Kong	- 116 W. Basel	ine (near)	- 006	(Council Cr)
(Pine Lodge)	Cornelius			
Ryland Park	- N. Clark Ave Cornelius	. & 31st Ave.	- 007	(Council Cr)
B Street	- 1525 B Stree Forest Grove		- 008	
24th Avenue	- 3830 24th Av		- 009	(Council Cr)

PLANT TYPE AND LOCATION:

Council Cr

Gaston

Forest Grove STP
Rt. 3, Box 17A
Forest Grove, Oregon 97116
Treatment Plant Class: IV

Collection System Class: IV

RECEIVING SYSTEM INFORMATION:

- 010

(Council Cr)

(Tualatin R)

R.M. 58.8

Basin: Willamette
Subbasin: Tualatin
Stream: Tualatin River
Hydro Code: 22M-Tual 56.7 D

County: Washington

EPA REFERENCE NO: OR-002016-8

Issued in response to Application No. 998686 received June 7, 1989.

- East Gaston Rd, Rt 2, Box 4 - 011

This permit is issued based on the land use findings in the permit record.

Michael Downs, Administrator

Forest Grove

Forest Grove

- N. Juniper

Gaston

AUG 2 5 1993

Date RECEIVED

JAN 19 2010

WATER RESOURCES LEFT SALEM, ORLEGON

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a wastewater collection, treatment, control and disposal system and discharge to public waters adequately treated wastewaters only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

	Page
hedule A - Waste Disposal Limitations not to be Exceeded	3-5
hedule B - Minimum Monitoring and Reporting Requirements	6-10
hedule C - Compliance Conditions and Schedules	11-14
hedule D - Special Conditions	15-17
hedule E - Pretreatment Conditions	18-19
neral Conditions	Attached

Each other direct and indirect discharge to public waters is prohibited.

RECEIVED

SCHEDULE A

- Waste Discharge Limitations not to be Exceeded After Permit Issuance.
 - a. Outfall Number 001 (Tualatin River)
 - (1) May 1 October 31: No discharge to public waters is permitted.
 - (2) November 1 April 30:

The discharge period may be extended in the event of abnormally wet weather conditions. This extension would be allowed provided documentation of abnormal conditions are submitted in writing, reuse (irrigation) is impracticable due to wet weather, and written authorization by the Department is obtained. During the extended discharge period, the permittee shall continue meeting all limitations required for Outfall 001 identified in 1.a.(2) through (4) of this Schedule and conduct monitoring as required by Schedule B for Outfall 001.

			Mass Load 1/		
Parameter	Average Effluent Concentrations Monthly Weekly		Monthly Average lb/day	Weekly Average lb/day	Daily Maximum
a. BOD-5 b. TSS c. FC/100ml		30 mg/l 30 mg/l 400	1300 1300	2000 2000	2700 2700

*Based on average wet weather design flow to the facility equaling 8 MGD. On any day when the flows to the treatment facility exceed 10 MGD (twice the average dry weather flow of 5 MGD), the daily maximum limit is suspended.

1/ The Department recognizes that studies may be conducted by USA during the permit cycle to assess the assimilative capacity of the Tualatin River. The results of these studies shall be submitted to the Department for review. If a permit modification for a mass load increase is requested by USA based on these studies, USA shall also submit information to satisfy the requirements of OAR 340-41-026(3). After review of these studies and information by the Department, the Department shall make a recommendation to the Environmental Quality Commission to approve or deny the requested modification of the mass load limits for CBOD and/or TSS.

RECEIVED

File Number 90745 Page 4 of 19 Pages

(3) Other parameters

Limitations

a. pH Shall be within the range 6.0 - 9.0. (Nov 1 - April 30)

b. BOD and TSS Shall not be less than 85 percent monthly average.
(Nov 1 - April 30)

c. Dissolved Oxygen

Shall not be less than 6

mg/l when discharging to

the Tualatin River (3 mg/l

at the irrigation wet

well).

d. Total Chlorine Shall not exceed an instantaneous maximum of 1.5 mg/l when discharging to the Tualatin River.

(4) Notwithstanding the effluent limitations established by this permit, no wastes shall be discharged and no activities shall be conducted which violate Water Quality Standards as adopted in OAR 340-41-445 except in the defined mixing zone:

The mixing zone shall consist of a 100 foot radius from the point of discharge.

b. Outfalls Number 002 and 003 (Reuse)

(1) Prior to Department approval of the permittee's Recycled Wastewater Facilities Plan as required by Schedule D, Condition 4a and completion of the necessary irrigation system improvements, treated wastewater shall meet the following limitations prior to land application:

Average Effluent
Concentrations
Parameter Monthly Weekly
a. BOD-5 20 mg/l 30 mg/l
b. TSS 50 mg/l 80 mg/l

c. FC/100ml No single sample to exceed 200

RECEIVED

File Number 90745 Page 5 of 19 Pages

- (2) After Department approval of the permittee's Recycled Wastewater Facilities Plan, and completion of the necessary irrigation system improvements, the recycled water shall receive treatment and disinfection to reduce Total coliform to a 7-day median of 23 organisms/100 ml with no two consecutive samples to exceed 240 organisms/100ml for Level II reclaimed water uses.
- (3) Until the Department approves the permittee's Recycled Wastewater Facilities Plan, use of reclaimed water is strictly limited to those uses and those sites approved by the Department prior to the issuance of this permit.
- (4) The quantity of effluent irrigated upon land shall not exceed that approved by the Department in the Reclaimed Water Use Plan.
- (5) No reclaimed wastewater shall be used on food crops or any other Level III or IV uses.
- c. Emergency Overflow Outfalls 004 through 011:

No wastes shall be discharged from these outfalls and no activities shall be conducted which violate Water Quality Standards as adopted in OAR 340-41-445, unless the cause of the discharge is the result of an exceptional event beyond the reasonable control of the permittee. Overflows caused by operational error, improperly designed facilities, or lack of preventive maintenance are not beyond the reasonable control of the permittee.

RECEIVED

SCHEDULE B

otherwise approved in writing by the Department) The permittee shall monitor the parameters as specified below at the locations indicated. The laboratory used by the permittee to analyze samples shall have a quality assurance/quality control program to verify the accuracy of sample analysis. If QA/QC requirements are not met for any analysis, the results shall be included in the report, but not used in calculations required by this permit. Such results shall not constitute a violation of this permit. When possible the permittee shall resample in a timely manner for parameters failing the QA/QC requirements, analyze the samples and report the results.

a. Influent

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD) Flow Meter Calibration	Daily Annually	Flow meter Verification (contracted instrument technician)
BOD-5	2/Week	Composite
TSS :	2/Week	Composite
рн	3/week	Grab
TOXICS: Metals: (Ag, As, Cd, Cr, Cu, Hg, Ni, Pb, Zn) and Cyanide (CN), measured as total in mg/l (See note 1/)		24-hr daily composite (See note 2/)
Total Phenols (See Note 1/)	Semi-annually using 3 consecutive days between Monday and Friday, inclusive	24-hr daily composite (See note 2/)

RECEIVED

 Outfall Number 001 (sewage treatment plant outfall to Tualatin River)

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD) BOD-5 TSS pH Fecal Coliform Chlorine Residual Dissolved Oxygen Average Percent Removed (BOD and TSS)	Daily 2/Week 2/Week 3/week 2/Week Daily Daily Monthly	Calculation Composite Composite Grab Grab Grab Grab Crab Crab Calculation
TOXICS: Item or Parameter Metals: (Ag, As, Cd, Cr, Cu, Hg, Ni, Pb, Zn) and Cyanide (CN), measured as total in mg/l (See note 1/)	Minimum Frequency Semi-annually, using 3 consecutive days between Monday and Friday, inclusive	Type of Sample 24-hr daily composite (See note 2/)
Total Phenols (See Note 1/)	Semi-annually, using 3 consecutive days between Monday and Friday, inclusive	24-hr daily composite (See note <u>2</u> /)
Toxics Removal	Annually	Calculation (See note 3/)
Biomonitoring	Bioassay of effluent from Outfall 001 in accordance with Schedule C, Conditi	Acute and chronic bioassay.

- c. Outfall Number 002 and 003 (Reuse outfalls)
 - (1) Prior to Department approval of the Recycled Wastewater Facilities Plan as required by Schedule D, Condition 4a and completion of irrigation system improvements.

RECEIVED

JAN 19 2010

WATER RESOURCES DEPT SALEM, OFLESON

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Flow meter
BOD-5	2/Week	Composite 8/
TSS	2/Week	Composite 8/
Fecal Coliform	2/Week	Grab <u>8</u> /
Chlorine Residual	Daily	Grab <u>8</u> /

(2) After Department approval of the Recycled Wastewater Facilities Plan as required by Schedule D, Condition 4a and completion of irrigation system improvements.

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Flow meter
Total Coliform	1/Week	Grab
Chlorine Residual	Daily	Grab <u>8</u> /

d. Sludge Management

Item or Parameter

Sludge analysis including: Total solids (% dry wt.) Volatile solids (% dry wt.) Sludge nitrogen NH3-N; NO3-N; & TKN (% dry wt.) Sludge metals content for Ag, As, Hg, Pb, Zn, Cu, Ni, Cr, & Cd (in mg/kg dry weight) Cyanide (CN) in mg/kg dry weight) Phosphorus (% dry wt.) Potassium (% dry wt.) pH (standard units)

Record of % volatile solids reduction accomplished through digestion.

Minimum Frequency

Semi-annually, from each anaerobic digester.

Annually, from the humus ponds prior to commencement of decommissioning.

Monthly, for the anaerobic digesters.

Annually, for the humus ponds prior to land application.

Type of Sample

Grab sample: (1) To be representative of the product to be land applied until the permanent sludge facility is operational (2) To be representative of the product to be transported to the permanent sludge storage facility after the facility is operational (See Note 4/)

Calculation (See Notes <u>5</u>/ & <u>6</u>/)

RECEIVED

JAN 19 2010

WATER RESOURCES LEFT SALEM, OTEGUN Record of locations where sludge is applied when sludge is not & locations on land (Site location map to be maintained at treatment facility for review upon request by DEQ)

Each Occurrence transported to the permanent sludge storage facility.

Date, volume where sludges were applied recorded on site location map (See Note 7/)

Notes:

- 1/ For influent and effluent cyanide and phenol samples, at least eight (8) discrete grab samples shall be collected over the operating day. Each aliquot shall not be less than 100 ml and shall be collected and composited into a larger container which has been preserved with sodium hydroxide for cyanide samples, and sulfuric acid for total phenols samples.
- Daily 24-hour composite samples shall be analyzed and reported 2/ separately.
- Plant removal rates shall be calculated for each 3-day 3/ sampling event. Removals shall be calculated by: (1) averaging the three influent concentration values for each parameter collected during the sampling event; (2) averaging the three effluent concentration values for each parameter collected during the sampling event; and (3) using the two average concentrations to calculate the parameter's removal. The removals for each 3-day sampling event as well as monitoring data for each day of sampling shall be reported.
- 4/ Grab samples from each digester shall consist of at least 4 aliquots of equal volume collected over an 8 hour period and combined.
- Calculation of the % volatile solids reduction for the 5/ anaerobic digesters is to be based on comparison of a representative grab sample of total and volatile solids entering each digester and a representative grab sample of sludge solids exiting each digester withdrawal line (as defined in note 4/ above).
- Calculation of the % volatile solids reduction for the humus 6/ ponds is to be based on comparison of a representative grab sample of total and volatile solids entering the aerobic digesters and a representative composite sample of sludge solids to be removed from the humus pond.
- Locations shall be reported by the designations contained in 7/ the sludge management plan approved by the Department under Special Conditions D.1.

RECEIVED

8/ From November 1 - October 31, duplicate sampling and reporting of BOD-5, TSS, Fecal coliform and chlorine residual is not required for reuse Outfalls 002 and 003 if sampling is being conducted during this period for Outfall 001.

2. Reporting Procedures

Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the Department by the 15th day of the following month.

The permittee shall submit a single report with the discharge monitoring reports that includes a record of the location, quantity and method of use of all sludge removed from each USA treatment facility and a record of all applicable equipment breakdowns and bypassing.

RECEIVED

JAN 1 9 2010

WATER RESOURCES USPT SALEM, OREGON File Number 90745 Page 11 of 19 Pages

SCHEDULE C

Compliance Schedules and Conditions

1. By no later than February 1 of each year following completion and startup of the recycled water use system, the permittee shall submit to the Department an annual report describing the effectiveness of the recycled water system to comply with approved Recycled Wastewater Facilities Plan, the rules of Division 55, and the limitations and conditions of this permit applicable to reuse of recycled water.

2. Bioassay.

- a. By no later than ninety (90) days after issuance of this permit, the permittee shall submit proposed bioassay test procedures for the Department's review and approval. The proposal shall include at least the following:
 - (1) All bioassay tests must be conducted on 24-hour composite samples of the de-chlorinated final effluent diluted by appropriate control water.
 - (2) A chronic bioassay test conducted in 100%, 30%, 10%, 3%, and 1% (or other Department approved dilution series) of the final effluent and one control water sample using two species (one freshwater fish and one freshwater invertebrate) which are to be approved by the Department.
 - (3) An acute bioassay test conducted in 100 percent of the final effluent using the same two species as in the chronic bioassay test.
 - (4) A minimum of three replicates will be used in each of the tests.
- b. Following written approval by the Department on appropriate test procedures, the permittee shall initiate bioassay testing on Outfall 001 in accordance with Schedule B and the approved test procedures. Any change in bioassay test procedures must be approved by the Department.
- c. Following written approval of the appropriate test procedures by the Department, the bioassay tests shall be conducted once between November 1993 and April 1994, using the approved chronic and acute bioassay tests on the selected species. For the duration of the permit, testing shall be conducted once between November and April, using the most sensitive test species approved by the Department.
- d. The results of each bioassay test shall be included in the permittee's monitoring reports on a Department approved form.

File Number 90745 Page 12 of 19 Pages

3. By no later than ninety (90) days after issuance of this permit the permittee shall submit a written plan for evaluating the dispersion, mixing and dilution of effluent at Outfall 001. The purpose of the study is to enable biomonitoring results on various effluent dilutions and effluent toxicity data to be related to actual mixing characteristics and available dilution. The evaluation shall also determine the ability of the outfall to comply with the water quality standards for total chlorine residual (no more than 0.019 mg/l within the mixing zone and no more than 0.011 mg/l at the edge of the mixing zone).

Upon written approval of the Department, the plan shall be implemented and the results of the evaluation submitted to the Department within ninety (90) days after implementation of the plan. The plan and final submittal must comply with the following:

- a. The dispersion, mixing and dilution determinations should be carried out through preferably a dye study or through an approved verified mathematical model.
- b. Dispersion, mixing and dilution must be evaluated under the following combination of conditions:
 - Stable winter dry period at low river flow or other typical low river flow conditions as approved by the Department.
 - ii. At the approved average dry weather design flow for the facility as identified by this permit, if sufficient storage is available in the system to simulate this condition. If sufficient storage is not available, performance at the highest flow rate can be obtained from existing storage, and extrapolate the results to the average dry weather design flow.
- c. If the evaluation concludes that water quality standards cannot be met for total chlorine residual, the permittee shall include with the submittal of the evaluation:
 - A plan and time schedule for upgrading or modifying wastewater control facilities to achieve compliance with water quality standards for total chlorine residual.
 - ii. A proposed chlorine residual limitation to be inserted into the permit that assures compliance with water quality standards.

The Department will reopen this permit to include an appropriate total residual chlorine limit if necessary to achieve compliance with water quality standards.

RECEIVED

In addition, the Department is currently proposing to adopt new rules regarding establishment of a Zone of Immediate Dilution (ZID), and use of Toxicity Units (TUS) for setting permit limits. If and when these or similar rules are adopted, this permit may be reopened and conditions added to comply with those rules. The information provided by this study may be used to help establish any new conditions.

- 4. By no later than February 1 of each year, the permittee shall submit to the Department three (3) copies of a letter report summarizing progress being made in achieving final compliance with effluent concentration and mass load limits at all wastewater treatment facilities as required by the November 22, 1989, NEDC vs. USA Consent Decree. The report shall as minimum include the following:
 - (1) An updated schedule of progress on the implementation of programs to reduce inflow and infiltration into the collection systems;
 - (2) A summary of the preliminary inflow and infiltration studies performed during the year (basin by basin) accompanied by copies of the completed engineering reports; and
 - (3) A schedule of activities/investigations to be completed in the coming year.
- 5. Within ninety (90) days after issuance of the permit, the permittee shall submit documentation to the Department of digester temperature, sludge residence time and volatile solids reduction to confirm compliance with Processes to Significantly Reduce Pathogens (PSRP).
- 6. By no later than June 30, 1993, the permittee must properly close out the humus ponds at the wastewater treatment facility and remove all residual sludge. The plan for closure of the ponds and disposal of the residual sludge must be submitted to the Department thirty (30) days prior to commencement of the project.
- 7. Within 180 days of permit issuance, the permittee shall submit to the Department for review and approval a proposed program and time schedule for identifying and reducing inflow. Within 60 days of receiving written Department comments, the permittee shall submit a final approvable program and time schedule. This program shall consist of the following:
 - a. Identification of all overflow points and verification that sewer system overflows are not occurring up to a 24hour, 5-year storm event or equivalent;
 - b. Monitoring of all pump station overflow points;
 - c. A program for identifying and removing all inflow sources into the permittees sewer system over which the permittee has legal control; and

File Number 90745 Page 14 of 19 Pages

- d. If the permittee does not have the necessary legal authority for all portions of the sewer system discharging into the permittee's sewer system or treatment facility, a program and schedule for gaining legal authority to require inflow reduction and a program and schedule for removing inflow sources.
- 8. The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than 14 days following any lapsed compliance date, the permittee shall submit to the Department a notice of compliance or noncompliance with the established schedule. The Director may revise a schedule of compliance if he determines good and valid cause resulting from events over which the permittee has little or no control. (Note: Notices of compliance or noncompliance for conducting bioassay tests (Condition 2.c.) are not required to be submitted.)

JAN 19 2010
WATER RESOURCES LEPT SALEM, OTESUN

JAN 1 9 2010

File Number 90745 Page 15 of 19 Pages

WATER RESOURCES DEPT SCHEDULE D

Special Conditions

- 1. All sludge shall be managed in accordance with a sludge management plan approved by the Department of Environmental Quality. No substantial changes shall be made in sludge management activities which significantly differ from operations specified under the approved plan without the prior written approval of the Department.
- The permittee shall implement the bioassay toxicity testing program specified in Schedules B and C of this permit.
 - a. If any acute bioassay test indicates that the effluent sample is toxic, another toxicity test using the same species and the same methodology shall be conducted within two weeks. If the second test also indicates toxicity, the permittee shall follow the procedure described in section (c) of this permit condition.
 - b. If a chronic bioassay test indicates that the effluent sample is toxic at the dilutions determined to occur at the edge of the mixing zone, or if there is no dilution data for the edge of the mixing zone and any chronic bioassay test indicates that the effluent is toxic, another toxicity test using the same species and the same methodology shall be conducted within two weeks. If the second test also indicates toxicity, the permittee shall follow the procedure described in section (c) of this permit condition.
 - c. If, after following the procedure as described in sections (a) or (b) of this permit condition, two consecutive bioassay test results indicate acute and/or chronic toxicity, the permittee shall evaluate the source of the toxicity and submit a plan and time schedule for achieving compliance with the water quality standards for toxicity. Upon approval by the Department, the permittee will implement the plan until compliance has been achieved. Evaluations shall be completed and plans submitted within 6 months unless otherwise approved in writing by the Department.
- 3. The permittee shall comply with Oregon Administrative Rules (OAR) Chapter 340, Division 49, "Regulations Pertaining to Certification of Wastewater System Operator Personnel", including the following:
 - a. The permittee shall have its wastewater collection system supervised by one or more operators certified at a grade level equal to or higher than the system classification shown on page 1 of this permit. The designated supervisor(s) shall be available to the system owner and any other operator of the facility.

JAN 1 9 2010

WATER RESOURCES DEPT SALEM, OCEGON File Number 90745 Page 16 of 19 Pages

- b. The permittee shall have its wastewater treatment system supervised by one or more operators certified at a grade level equal to or higher than the system classification shown on page 1 of this permit. The supervisor(s) shall be available to the system owner and any other operator of the facility.
- c. When the designated supervisor(s) are not available, the permittee shall have an operator available who is certified no less than one grade level below the system classification. This condition applies to system owners who designate supervisors to be fully responsible for system operation in lieu of the designated supervisor (if any are designated by the permittee) and any temporary supervisor so designated by the permittee. A system shall not be without an individual certified at the classification of the system for more than 30 days.
- d. The permittee shall notify the Department in writing within 30 days of replacement or redesignation of operators identified as responsible for supervising the operation of the wastewater systems.
- e. The permittee shall file with the Department at the time of permit renewal the name of the properly certified operator(s) designated the responsibility of supervising the operation of the wastewater treatment and collection systems.

4. Recycled Water Use

- a. The permittee shall develop and submit to the Department for approval a Recycled Wastewater Facilities Plan. The plan shall be in accordance with the Oregon Administrative Rule 340, Division 55, "Regulations Pertaining to the Use of Reclaimed Water (Treated Effluent) from Sewage Treatment Plants". Upon approval of the plan by the Department and completion of irrigation facility improvements, the plan shall be implemented by the permittee. No substantial changes shall be made in the approved plan without written approval of the Department.
- b. The permittee shall meet the requirements for use of reclaimed water under Division 55, including the following:
 - i. All irrigation shall be managed in accordance with the approved Recycled Wastewater Facilities Plan.
 - ii. No treated effluent shall be released by the permittee to another person, as defined in Oregon Revised Statute (ORS) 468.005, for use unless there is a valid contract between the permittee and that person that meets the requirements of OAR 340-55-015(9).

File Number 90745 Page 17 of 19 Pages

- iii. The permittee shall notify the Department within 24 hours if it is determined that treated effluent is being used in a manner not incompliance with OAR 340-55. When Department offices are not open, the permittee shall report the incident of noncompliance to the Oregon Emergency Response System (Telephone Number 1-800-452-0311).
 - iv. No recycled water shall be made available to a person proposing to use recycled water unless that person certifies in writing that they have read and understand the provisions in these rules. This written certification shall be kept on file by the sewage treatment system owner and be made available to the Department for inspection by request.
- 5. The permittee shall monitor the overflow structure to the polishing ponds and submit a monthly report of the duration and quantity of discharge whenever overflow occurs.

Jr .. . 1 y

WATER RESOURCES LEPT SALEM, OREGON

RECEIVED

JAN 19 2010

WATER RESOURCES DEPT SALEM, ORIGINA

SCHEDULE E

The permittee shall implement the following pretreatment activities:

- 1. The permittee shall conduct and enforce the industrial waste pretreatment program as approved by the Department and the General Pretreatment Regulations (40 CFR 403). The following shall be implemented or submitted by the permittee:
 - a. Enforce federal pretreatment regulations as promulgated by EPA or local limitations, whichever are more stringent. Locally derived limitations shall be defined as pretreatment standards under Section 307(d) of the Clean Water Act.
 - b. Issue wastewater discharge permits to all significant industrial users. These shall, at a minimum, contain limitations, sampling protocols, compliance schedule (if appropriate), and reporting requirements. Except as provided in 40 CFR, part 403.3(t)(2), A significant industrial user means:
 - (1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR, part 403.6 and 40 CFR, Chapter I, Subchapter N; and
 - (2) Any other industrial user that
 - (i) Discharges an average of 25,000 gallons per day or more of process wastewater to the permittee's sewerage facility (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (ii) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the permittee's sewage treatment plant; or
 - (iii) Is designated as such by the Control Authority as defined in 40 CFR, part 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the permittee's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR, part 403.8(f)(6).
 - c. As appropriate, update the industrial user survey. At a minimum, this shall include maintaining and updating records identifying the nature, character, and volume of pollutants contributed by significant industrial users. Records shall be maintained for a 3-year period.

RECEIVED

- d. Carry out inspections and sampling activities on significant industrial users to determine compliance with applicable pretreatment standards. Sampling of significant industrial users shall be commensurate with the discharge but shall not be less than semi-annually. Inspections of significant industrial users shall not be conducted less than annually.
- e. Provide to the Department by March 1 of each year, a report (2 copies) that describes the permittee's pretreatment program activities over the previous calendar year. The content of this report shall be as established by the Department.
- The permittee shall develop and maintain local limits to prevent interference, pass through of pollutants, and sludge contamination.
- 3. Require accidental spill and prevention programs from industrial users having a history of, or possessing the potential for, accidental discharges or spills that could upset the treatment process or cause a violation of this NPDES permit.
- 4. The permittee shall obtain timely and appropriate remedies for compliance by any industrial user who violates federal, state, or local pretreatment standards and requirements.
- 5. The permittee shall perform at a minimum, on a semi-annual basis (wet and dry season), chemical analyses of its influent, effluent, and final sludge for specific toxic pollutants. The list of toxics, exact sampling frequency and protocol shall be as described by the Department in Schedule B of this NPDES permit.
- 6. The permittee shall request and obtain approval from the Department before implementing any significant changes to the approved local pretreatment program.

P90745W.5 (8 June 93)

JAN 19 2010 WATER RESOURCES LEPT SALEM, OFFEGON

NPDES GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised Statutes (ORS) 468.720 and is grounds for enforcement action; for permit termination, suspension, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

Oregon Law (ORS 468.140) allows the Director to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit.

In addition, Oregon Law (ORS 468.990) classifies a willful or negligent violation of the terms of a permit or failure to get a permit as a misdemeanor and a person convicted thereof shall be punishable by a fine of not more than \$25,000 or by imprisonment for not more than one year, or by both. Each day of violation constitutes a separate offense.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permittee shall correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application shall be submitted at least 180 days before the expiration date of this permit.

The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

5. Permit Actions

This permit may be modified, suspended, revoked and reissued, or terminated for cause including, but not limited to, the following:

RECEIVED

necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The term "bypass" does not include nonuse of singular or multiple units or processes of a treatment works when the nonuse is insignificant to the quality and/or quantity of the effluent produced by the treatment works. The term "bypass" does not apply if the diversion does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities or treatment processes which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Prohibition of bypass.

- (1) Bypass is prohibited unless:
 - (a) Bypass was necessary to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (c) The permittee submitted notices and requests as required under paragraph c of this section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects and any alternative RECEIVED

Treatment of Single Operational Event

For purposes of this permit, A Single Operational Event which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation. A single operational event is an exceptional incident which causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one Clean Water Act effluent discharge pollutant parameter. A single operational event does not include Clean Water Act violations involving discharge without an NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational event is a violation.

6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

a. Definitions

- (1) "Overflow" means the diversion and discharge of waste streams from any portion of the wastewater conveyance system including pump stations, through a designed overflow device or structure, other than discharges to the wastewater treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the conveyance system or pump station which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an overflow.
- (3) "Uncontrolled overflow" means the diversion of waste streams other than through a designed overflow device or structure, for example to overflowing manholes or overflowing into residences, commercial establishments, or industries that may be connected to a conveyance system.
- b. Prohibition of overflows. Overflows are prohibited unless:
 - Overflows were unavoidable to prevent an uncontrolled overflow, loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the overflows, such as the use of auxiliary pumping or conveyance systems, or maximization of conveyance system storage; and
 - (3) The overflows are the result of an upset as defined in Condition B4 and meeting all requirements of this condition.
- c. Uncontrolled overflows are prohibited where wastewater is likely to escape or be carried into the waters of the State by any means. HECEIVED

4. Penalties of Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years or both.

5. Reporting of Monitoring Results

Monitoring results shall be summarized each month on a Discharge Monitoring Report form approved by the Department. The reports shall be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated. For a pollutant parameter that may be sampled more than once per day (e.g., Total Chlorine Residual), only the average daily value shall be recorded unless otherwise specified in this permit.

Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean, except for bacteria which shall be averaged based on a geometric or log mean.

8. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records of all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

9. Records Contents

Records of monitoring information shall include:



3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit shall be transferred to a third party without prior written approval from the Director. The permittee shall notify the Department when a transfer of property interest takes place.

4. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

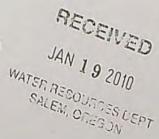
5. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally (by telephone) within 24 hours from the time the permittee becomes aware of the circumstances. During normal business hours, the Department's Regional office shall be called. Outside of normal business hours, the Department shall be contacted at 1-800-452-0311 (Oregon Accident Response System). A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain:

- a. A description of the noncompliance and its cause;
- The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- Public notification steps taken, pursuant to General Condition B-7.

The following shall be included as information which must be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass which exceeds any effluent limitation in this permit.
- b. Any upset which exceeds any effluent limitation in the permit.



 Changes to Indirect Dischargers - [Applicable to Publicly Owned Treatment Works (POTW) only]

The permittee must provide adequate notice to the Department of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the Clean Water Act if it were directly discharging those pollutants and;
- b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For the purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

SECTION E. DEFINITIONS

- 1. BOD means five-day biochemical oxygen demand.
- 2. TSS means total suspended solids (non-filterable residue).
- 3. Mg/l means milligrams per liter.
- 4. Kg means kilograms.
- 5. M3/d means cubic meters per day.
- 6. MGD means million gallons per day.
- Composite sample means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
- 8. FC means fecal coliform bacteria.
- Technology based permit effluent limitations means technologybased treatment requirements as defined in 40 CFR 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-41.
- 10. CBOD means five day carbonaceous biochemical oxygen demand.
- Grab sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- Quarter means January through March, April through June, July through September, or October through December.



Oregon Water Resources Department

Registration No. (Depart. Use Only)

Registration of Reclaimed Municipal Water Use

"Reclaimed water" means water that has been used for municipal purposes and after such use has been treated in a sewage treatment system and that, as a result of treatment, is suitable for a direct beneficial purpose or a controlled use that could not otherwise occur. (ORS 537.131 and 537.132

NOTE: Please type or print in dark ink. If your registration is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your registration, insert "n/a."

Mailing	Address 16060 SW	V 85 th Avenue				_
	Tigard		OR	97224_	(503) 681-3600	
	City		State	Zip	Daytime Telephone No.	
.Municip	al Discharge Per	mit				
NPDES	Permit No 101142	2_Effective Date Pri	or to 1990	Expiration Date	1/31/09	
WPCF	Permit No	Effective Date	eE	Expiration Date		
Date use	of Reclaimed Water	began, or is schedu	ıled to begir	Began in 199		
Annual Pe	eriod of Use:	from May 1		to October 31		
.Supplier	of the Municipal	Water which pr	oduced th	ne Reclaimed	Water	
Supplier	of the Municipal	l Water which pr	oduced th	ne Reclaimed	Water	
If more tha	of the Municipal on one supplier is used upplier City of Forest	l, please provide a lis	t in the Rema	irks section on p	age 4.	
If more that Name of Su Address P.	n one supplier is used upplier <u>City of Forest</u> O Box 326, Forest Gre	l, please provide a lis Grove ove, Oregon 97116	t in the Rema	irks section on p	age 4.	
If more that Name of Su Address P.	n one supplier is used upplier City of Forest	l, please provide a lis Grove ove, Oregon 97116	t in the Rema	irks section on p	age 4.	
If more that Name of Su Address P.s Telephone	n one supplier is used upplier <u>City of Forest</u> O Box 326, Forest Gre	l, please provide a lis Grove ove, Oregon 97116	t in the Rema	email: rsmith@f	orestgrove-or.gov _	
If more that Name of Su Address P. Telephone Original So	n one supplier is used upplier <u>City of Forest</u> O Box 326, Forest Gro No. (503) 992-3259 ource of Municipal Su	l, please provide a list Grove ove, Oregon 97116 pply Clear Creek. a tr	t in the Rema	email: rsmith@f	orestgrove-or.gov	
If more that Name of Su Address P. Telephone Original So	n one supplier is used upplier City of Forest O Box 326, Forest Gro No. (503) 992-3259	l, please provide a list Grove ove, Oregon 97116 pply Clear Creek. a tr	t in the Rema	email: rsmith@f	orestgrove-or.gov	
If more that Name of Su Address P.s. Telephone Original So Supplier	n one supplier is used upplier <u>City of Forest</u> O Box 326, Forest Gro No. (503) 992-3259 ource of Municipal Su	I, please provide a list Grove ove, Oregon 97116 pply Clear Creek, a tr	Fax No-	email: rsmith@f	orestgrove-or.gov	
If more that Name of Su Address P.s Telephone Original So Supplier Name of Su	in one supplier is used upplier City of Forest O Box 326, Forest Grono. (503) 992-3259 purce of Municipal Super of Reclaimed With the Control of Reclaimed W	I, please provide a list Grove ove, Oregon 97116 pply Clear Creek, a to ater ervices	t in the Rema	email: rsmith@f	orestgrove-or.gov	
If more that Name of Su Address P. Telephone Original So Supplier Name of Su Name of Fa	on one supplier is used upplier City of Forest O Box 326, Forest Grown No. (503) 992-3259 purce of Municipal Supplier Clean Water Septiments of Septiments	I, please provide a list Grove ove, Oregon 97116 pply Clear Creek, a tr ater ervices Wastewater Treatmen	Fax No- ributary of Ga	email: rsmith@f	orestgrove-or.gov	
If more that Name of Su Address P.O Telephone Original So Supplier Name of Su Name of Fa Street Address Name of Fa	on one supplier is used upplier City of Forest O Box 326, Forest Grown No. (503) 992-3259 ource of Municipal Supplier Clean Water Security Forest Grove Vess of Facility 1345 Ficility Owner Clean Water Clean Wat	d, please provide a list Grove Ove, Oregon 97116 pply Clear Creek, a tre ervices Wastewater Treatment tern Hill Road, Forest Vater Services	Fax No- ributary of Ga	email: rsmith@f	orestgrove-or.gov	2009
If more that Name of Su Address P.O Telephone Original So Supplier Name of Su Name of Fa Street Address Name of Fa	on one supplier is used upplier City of Forest O Box 326, Forest Grown No. (503) 992-3259 ource of Municipal Supplier Clean Water Security Forest Grove Vess of Facility 1345 Ficility Owner Clean Water Clean Wat	d, please provide a list Grove Ove, Oregon 97116 pply Clear Creek, a tre ervices Wastewater Treatment tern Hill Road, Forest Vater Services	Fax No- ributary of Ga	email: rsmith@f	orestgrove-or.gov	2009

- 4.Use of Reclaimed Water		
Name of Water User Same as res	ristrant	
Telephone No	Fax No	
-5. Agreement/Contract		
Period of Agreement and Con	tract Not Applicable	
Terms of Agreement		
Special Limitations		
- 6.Total Amount of Reclaims Enter the amount to be applied cubic feet per		e
	om more than one treatment facility, give the q	
- 7.Intended Use(s) of Reclai	med Water	
Ir	rigation Crops	+ +
(If for more than one use,	give the quantity of reclaimed water from each treatment j	facility for each use.)
Irrigation 8 <u>0 ac</u>		
Other (describe	(Temperature Control, Mitigation, Wetl	land etc.)
	(Temperature Control, Miligation, West	series cruy
pipelines, size and type of pump at line, drip, other). Treated wastewater (reclaim ponds. A 75 horsepower irri through 4000 feet of 8- and 1	nstruction of diversion works, length and dimend motor. If for irrigation, describe the type of ed water) flowed by gravity from the placed pump lifted reclaimed water from the old-inch pyc and ductile iron pipe to the ed on the Terhorst property using whee	system (i.e., flood, wheel line, hand lant to adjacent holding in the ponds and sent it Terhorst property for
9.Existing Water Rights		
Please provide a description of all	the existing water rights appurtenant to the lar	nds where the reclaimed water
will be applied.		RECEIVED
Application No	Permit No	NOV 2 5 2009
Certificate No. 22048	Decree vol & pg	WATER 2 2009
	Reclaimed Waterf2	WATER RESOURCES DEF

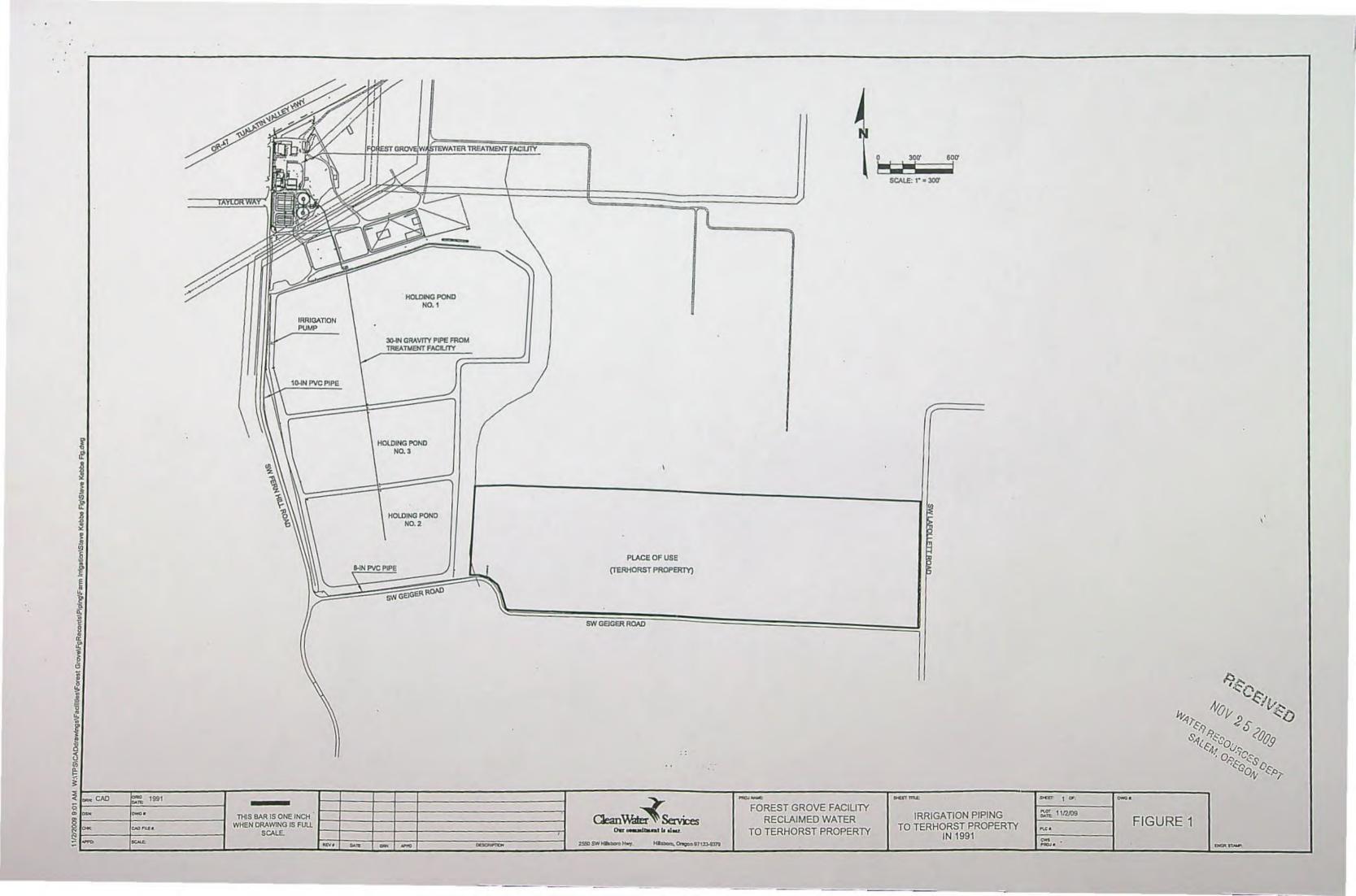
- 10. Property Ownership	·		
Do you own all the land wh	nere you propose to div	vert, transport and use w	ater?
X Yes (Skip to section no. 1	11 "Historic Disposal Meth	hod")	
☐ No (Please check the ap	opropriate box below and, ddresses of all affected land	in the Remarks section,	
		horization permitting access.	
☐ I do not curren	tly have written authorizati	ion or an easement permitting	access.
**If more that 25 landowners a	re involved, a list is not req	quired. Contact WRD for inst	ructions.
- 11.Historic Disposal Me Has the reclaimed water being i years?	thod registered in this process b	een discharged into a natural	watercourse for 5 or more
X No (Skip to section no. 1	12 "Signature")		
Yes (Please answer the)		All and a second se	
a) Name of the	e receiving natural waterco	urse:	
b) Description watercourse		discharge historically entered	
c) Does the am	ount of reclaimed water pr	oposed for use under this regi	stration represent 50% or
more of the	total average daily flow of	the natural watercourse?	Yes No
- 12.Signature			
I/We certify that the information prov water use and is true and correct to t		an accurate representation of	the proposed reclaimed
Shome A. Blidutorto	11/10/2009		
Shomp H. Bledworth Signature of Registrant	11/10/2009 Date	Supplier's Signature	Date
Shomes H. Bludworth Signature of Registrant		Supplier's Signature	Date
Signature of Registrant Signature of Co-Registrant		Supplier's Signature	Date Date VED
	Date	Supplier's Signature	Drenn.

NOTE: This registration must be accompanied by a map which shows the location of the treatment plant, approximate location of conveyance system (pipelines, canals, etc.) and place of use. The map must be drawn to scale with the scale stated on the map. The land area where the reclaimed water is to be applied shall be identified on the map. Topographic maps with the facilities and place of use shown will meet the map requirement.

_			
D .	1000	0	1/0
Re	:111	al	No

See Figure 1 for location of the treatment facilities, location of the conveyance system, and location of the place of use (Terhorst property).

NOV 2 5 2009
WATER RESOURCES DEPT
SALEM, OREGON





Oregon Department of Environmental Quality

Oregon DEQ: Water Quality - Wastewater Permits Database - Facility Details

Active Permits for CLEAN WATER SERVICES - WQ File Number: 90745

The permits listed below are the currently active permits for this facility. If you wish to see details on the applications that led to these permits click on the application number below.

If you wish to see the details on any pending applications for this facility click here.

Field	Record
Legal Name	CLEAN WATER SERVICES
Common Name	FOREST GROVE STP
Street Address	1345 SW FERN HILL RD
City	FOREST GROVE
Zip Code	97116
County	WASHINGTON
DEQ Region	NWR
Primary SIC Code	4952
Facility Type Description	SEWERAGE SYSTEMS
Latitude	45.5112
Longitude	-123.0907
Permit Type	NPDES-DOM-Ba
Permit Description	Sewage - 5 MGD or more but less than 10 MGD
Category	DOM
Class	MAJOR
Start Date	8/25/1993
Expiration Date	1/31/2009
Active Permit	True
UIC Facility	False
Administrative Agent	NW Region Office
Last Action Date	8/7/2008
Last Action Description	Admin extended
Permit Writer	Hynson
Compliance Inspector	Pinney
DMR Reviewer	Pinney
Permit Application Number	972633
EPA Number	OR0020168

1 of 1

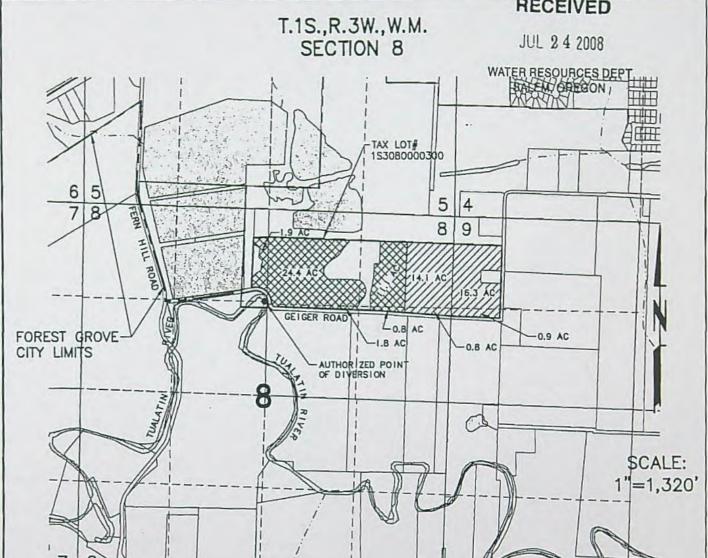


Oregon Department of Environmental Quality

Oregon DEQ: Water Quality - Wastewater Permits Database - Facility Application Details Permit application details for Application Number 972633.

Field	Record	
DEQ Application Number	972633	
WQ File Number	90745	
Permit Type	NPDES-DOM-Ba	
Application Type Desc	Renewal without eff modified	
Date Filed	8/7/2008	
DEQ Class	Tier1	
Administrative Agent	NW Region Office	
Application Fee	\$0.00	
Fee Received	\$0.00	
Planned Issue Year	0	
Application Status Date	8/7/2008	
Application Status Code	A05	
Application Status Desc	Application sent to permit writer	
In Process	Yes	

T-7408



AMENDED

9

17 16

APPLICATION MAP FOR INSTREAM TRANSFER OF WATER RIGHT PERMIT NO. S-20745 CERTIFICATE NO. 22048

TRANSFER NO. T-7408

IN THE NAME OF

CLEAN WATER SERVICES WASHINGTON COUNTY

JULY 2008

THIS MAP SUPERSEDES
TRANSFER MAP
ORIGINALLY RECEIVED BY
THE DEPARTMENT ON
AUGUST 25, 1995



EXPIRES: 6.30.09

PROPOSED CHANGE IN
PLACE OF USE
AREA = 40.0 ACRES

MAP. 649 . 7/1/08 10:55 (DKH)

G: \06\0794\414\CAD\06-0794-414-0R-WR

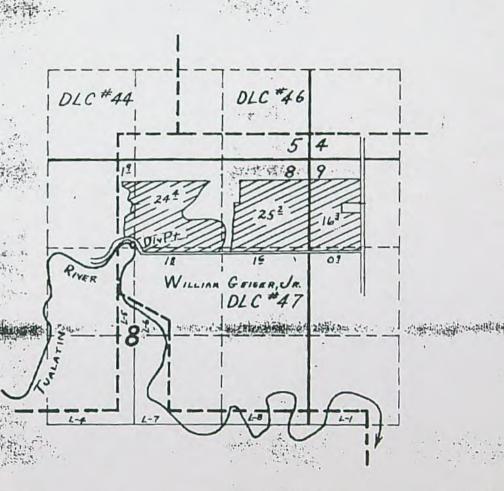
CERTIFICATE NO. 22048 NO CHANGE AREA = 32.1 ACRES

NOTE: This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.

Fromfile T-7408 Involves source DEQ freezurit

							EFFE	CTIVE	DATE	S					
													-		
Permit									Year						
Number	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998 to Present
3887(1)															
100786 (2)															
101142 (3)															
Notes:															
Permit 38					4. Revi								tively e	xtended	
								e 30, 19							

TIS, R3W, WM



FINAL PROOF SURVEY

Application No. 26463 Permit No. 20745. IN NAME OF

RUSSELL A. COWAN

Surveyed 5-2 1956, by RDBEST

RECEIVED

JUL 2 4 2008

WATER RESOURCES DEPT SALEM, OREGON

DFR-50-07 WC

FORFEITURE OF WATER RIGHTS

- 540.610 Use as measure of water right; forfeiture for nonuse; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.
- (2) Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing one or more of the following:
- (a) The water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes.
- (b) A finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired.
- (c) The use of water, or rights of use, are appurtenant to property obtained by the Department of Veterans' Affairs under ORS 407.135 or 407.145 for three years after the expiration of the period of redemption provided for in ORS 18.964 while the land is held by the Department of Veterans' Affairs, even if during such time the water is not used for a period of more than five successive years.
- (d) The use of water, or rights of use, under a water right, if the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship as defined by rule by the Water Resources Commission.
- (e) The period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Act of Congress of May 28, 1956, chapter 327 (7 U.S.C. 1801-1814; 1821-1824; 1831-1837), or the Federal Conservation Reserve Program, Act of Congress of December 23, 1985, chapter 198 (16 U.S.C. 3831-3836, 3841-3845). If necessary, in a cancellation proceeding under this section, the water right holder rebutting the presumption under this paragraph shall provide documentation that the water right holder's land was withdrawn from use under a federal reserve program.
- (f) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted to the commission or the commission initiated cancellation proceedings under ORS 540.631, whichever occurs first.
- (g) The owner of the property to which the water right was appurtenant is unable to use the water because the use of water under the right is discontinued under an order of the commission under ORS 537.775.
- (h) The nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing water right.
- (i) The nonuse occurred during a period of time within which the water right holder was reusing water through land application as authorized by ORS 537.141 (1)(i) or 537.545 (1)(g) in lieu of using water under an existing water right.

- (j) The owner or occupant of the property to which the water right is appurtenant was unable to make full beneficial use of the water because water was not available. A water right holder rebutting the presumption under this paragraph shall provide evidence that the water right holder was ready, willing and able to use the water had it been available.
- (k) The holder of a water right is prohibited by law from using the water. If the prohibition is subject to remedial action that would allow the use of the water, the water right holder shall provide evidence that the water right holder is conducting the remedial action with reasonable diligence.
- (L) The nonuse occurred during a period of time within which the exercise of all or part of the water right was not necessary due to climatic conditions, so long as the water right holder had a facility capable of handling the full allowed rate and duty, and was otherwise ready, willing and able to use the entire amount of water allowed under the water right.
- (m) The nonuse occurred during a period of time within which the water was included in a transfer application pending before the Water Resources Department.
- (n) The nonuse of a supplemental water right occurred during a period of time when the primary water right used in conjunction with that supplemental water right was leased as an instream water right pursuant to ORS 537.348.
- (3) Notwithstanding subsection (1) of this section, if the owner of a perfected and developed water right uses less water to accomplish the beneficial use allowed by the right, the right is not subject to forfeiture so long as:
- (a) The user has a facility capable of handling the entire rate and duty authorized under the right; and
 - (b) The user is otherwise ready, willing and able to make full use of the right.
- (4) The right of all cities and towns in this state to acquire rights to the use of the water of natural streams and lakes, not otherwise appropriated, and subject to existing rights, for all reasonable and usual municipal purposes, and for such future reasonable and usual municipal purposes as may reasonably be anticipated by reason of growth of population, or to secure sufficient water supply in cases of emergency, is expressly confirmed.
- (5) After a water right is forfeited under subsection (1) of this section, the water that was the subject of use shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities. [Amended by 1985 c.689 §5; 1987 c.339 §4; 1989 c.699 §1; 1989 c.833 §61a; 1991 c.370 §6; 1995 c.356 §2; 1995 c.366 §1; 1997 c.42 §5; 1997 c.244 §5; 1997 c.283 §1; 1999 c.335 §3; 1999 c.804 §§3,4; 2005 c.222 §1; 2005 c.542 §70; 2005 c.625 §70]

- 537.131 Reclaimed water. As used in ORS 537.132, 540.510 and 540.610, "reclaimed water" means water that has been used for municipal purposes and after such use has been treated in a treatment works as defined in ORS 454.010, and that, as a result of treatment, is suitable for a direct beneficial purpose or a controlled use that could not otherwise occur. [1991 c.370 §2; 1997 c.244 §1]
- **Note:** 537.131 was added to and made a part of ORS chapter 537 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.
- 537.132 Exemption from permit requirement for use of reclaimed water; rules. (1) The provisions of ORS 537.130 requiring application for a permit to appropriate water shall not apply to the use of reclaimed water, if:
- (a) The use of reclaimed water is authorized by the national pollutant discharge elimination system or water pollution control facilities permit issued pursuant to ORS 468B.050 or 468B.053;
- (b) The Department of Environmental Quality, in reviewing an application for a permit pursuant to ORS 468B.050 or 468B.053, has consulted with the State Department of Fish and Wildlife on the impact to fish and wildlife to determine that the application of reclaimed water under ORS 537.130, 537.131, 537.132, 540.510 and 540.610 shall not have a significant negative impact on fish and wildlife; and
- (c) The Department of Environmental Quality has determined the use of reclaimed water is intended to improve the water quality of the receiving stream.
- (2) Any person using or intending to use reclaimed water shall file with the Water Resources Department a reclaimed water registration form setting forth the following:
 - (a) Name and mailing address of the registrant;
 - (b) The date the use of reclaimed water is initiated;
- (c) Source of reclaimed water supply, including a description of the location of the reclaimed water treatment facility and the name and mailing address of the owner and operator of the facility;
 - (d) Nature of the use of the reclaimed water;
 - (e) Amount of reclaimed water used or proposed to be used;
- (f) Location and description of the ditch, canal, pipeline or any other conduction facility used or to be used to transport the reclaimed water from the treatment facility to the place of use;
- (g) A statement declaring the existence of a written contract or agreement to provide reclaimed water including the name and address of the reclaimed water provider and the date and terms of such contract or agreement;
- (h) A description of the season of use and the place of use of the reclaimed water, and any restrictions applicable to the use of the reclaimed water; and

- (i) If the reclaimed water is used in lieu of using water under an existing water right, the application, permit and certificate number of such right, or if the right is granted pursuant to a decree of circuit court, the volume and page number setting forth the right.
- (3) If a municipality has discharged waste water into a natural watercourse for five or more years, and the discharge represents more than 50 percent of the total average flow of the natural watercourse and if such discharge would cease as a result of the use of reclaimed water in accordance with the provisions of ORS 540.510 (3) and this section, the director of the department shall notify any persons who, according to the department records, have a water right that may be affected by the cessation of the discharge by the municipality.
- (4) If a person holding an affected water right demonstrates to the department that the cessation of discharge by the municipality substantially impairs the ability to satisfy a water right, the person shall be entitled to a preference to the use of the reclaimed water. However, the delivery of the reclaimed water to the person claiming such preference shall be accomplished through a conveyance facility or channel other than a natural watercourse.
- (5) If a municipality has a less expensive alternative for the disposal and distribution of the reclaimed water, the municipality shall not be obligated to incur expenses or cost beyond the expenses or costs of such alternative.
- (6) The Water Resources Commission shall adopt rules to implement the notice and preference provisions and impairment evaluation standards of this section. [1991 c.370 §3; 1997 c.286 §8]

Note: 537.132 was added to and made a part of ORS chapter 537 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.



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

Application for Water Right Instream Transfer

Part 1 of 5 - Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included. For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL INSTREAM TRANSFER APPLICATIONS

RECEIVED

		1 OILING II IOLING II	
Check	k all items in	cluded with this application. (N/A = Not Applicable)	AUG 2 7 2012
\boxtimes	Part	t 1 - Completed Minimum Requirements Checklist.	WATER RESOURCES DEPT
\boxtimes	Par	t 2 - Completed Map Checklist.	SALEM, OREGON
		t 3 - Completed Instream Transfer Application - Applicant In	formation and Signature.
	Par	t 4 – Completed Instream Transfer Application – Water Right and a separate Part 4 for each water right. List all water right asferred here: 22048.	Information. Please
\boxtimes	Par	t 5 - Completed Instream Transfer Application - Proposed Ins	tream Use Information.
	Att	achments:	
\boxtimes	Cor	mpleted Instream Transfer Application Map.	
\boxtimes	Cor	mpleted Evidence of Use Affidavit and supporting documentat	tion.
		s – Amount enclosed: \$ 800.00. http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees.com	or call (503) 986-0883.
		Note: Instream transfers are considered both a change in place of use. In addition, an automatic 50% fee waiver applies to all	e of use and character
	N/A Aff	idavit(s) of Consent.	
	-	oplemental Form D - For water rights served by or issued in the trict. Complete when the transfer applicant is not the irrigation	
	pro	nd Use Notice - Notice of the intent to file an instream transfer vided to each affected local government along the proposed rest be enclosed with the instream transfer application.	A A CONTRACTOR OF CONTRACTOR O
		(For Staff Use Only)	OWING DE CONC.
		WE ARE RETURNING YOUR APPLICATION FOR THE FOLL Application fee not enclosed/insufficient Map not inc	cluded or incomplete
			otice not included or incomplete
	MA		is incomplete
P 1	D STALL BY	Other/Explanation	
1 30	5	Staff:503-986-0 Date:	

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

\boxtimes	N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/ .
	OR
	N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map must still meet Department mapping requirements described below.
	N/A If more than three water rights are involved, separate maps are needed for each water right
	Permanent quality printed with dark ink on good quality paper.
\boxtimes	The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
\boxtimes	A north arrow, a legend, and scale.
	The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scal that has been pre-approved by the Department.
\boxtimes	Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.
\boxtimes	Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
\boxtimes	Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
\boxtimes	Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
	Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
\boxtimes	Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

6664

RECEIVED

AUG 27 2012

WATER RESOURCES DEPT SALEM, OREGON

Part 3 of 5 - Applicant Information and Signature

		Type of Instream	m Transfer		
Permanent Ins	tream Trans	sfer or	⊠ Time-Limi	ited Instream	Transfer
pplicant Information					
APPLICANT/BUSINESS NAME Clean Water Services in c		ebbe, Engineer	PHONE NO. 503-547-8198	ADDITIONA 503-547-8	L CONTACT NO.
ADDRESS 16060 SW 85th Avenue,				FAX NO. 503-547-8	
CITY Figard	STATE OR	ZIP 97224	E-MAIL KebbeS@CleanW	aterServices.or	g
gent Information - Th	e agent is auth	orized to represen	t the applicant in all	matters relating	g to this application.
APPLICANT/BUSINESS NAME Martha O. Pagel of Schwa		& Wyatt, P.C.	PHONE NO. 503-540-4260	ADDITIONA 503-796-28	L CONTACT NO.
ADDRESS 530 Center Street NE, Su				FAX NO. 503-796-29	000
CITY Salem	OR	ZIP 97301	E-MAIL mpagel@schwabe.	com	
ocated? 🔀 Yes 🔲 No the applicant's) or attach ag	lars) wher of the law If NO, include fidavits of conso	nd on which the w signatures of all la	ater right, or portion ndowners (and mailing Nor e-mail addresses) f	thereof, propos	sed for transfer is
Check this box if this (Federal stimulus dol s the applicant the sole of ocated? Yes No he applicant's) or attach as	lars) wher of the law If NO, include fidavits of conso	nd on which the w signatures of all la	ater right, or portion ndowners (and mailing Nor e-mail addresses) f	thereof, propos	sed for transfer is
Check this box if this (Federal stimulus dol s the applicant the sole of located? Yes No she applicant's) or attach applicant it is which individuals/entities to which By signing this applicat Department approval of	lars) wher of the law If NO, include fidavits of conso the water right ion, I understant f the transfer, I v	nd on which the was signatures of all land the ent (and mailing and etcs) has been convey Check one led that, upon receipt will be required to possible the end of t	rater right, or portion and owners (and mailing dor e-mail addresses) fed.	thereof, propos and/or e-mail a from all landown	sed for transfer is ddress if different than ners or
Check this box if this (Federal stimulus dol state the applicant the sole of ocated? Yes No he applicant's) or attach again individuals/entities to which the Department approval of authorized to pursue the I affirm the applicant is	lars) wher of the last if NO, include fidavits of constant the water right ion, I understant the transfer, I was transfer as idea a municipality a	nd on which the was signatures of all latent (and mailing and (s) has been convey Check one led that, upon receipt will be required to practified in OAR 690-	ater right, or portion adowners (and mailing dor e-mail addresses) fed. OOX of the draft preliminary rovide landownership in 380-4010(5); OR	thereof, propose and/or e-mail and/or all landown all landown all determination and enformation and enformatio	sed for transfer is ddress if different than ners or
Check this box if this (Federal stimulus dol state applicant the sole of located? Yes No the applicant's) or attach agriculties to which individuals/entities to which Department approval of authorized to pursue the I affirm the applicant is name of the municipality. I affirm that the applicant	lars) wher of the last If NO, include fidavits of constant the water right ion, I understant the transfer, I was transfer as idea a municipality and or a predecess that is an entity was to a mentity was to a m	check one lead that, upon receipt will be required to postified in ORS 5 sor; OR	ater right, or portion adowners (and mailing dor e-mail addresses) fed. DOX of the draft preliminary rovide landownership in 380-4010(5); OR 40.510(3)(b) and that the condemn property and in the state of the draft preliminary rovide landownership in the state of the draft p	thereof, propose and/or e-mail and/or all landown determination and formation and energht is in the	sed for transfer is ddress if different than ners or and prior to evidence that I am
Check this box if this (Federal stimulus dol state applicant the sole of located? Yes No the applicant's) or attach applicant is name of the municipality.	lars) wher of the last If NO, include fidavits of constant the water right ion, I understant the transfer, I was transfer as idea a municipality at yor a predecess at is an entity we erty to which the	check one lead that, upon receipt will be required to postified in ORS 5 sor; OR	ater right, or portion adowners (and mailing dor e-mail addresses) fed. DOX of the draft preliminary rovide landownership in 380-4010(5); OR 40.510(3)(b) and that the condemn property and in the state of the draft preliminary rovide landownership in the state of the draft p	thereof, propose and/or e-mail and/or all landown determination and formation and energht is in the	sed for transfer is ddress if different than hers or and prior to evidence that I am
Check this box if this (Federal stimulus dol (Federal State of State	lars) where of the law If NO, include fidavits of constant ion, I understant the transfer, I we e transfer as ident a municipality a ty or a predecess at is an entity we erty to which the on.	check one leads that, upon receipt will be required to postified in ORS 5 sor; OR ith the authority to ce water right propose val of the transfer, I general circulation is	ater right, or portion adowners (and mailing dor e-mail addresses) fed. DOX of the draft preliminary rovide landownership is 380-4010(5); OR 40.510(3)(b) and that the condemn property and it ed for transfer is appurt	thereof, propose and/or e-mail and from all landown determination and formation and formation and formation and formation and have enant and have	sed for transfer is ddress if different than hers or and prior to evidence that I am RECEIVED AUG 2 7 2012 WATER RESOURCES DE SALEM, OREGON the Department for ed, once per week for
Check this box if this (Federal stimulus dol (Se the applicant the sole of located? Yes No (See applicant's) or attach agriculties to which (See applicant) authorized to pursue the (See applicant) authorized to pursue the (See applicant) of the municipality of the proper supporting documentation understand that prior to Depublication of a notice in a new oconsecutive weeks. If me (See applicant) are the see applicant in the proper supporting documentation (See applicant) are the see applicant in the see applicant in the see applicant is named to pursue the see applicant in the see applicant is named to pursue the see applicant in the see applicant is named to pursue the see applicant in the see applicant is named to pursue the see applicant in the see applicant is named to pursue the see applicant in the see applicant is named to pursue the see applicant in the see applicant is named to pursue the see applicant in the see applicant is named to pursue the see applicant in the see applicant is named to pursue the see applicant in t	lars) where of the law If NO, include fidavits of constant ion, I understant the transfer, I we e transfer as ident a municipality a ty or a predecess that is an entity we erty to which the on. spartment approve where than one qualifier. formation constant formation cons	check one leads that, upon receipt will be required to protein of the authority to come in the authority to come water right propose wal of the transfer, I general circulation is alifying newspaper itained in this apparent of the transfer of the transfer of the transfer of the transfer, I general circulation is alifying newspaper itained in this apparent trained in this apparent of the transfer	ater right, or portion adowners (and mailing dor e-mail addresses) fed. DOX of the draft preliminary rovide landownership is 380-4010(5); OR 40.510(3)(b) and that the condemn property and it ed for transfer is appurt and it ed for transfer is appurt	thereof, propose and/or e-mail and from all landown of determination and formation and energht is in the security and have security and have sublishing the notate right is located bublishing the notate accurate.	sed for transfer is ddress if different than hers or and prior to evidence that I am RECEIVED AUG 2 7 2012 WATER RESOURCES DE SALEM, OREGON the Department for ed, once per week for stice in the following

Print Name (and Title if applicable) In your own words tell us what change(s) you want made and the reason for the change(s): Clean Water Services wants to transfer the water right instream for the benefit of the Tualatin River.

Applicant Signature

IRRIGATION DISTRICT NAME	ADDRESS		
СПҮ	STATE	ZIP	
Check here if water for any of the for stored water with a federal		ater service agreement or othe	r con
ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	
city, municipal corporation, or trib will be located.			
To meet State Land Use Consistencity, municipal corporation, or tribwill be located.			
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY	ADDRESS 155 N First Avenue STATE	urisdiction the proposed instre	
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY Hillsboro	ADDRESS 155 N First Avenue STATE OR	urisdiction the proposed instre	
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY	ADDRESS 155 N First Avenue STATE	urisdiction the proposed instre	
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY Hillsboro ENTITY NAME	ADDRESS 155 N First Avenue STATE OR ADDRESS	zip 97124	
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY Hillsboro ENTITY NAME CITY ENTITY NAME	ADDRESS 155 N First Avenue STATE OR ADDRESS STATE	zip 97124	
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY Hillsboro ENTITY NAME	ADDRESS 155 N First Avenue STATE OR ADDRESS ADDRESS ADDRESS ADDRESS	ZIP 97124	



RECEIVED

AUG 27 2012

WATER RESOURCES DEPT SALEM, OREGON Please use a separate Part 4 for each water right being changed. See instructions at http://www.wrd.state.or.us/OWRD/PUBS/docs/Hints Forms MS Word.doc.

CERTIFICATE # 22048

Name on Certificate: Russell A. Cowan	RECEIVED
Date(s) of Priority: September 19, 1951	
Source(s) of Water to be Affected by the Transfer: Tualatin River	AUG 27 2012
Description of Water Delivery System	WATER RESOURCES DEP
System capacity: cubic feet per second (cfs) OR	SALEM, OREGON
300-330 gallons per minute (gpm)	

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Reclaimed water is pumped to the POU utilizing a 75 hp, end suction pump located near the Forest Grove Wastewater Treatment Plant site. Water is conveyed through approximately 5,300 linear feet of 18 and 12-inch buried pipeline with risers installed for connection to water cannon sprinkler systems.

Other Water Rights

Are there other water right certificates,	, water use permits or ground water registrations associated wit	h
the "from" lands? ☐ Yes ☒ No		

If YES, list the certificate, water use permit, or ground water registration numbers: _____.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Priority Date (if different between PODs)	Twp		Rng		Sec	1/4 1/4		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1		1	S	3	w	8	NW	NW	47	Not identified on certificate or map

Will the proposed	linstream	transfer	affect	the	entire	water	right?
-------------------	-----------	----------	--------	-----	--------	-------	--------

Yes Then Table 2 on Page 6 does not need to be completed.



No Then complete all of Table 2 to describe the portion of the water right to be changed.

6074

RECEIVED

AUG 27 2012

WATER RESOURCES DEPT SALEM, OREGON Table 2. Description of Change to Water Right Certificate # 22048

List only the part of the right that will be changed. For the acreage in each quarter-quarter, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD, specify the acreage associated with each POD.

Twp Rng Sec 144 Ta		Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)					
2	s	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
66	44	44	66	44	66	44	64	44	EXAMPLE	16	6	"
1	s	3	w	8	NE	NE	1S3080 000300	47	14.1	Irrigation	09-19-51	1
1	s	3	w	8	SE	NE	1S3080 000300	47	0.8	Irrigation	09-19-51	1
1	s	3	w	9	N W	NW	1S3080 000300	47	14.8	Irrigation	09-19-51	1
							TOTAL	ACRES	29.7			

Additional remarks: _____.

RECEIVED

AUG 27 2012

WATER RESOURCES DEPT SALEM, OREGON

Part 5 of 5 - Proposed Instream Use Information

Identify the Public Use	for which the in	stream right is r	equested (check at le	east one bo	x):
Control of the Contro		ancement of aqua	tic and fish life, wildli	fe, fish and	wildlife
habitat and other ec	ological values.				
Navigation					
Pollution Abatemer	nt				
Instream use proposed	to be created by	the instream tra	insfer:		
Originating Water Right Number (as identified in Part 4)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
Cert # 22048	09/1951	Tualatin River	June 23 - Sept. 30	0.37	74.2
			TOTAL	VOLUME	74.2
multiply by 1.983 Note: The instream rate volume may not exceed to Additional Information: water right proposed to build Identify the location of Water is requested.	may not exceed to max volume or Rate and volume e transferred.	r duty allowed by listed in table abo stream water rig	the existing right(s).		
Location (i.e. the	point of diversio	on (POD) – use the	POD Name or Numb	per from Ta	ble 1):
POD at approximate T. 1 S., R. 3 W.,	osed reach (If an winstream extent of mate river mile WM, 1,275 feet	instream water rigof the reach): The 55 (said POD located South and 40 fee	ght reach is requested, e Tualatin River from eated in the NE ¼ of et West from North ½ 2, T. 3 S., R. 2 E., W	n Cert. # 2 NW ¹ / ₄ , Sec /4 corner of	2048 etion 8,
Recommendations for coexisting water rights.	conditions on th	e instream use to	avoid taking away	or impairin	ıg
None None		254	RECEIV	ED	
	610	2. 4	AUG 2 7 2	012 T 0 1	1469

Other (such conditions may include, but are not limited to, reductions in the instream flow
levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow
measuring locations and the strategy for monitoring the instream flow or lake levels):

COPY

RECEIVED

AUG 27 2012

WATER RESOURCES DEPT SALEM, OREGON

	ere any existing in es) or lake, or on a		nts on the same point of	r within the	same requested
☐ No 72960. MF175	72961, and 80000 5 (all three under 5	(under ORS 537. 37.346); Cert. # 8	Yes (identify other is 341); Cert # 59692, Ap 1025 (Henry Hagg Lal treated effluent source	plications # l ke reservoir	MF174 and
of cons (state a	shed under ORS 53' served water) and re	7.348 (instream tra eplace a portion of process) or ORS 53	ly (but not always) additions application process instream water rights estar 7.346 (conversion of mi	s) and ORS 5 tablished und	37.470 (allocation er ORS 537.341
right es	stablished under OR	S 537.348 and OF	n water right transfer be RS 537.470 and replace a RS 537.346 with an earlie	portion of ar	ny instream water
⊠ Ye	S		☐ No. If no, please ex	plain your in	tent below:
establis instream Oregon	shed under ORS 53 m flows are necessan Dept. of Fish and	7.341 or 537.346, j ry. Supporting do Wildlife (ODFW)	amounts of an existing in provide documentation of cumentation should incl (fish life), Dept. of Envi- reation Dept. (recreation)	lemonstrating ude informati ronmental Qu	why additional on from the
occurr	ing from the drain to; OR	ting documentation	exceed the estimated a		
	es, and it is presum ake levels are signif		exceed the estimated ave	erage natural	flow or natural
	The requested flo application application application for the s	ow does not exceed ed for under ORS ame reach or porti	the maximum amount of 537.341 (state agency in on thereof, and the requestream water right appli	stream water ested public u	right application
	natural flow or la	ke level, the stream ity watershed map	ows are requested to exc m is in an ODFW flow re indicating the specific w rity watershed maps may	estoration priovatershed invo	ority watershed. A olved should be
	that demonstrates	that increased flo	v limited and DEQ has p ws would improve wate ld be included with the t	r quality. Th	e scientific cation.
For a T	Time Limited Instr	eam Transfer, pl	ease answer the follow	ing:	RECEIVED
_ The			a specific number of year	ars:	AUG 2 7 2012
		ar to End Y			WATER RESOURCES DEPT
⊠ Tim Revised 2			inate based upon other of Application – Page 9of 11		SALEM, OREGON 469 TACS

Conditions: Transfer remains in effect until Clean Water Services determines the water is needed for other District purposes which may include, but not limited to, 1) if the District sells—the land that water right is appurtenant to, and buyer wants to restore the water right for irrigation use or 2) if the District requires restoring the irrigation right when reclaimed water is no longer available for irrigation of the land.



RECEIVED

AUG 27 2012

WATER RESOURCES DEPT SALEM, OREGON

Rate, Duty and Instream Period Calculator for Instream Leases and Transfers

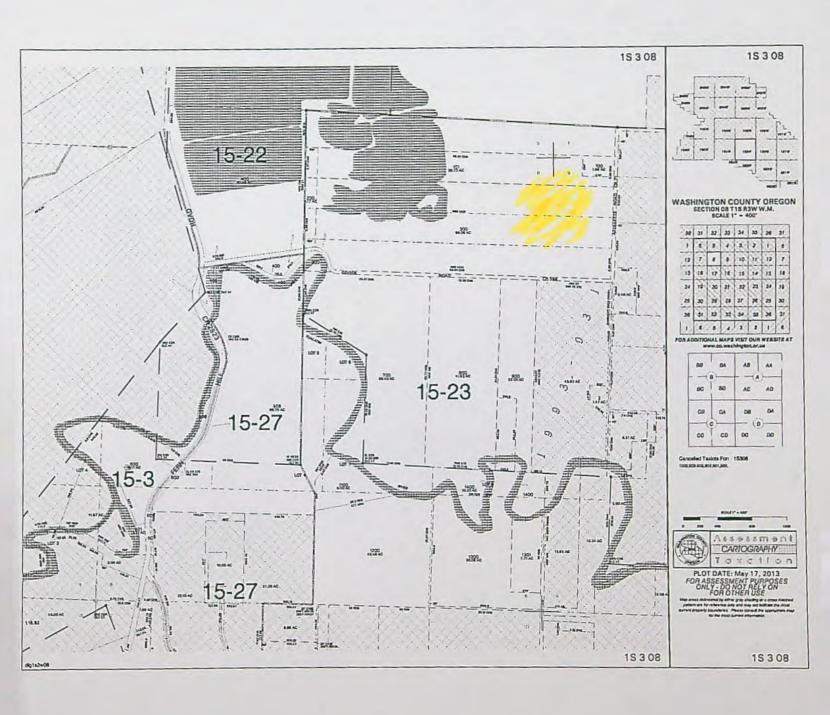
Enter appropriate info into blue boxes.

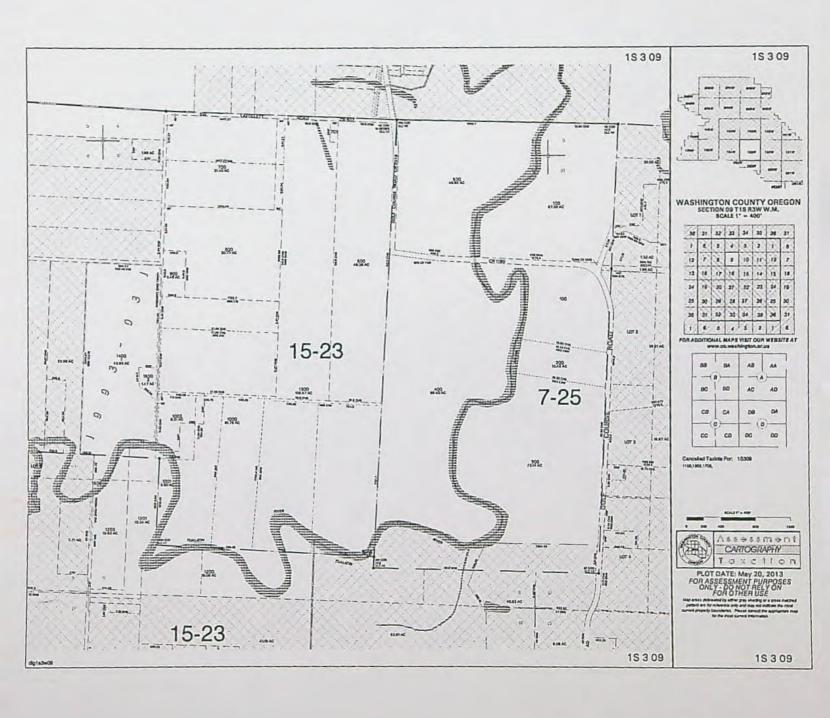
Information shown in purple boxes show calculation results.

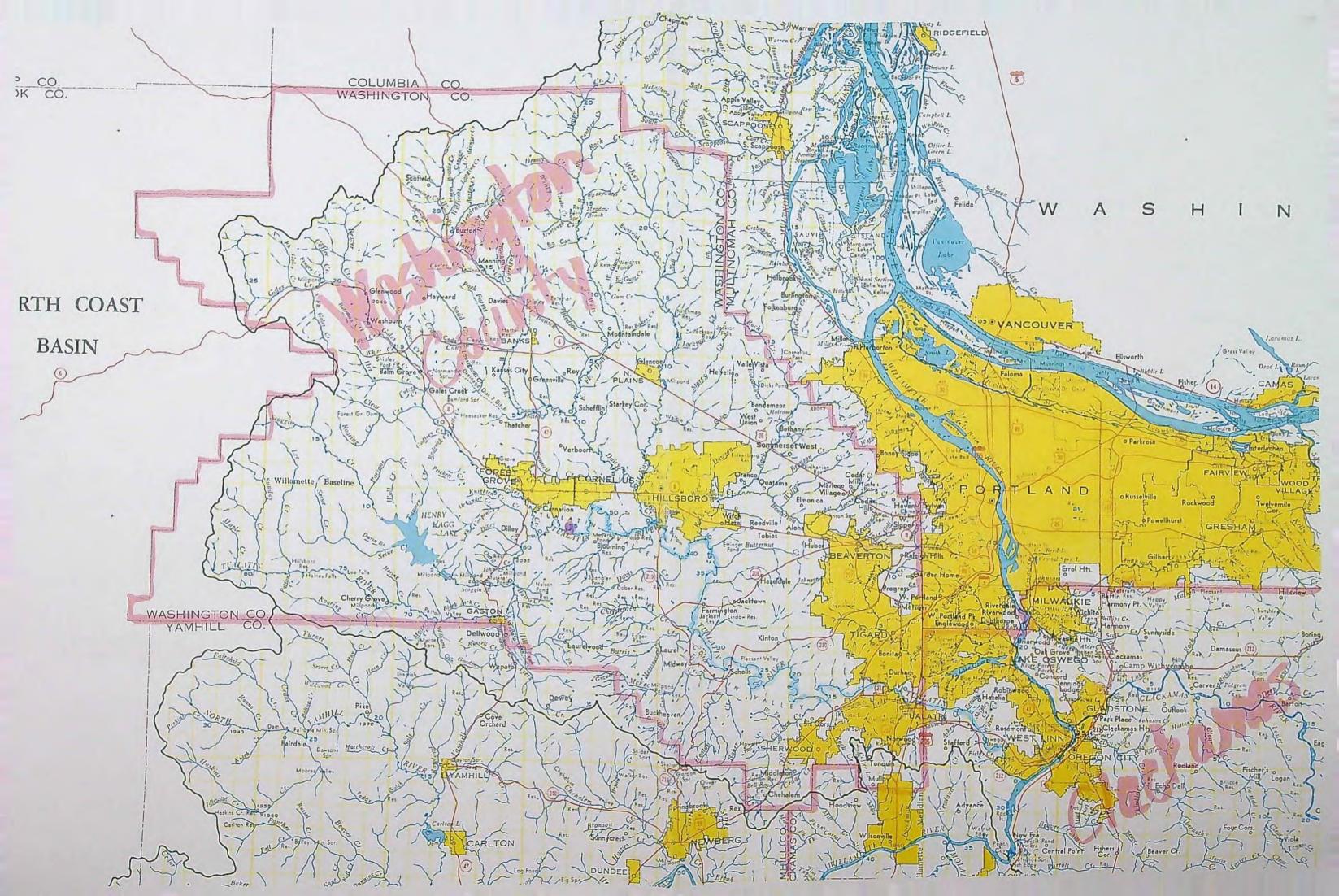
	Instream C	alculator	
Application number	Certificate #	Priority Date	
T-11469	87874	9/19/1951	
Enter # of Acres			
29.70			
Enter rate/acre (ie 1/80)		Max Instream Rate in CF	
0.0125		0.371	Rate A: Based on rate per acre
Enter Full Rate Allowed by Certificate in CFS	Enter total # acres allowed by Certificate		
0.870	69.70	0.371	Rate B: Proportional based on full certificate
Enter duty/acre	Max instream volume in AF		
2.50	74.25		
	Lesser of Rate A or B in CFS		
	0.371		
Optional =	Enter alternative rate (cannot b	e greater than the lessor	of Rate A or B)
			number days instream
	Based on Les	100	
	E	Based on Alternative Rate	ERR

(1	ater Proposed to be Prote uses number of days instance eed the season of use or extend	ream from above to	able)
	on Lessor of Rate A or B above	Touiside the season of ac	Based on Alternative Hate
	Enter proposed begin date		
begin date		begin date	6/1/2014
end date	9/30/2016	end date	ERR
	OR period may be leased instream		OR period may be leased instream
	Enter proposed end date		Enter proposed end date
end date	9/30/2016		9/30/2014
begin date	6/23/2016	begin date	ERR

Optional - for alternative ins	stream periods in	cluding the full irri	gation season
Enter Proposed begin and end date	S		
begin date	6/23/2016	Number of Days in Iden	tified Period
end date	9/30/2016	100	Days
		CFS rate	
		0.374	4







Sarah's review

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time Limited Instream Transfer Application T-11469, Washington County)	DRAFT PRELIMINARY DETERMINATION PROPOSING APPROVAL OF A CHANGE IN PLACE OF USE AND CHARACTER OF USE OF A WATER RIGHT
)	KIOIII

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224

Findings of Fact Hugust 27, 2012

- 1. On Error! Reference source not found:, Clean Water Services filed a time-limited instream transfer application to change the character of use and place of use under Certificate 22048 to instream use until termination is requested by the applicant. The Department assigned the application number T-11469.
- 2. Notice of the application for transfer was published on September 4, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice. 690-380-4000. No comments were filed in response to the notice.

 Cert 27148 was cancularly T-11468 and a remaining right not modified & 3.4. A new certificate was issued December 31, 2012, for the water right evidenced by Special
- Order Volume 88, Page 865. The new certificate is 87874.
- The application included a Land Use Information form completed and signed by a representative of the Washington County planning department. The Department also provided notice to Washington County upon receipt of the transfer application. However, the applicant did not provide notice of the proposed application to Clackamas County, and the cities of Forest Grove, Cornelius, Hillsboro, Tigard, Durham, Tualatin, King City, Rivergrove, and West Linn. All affected local governments located along the reach of a proposed instream use must be provided notice of both the intent to file the instream transfer by the applicant and upon receipt of an instream transfer application by the Department. On

Page 1 of 7

T-11469.tlf

October 27, 2015, the Department mailed notice to these additional local governments. No comments were filed in response to the notice.

5.6. The portion of the right to be transferred is as follows:

Certificate: 87874 in the name of CLEAN WATER SERVICES (perfected under

Permit S-20745)

Use: IRRIGATION of 29.7 ACRES

Priority Date: SEPTEMBER 19, 1951

Rate: 0.37 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation

season of each year.

Source: TUALATIN RIVER, a tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
18	3 W	WM	8	NE NW	47

Authorized Place of Use:

		IRR	IGATI	ON		
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	8	NE NE	47	14.1
1 S	3 W	WM	8	SE NE	47	0.8
1 S	3 W	WM	9	NW NW	47	14.8
					Total:	29.7

7. Certificate 87874 does not describe the measured distances of the point of diversion, however information is available from the transfer application indicating that the point of diversion is further described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	3 W	WM	8	NE NW	47	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

- 8: The irrigation season is not specified in Certificate 87874. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- § 9. A total of 74.25 acre-feet of water may be beneficially used annually under the existing right.
- 9 10: Transfer Application T-11469 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement until termination is requested by the applicant.

87874

- 11. The applicant requests that the water use revert to its authorized use and place of use if it is determined by the applicant that use of water under Certificate 18784 is needed. For example, if the property is sold to a new landowner or if reclaimed water (currently being used for irrigation purposes on the described place of use) becomes unavailable.
- 12. Transfer Application T-11469 proposes to change the place of use of the right to create an instream reach from the point of diversion (approximately River Mile (RM) 55) to the mouth of the Tualatin River (RM 0).
- 13. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)
June 23 to September 30	0.37	74.2

14. The applicant has requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 15. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2).
- 16. ORS 540.610 (2) (h) identifies that a water right is not subject to forfeiture if the nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- 17. A registration for use of reclaimed water may be recognized by the Department under ORS 537.132.
- 18. The registration for use of municipal reclaimed water submitted on November 25, 2009, for transfer application T-11469 identifies the reclaimed water was used for irrigation in-lieu of Certificate 22048 and was applied under NPDES permit 101142.
- 19. It is not clear whether a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-11469. However a delivery system to apply reclaimed water is identified as being present within the five-year period prior to submittal of Application T-11469.

> I think we need to add:

19. Based upon review... (See example I printed and hight/ighted)

- 20. The proposed change would not result in enlargement of the right. The lands described in Finding of Fact No. 6 may continue to receive reclaimed water.
- 21. The proposed changes would not result in injury to other water rights.
- 22. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 23. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 24. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). There are also four instream rights created as a result of the instream transfer process (ORS 537.348), Special Order Volume 76, Page 912 (T-10332), Special Order Volume 80, Page 1127 (T-7408), which protect water instream on a time-limited basis; T-10785 recorded at Special Order Volume 88, Page 370, which created instream water right Certificate 87718 and T-11468 recorded at Special Order Volume 88, Page 865, which created instream water right Certificate 87873. There are also currently nine instream leases in effect. do I need to add this?
 - 25. Excluding the leases, the proposed instream use is senior in priority date to each of the existing instream water rights except for Certificate 87718 for 0.21 cfs with priority date March 5, 1946 and Certificate 87873 for 0.03 cfs which has the same priority date, September 19, 1951.
 - 26. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Tualatin River are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and anadromous and resident fish habitat and pollution abatement, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide protection of stream flows

think had

T-11469.tlf

identified as necessary for supporting aquatic life and anadromous and resident fish habitat under earlier priority dates.

- 27. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process and instream lease) *and ORS 537.470 (allocation of conserved water process), located within the proposed reach, any new instream water right established by this transfer would provide protection for additional flows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement. *do I leave this if there aren't any in the proposed reach? I don't think so. (ask laura) - laura said loave it is
- 28. During the period June 23 through September 30, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or ORS 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.
- 29. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-11469 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11469 is approved, the final order will include the following:

- The changes in character of use and place of use to instream use proposed in application T-11469 are approved.
- The exercise of the right evidenced by Certificate 87874 for irrigation of 29.70 acres at the former place of use shall be SUSPENDED without loss of priority, for the term of the transfer authorized herein. The former place of use may continue to receive water under an NPDES permit and a registration for the use of reclaimed water filed with the Department on November 25, 2009. COF#6
- The instream water right shall provide for the protection of streamflows from the point of diversion (approximately RM-55) to the mouth of the Tualatin River (RM 0) for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and this is bould

 Like #19

 Like put wildlife habitat and other ecological values and pollution abatement.

The quantities of water to be protected under the instream water right are:

Priority Date	Instream Period	Instream Rate (cfs)
September 19, 1951	June 23 to September 30	0.37
IS Reviod	IS Rate	IS AF

Page 5 of 7

T-11469.tlf

- 5. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- 6. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
- 7. During the term of this order, the instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- 8. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 87874 and any related decree.
- The former place of use of the transferred water shall no longer receive water as part of this right.
- 10. The order may be terminated at any time during a calendar year. However, if the termination request is received less than 30 days prior to the period of allowed instream use or after the instream period has begun, water may not be used under Certificate 87874 until the following calendar year, unless the Director determines that enlargement would not occur.
- 11. This order may be terminated upon submission of evidence by the applicant that conditions for termination of the order have been met. Conditions for termination include:
 - a) Ownership of the lands to which Certificate 87874 are appurtenant has changed and the new landowner intends to exercise Certificate 87874 on the land;
 - b) Reclaimed water is no longer available for use on the subject lands; or
 - c) The applicant provides other information demonstrating that termination of the order is necessary.
- 12. The term of this Final Order shall continue until terminated. Upon termination of this timelimited instream transfer, the use of water shall revert to its original use and place of use as described by Certificate 87874.

Dated at Salem, Oregon this	day of	2015.
-----------------------------	--------	-------

DRAFT

Dwight French, Water Right Services Division Administrator, for Tom M. Byler, Director, Oregon Water Resources Department

This draft Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@wrd.state.or.us.

18. The applicant proposed the quantity of water to be transferred instream be protected as follows:

Instream Period	Instream Rate (cfs)
April 1 through October 31	0.076

- 19. There are several existing instream water rights established through time-limited instream transfers within the same reach as that proposed for the new instream water right. In addition, there is an existing instream water right (Certificate 75996) with a priority date of December 7, 1990, established through an instream water right application filed by the Oregon Department of Fish and Wildlife (ODFW).
- 20. During the proposed instream period, April 1 through October 31, the applicant proposes that this time-limited instream transfer be additive to other instream water rights, within the same reach, up to the amounts requested in the original instream water right application filed by ODFW under IS-70982 for Certificate 75996 (see Finding of Fact No. 29). Otherwise, the applicant proposes that the time-limited instream transfer should replace a portion of the existing instream water right (Certificate 75996) with an earlier priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 21. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the
 existing right were present within the five-year period prior to submittal of Transfer
 Application T-10145.
- 23. The applicant requested to protect 0.076 cfs instream during the period April 1 through October 31 and identified that the entire water right was being affected by the transfer application.
- 24. Based upon review of the transfer application, water may be protected instream as follows:

 Instream Reach: From the Buck and Jones Ditch point of diversion (as described in Finding of Fact No. 12) to the mouth of the Little Applegate River.

Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)
April 1 through October 31	0.076	32.26

- 25. The proposed change would not result in enlargement of the right.
- 26. The proposed change would not result in injury to other water rights.
- 27. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.

are not transferable to instream use. The quantities of water proposed by the applicant to be transferred instream, as described in Finding of Fact No. 15, do not include the 45 percent transmission loss. The Department finds that water may be protected instream solely under the 1900 priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 18. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the
 existing right were present within the five-year period prior to submittal of Transfer
 Application T-11090.
- 20. Based upon review of the instream transfer, the Department has determined that water may be protected instream as follows:

Reach: COID North Canal POD No. 11 (as described in Finding of Fact No. 7) to Lake Billy Chinook (~RM 120)

Certificate	Priority Date	Instream Period	Instream Rate	Instream Volume
	Ostabas 21	Season 1 (modified to end on October 26)	0.411 CFS	
83571	October 31, 1900	Season 2	0.549 CFS	326.21 AF
	1900	Season 3	1.016 CFS	

- 21. The proposed change, as modified, would not result in enlargement of the right.
- 22. The proposed change, as modified, would not result in injury to other water rights.
- 23. The amount and timing of the proposed instream flow, as modified, is allowable within the limits and use of the original water right.
- 24. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.



Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/25/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: DESCHUTES, JEFFERSON

Transfer: 11300

Water Right: CERT 67706

Priority Date: DECEMBER 31, 1885
Name: CITY OF SISTERS

PO BOX 39

SISTERS OR 97759

Change: PLACE OF USE, USE (TO INSTREAM USE)

Source: POLE CREEK

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Instream Transfer)	FINAL ORDER APPROVING A
Application T-11468, Washington County)	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES c/o STEVE KEBBE 16060 SW 85TH AVE TIGARD, OR 97224

Findings of Fact

Background

- On August 27, 2012, Clean Water Services filed an application to change the place of use and character of use under Certificate 22048 to instream use. The Department assigned the application number T-11468.
- 2. The portion of the right to be transferred is as follows:

Certificate: 22048 in the name of RUSSELL A. COWAN (perfected under Permit

S-20745)

Use: IRRIGATION of 2.4 ACRES
Priority Date: SEPTEMBER 19, 1951

Rate: 0.03 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source:

TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	3 W	WM	8	NE NW	47

Authorized Place of Use:

		IRR	IGATI	ON		
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	9	NW NW	47	1.5
18	3 W	WM	9	SWNW	47	0.9

3. Certificate 22048 does not describe the coordinates of the point of diversion, however information is available from the transfer application indicating that the point of diversion is located at approximately River Mile 55 and is further measured as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	3 W	WM	8	NE NW	47	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

- 4. The irrigation season is not specified in Certificate 22048. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 5. A total of 6.0 acre-feet of water may be beneficially used annually under the existing right.
- Application T-11468 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.
- Application T-11468 proposes to change the place of use of the right to create an instream reach from point of diversion as described in Finding of Fact #3 to the mouth of the Tualatin River.
- 8. The applicant proposes the quantities water to be transferred instream be protected as follows:

Instream Period	Rate (cfs)	Volume (acre-feet)
June 23 to September 30	0.03	6.0

The applicant has requested that any instream water right established as result of this
instream transfer be additive to existing instream water rights for the same reach established
pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of

- conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.
- 10. The application includes a Land Use Information form completed and signed by a representative of the Washington County planning department. The Department also provided notice to Washington County upon receipt of the transfer application. However, the applicant did not provide notice of the proposed application to Clackamas County, and the cities of Tigard, Tualatin, West Linn, Durham, Rivergrove, King City, Cornelius and Hillsboro. All affected local governments located along the reach of a proposed instream use must be provided notice of both the intent to file the instream transfer by the applicant and upon receipt of an instream transfer application by the Department. On September 19, 2012, the Department provided notice to these additional local governments.
- Notice of the application for transfer was published on September 4, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 12. On October 8, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11468 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 9, 2012, for the applicant to respond. On October 25, 2012, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 13. On November 15, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11468 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 20, 2012, and in the Daily Journal of Commerce newspaper on November 23 and 30, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 14. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2).
- 15. ORS 540.610 (2) (h) identifies that a water right is not subject to forfeiture if the non use occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- A registration for use of reclaimed water may be recognized by the Department under ORS 537.132.

- conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.
- 10. The application includes a Land Use Information form completed and signed by a representative of the Washington County planning department. The Department also provided notice to Washington County upon receipt of the transfer application. However, the applicant did not provide notice of the proposed application to Clackamas County, and the cities of Tigard, Tualatin, West Linn, Durham, Rivergrove, King City, Cornelius and Hillsboro. All affected local governments located along the reach of a proposed instream use must be provided notice of both the intent to file the instream transfer by the applicant and upon receipt of an instream transfer application by the Department. On September 19, 2012, the Department provided notice to these additional local governments.
- 11. Notice of the application for transfer was published on September 4, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 12. On October 8, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11468 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 9, 2012, for the applicant to respond. On October 25, 2012, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 13. On November 15, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11468 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 20, 2012, and in the Daily Journal of Commerce newspaper on November 23 and 30, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 14. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2).
- 15. ORS 540.610 (2) (h) identifies that a water right is not subject to forfeiture if the non use occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- A registration for use of reclaimed water may be recognized by the Department under ORS 537.132.

- 17. The registration for use of municipal reclaimed water submitted on November 25, 2009, for transfer application T-7408 identifies the reclaimed water was used for irrigation in-lieu of Certificate 22048 and was applied under NPDES permit 101142.
- 18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-11468.
- 19. The proposed change, as described in Findings of Fact #7 and #8, would not result in enlargement of the right. The lands described in Finding of Fact #2 may continue to receive reclaimed water.
- 20. The proposed change, as described in Findings of Fact #7 and #8, would not result in injury to other water rights.
- 21. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 22. The protection of flows within the proposed reach is appropriate, considering:
 - The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 23. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). There are also three instream rights created as a result of the instream transfer process (ORS 537.348), Special Order Volume 76, Page 912 (T-10332), and Special Order Volume 80, Page 1127 (T-7408), which protect water instream on a time-limited basis, and T-10785 recorded at Special Order Volume 88, Page 370, which created instream water right Certificate 87718.
- 24. The proposed instream use is senior in priority date to each of the existing instream water rights except for Certificate 87718 for 0.21 cfs with priority date March 5, 1946.

- 25. The existing instream flow protections and instream water rights established under ORS 537.346 and ORS 537.341 within the proposed reach are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and pollution abatement, but are at times not met during the requested period for instream protection.
- 26. Any new instream water right established by this transfer:
 - a) By replacing a portion of MF-174, MF-175, and the instream water rights established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), will provide for protection of streamflows previously identified as necessary for supporting aquatic life and pollution abatement under an earlier priority date.
 - b) By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the same location, will provide protection for additional streamflows necessary for fish and wildlife habitat.
- 27. Any instream water right established by this transfer may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.
- 28. The total monthly quantities of water to be protected under the proposed instream right, in addition to the existing instream water rights, within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-11468 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

Now, therefore, it is ORDERED:

- The changes in character of use and place of use to instream use proposed in application T-11468 are approved.
- Water Right Certificate 22048 is cancelled. A new certificate confirming the instream water right shall be issued. A new certificate will be issued describing that portion of the right not affected by this transfer.

3. The instream water right shall provide for the protection of streamflows from the point of diversion to the mouth of the Tualatin River. The point of diversion is located as follows:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

4. The quantities of water to be protected under the instream water right are:

Instream Period	Rate (cfs)
June 23 through September 30	0.03

- Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
- 7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 22048 and any related decree.
- The former place of use of the transferred water shall no longer receive water as part of this right.
- The approval of Transfer Application T-11468 provides mitigation of 0.03 CFS to be applied towards Transfer Application T-7012.

Dated at Salem, Oreg	gon this 31	_ day of December, 2012.
11		
Det to	0	
Dwight French, Water R.	ight Services Admi	inistrator, for
PHILLIPC. WARD,	DIRECTOR	

Mailing date:

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time-Limited Instream)	FINAL ORDER APPROVING A
Transfer Application T-7408, Washington)	CHANGE IN PLACE OF USE AND
County)	CHARACTER OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES 16060 SW 85TH AVENUE TIGARD, OR 97224

Findings of Fact

Background

- On August 9, 1995, Unified Sewerage Agency filed an application to change the place of use and character of use under Certificate 22048 to wetlands enhancement. The Department assigned the application number T-7408.
- 2. On July 24, 2008, the applicant (now known as Clean Water Services) submitted amended application materials and a request to amend the application. The applicant requested that the application be modified to change the character of use and place of use from irrigation to instream use until such time that the applicant requests to terminate the instream use.
- 3. The portion of the right to be transferred is as follows:

Certificate: 22048 in the name of RUSSELL A. COWAN (perfected under Permit

S-20745)

Use: IRRIGATION of 40.0 acres
Priority Date: SEPTEMBER 19, 1951

Rate: 0.5 CUBIC FOOT PER SECOND (CFS)

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Limit/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source:

TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	8	NE NW	Unspecified in certificate

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	8	NE NE	47	11.1
1 S	3 W	WM	8	NW NE	47	24.4
1 S	3 W	WM	8	SW NE	47	1.8
15	3 W	WM	8	SE NE	47	0.8
18	3 W	WM	8	NENW	47	1.9

4. The coordinates (measured distances) for the point of diversion are not specified in Certificate 22048. However, information submitted with the original transfer application identify that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18	3 W	WM	8	NE NW	1275 FEET SOUTH AND 40 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 8

- 5. The irrigation season is also not specified in Certificate 22048. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 6. A total of 100.0 acre-feet of water may be beneficially used annually under the existing right.
- Application T-7408 proposes to change the character of use to instream use for pollution abatement, conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and any other ecological values on a time limited basis.
- 8. The applicant requests that the water right described in Finding of Fact #3 revert to its authorized use and place of use upon request if it is determined by the applicant that use of water under Certificate 22048 is needed. For example, if the property is sold to a new landowner or if reclaimed water (currently being used for irrigation purposes on the described place of use) becomes unavailable.
- Application T-7408 proposes to change the place of use of the right to create an instream
 reach from the point of diversion (as described in Findings of Fact #3 and #4) to the mouth
 of the Tualatin River (River Mile 0.0).

10. The applicant proposes the quantities water to be transferred instream to be protected follows:

Instream Period	Rate (cfs)	Volume (AF)
June 23 through September 30	0.5	100.0

- 11. There are existing instream water rights within the same reach as that proposed for the new instream water right.
- 12. Within the proposed reach, the applicant requests that any instream use created as a result of this time-limited instream transfer replace a portion of the existing instream water rights established under and ORS 537.346 (state agency instream water right application process) and ORS 537.341 (minimum streamflow conversion process) with an earlier priority date for the duration of the instream use.
- 13. The applicant also requests that, within the proposed instream reach, any instream use created as a result of this time-limited instream transfer be additive to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the duration of the instream use.
- 14. The amended application includes a Land Use Information form completed and signed by a representative of Washington County. Additionally, the Department provided notification of the proposed action to Clackamas County, and the cities of Tualatin, West-Linn, Durham, Rivergrove, King City, Tigard, Forest Grove, Cornelius, and Hillsboro.
- Notice of the application as an instream transfer was published on October 29, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 16. On February 8, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-7408 to the applicant. The cover letter for the draft Preliminary Determination set forth a deadline of March 9, 2010, for the applicant to respond. The additional information requested by the Department was received on March 10, 2010. On February 16, 2010, the applicants concurred with the draft Preliminary Determination and requested that the Department proceed with issuance of a Preliminary Determination.
- 17. On March 17, 2010, the Department issued a Preliminary Determination proposing to approve Time-Limited Instream Transfer Application T-7408 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 23, 2010, and in the Daily Journal of Commerce on March 29, and April 5 and 12, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice or to the newspaper notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 18. Water was not used within the five years prior to submittal of the transfer application on August 25, 1995, according to the terms and conditions of the right. The subject land has been irrigated with treated wastewater effluent known as reclaimed water. A National Pollutant Discharge Elimination System (NPDES) permit was issued by the Department of Environmental Quality, authorizing the use of reclaimed water for irrigation, on August 25, 1993, replacing an earlier NPDES permit. A registration for use of reclaimed water was not originally filed with the Department at the time the use of reclaimed water began but a registration was filed on November 25, 2009. Because the nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under the existing water right, the applicant has sufficiently rebutted the presumption of forfeiture in accordance with ORS 540.610(2)(h).
- 19. It is not clear whether a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-7408. However, there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610. A delivery system to apply reclaimed water is identified as being present within the five years prior to submission of Application T-7408.
- 20. The proposed change would not result in enlargement of the right. The lands described in Finding of Fact #3 may continue to receive reclaimed water during the term of this timelimited instream transfer.
- 21. The proposed change would not result in injury to other water rights.
- 22. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 23. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion:
 - b) The location of confluences with other streams downstream of the point of diversion;
 - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 24. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream

flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). There is also an instream right created as a result of the instream transfer process (ORS 537.348), Special Order Volume 76, Page 912, which is protected instream on a time-limited basis.

- The proposed instream use is senior in priority date to each of the existing instream water rights.
- 26. The existing instream flow protections and instream water rights established under ORS 537.346 and ORS 537.341 within the proposed reach are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and pollution abatement but are at times not met during the requested period for instream protection.
- 27. By replacing a portion of MF-174, MF-175, and the instream water rights established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), any instream water right created as a result of this transfer will provide for protection of streamflows previously identified as necessary for supporting aquatic life and pollution abatement under an earlier priority date.
- 28. By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the same location, a new instream right established by this transfer will provide protection for additional streamflows necessary for fish and wildlife habitat.
- 29. During the period June 23 through September 30 any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- 30. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-7408 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075.

Now, therefore, it is ORDERED:

- The changes in character of use and place of use to instream use proposed in application T-7408 are approved.
- The exercise of the right evidenced by Certificate 22048 for irrigation of 40.0 acres at the former place of use shall be SUSPENDED, without loss of priority, for the term of the

- transfer authorized herein. The former place of use may continue to receive water under an NPDES permit (issued August 25, 1993) and a registration for use of reclaimed water filed with the Department on November 25, 2009.
- 3. The instream water right established under this order shall provide for the protection of streamflows from the point of diversion (as described in Finding of Fact #4) to the mouth of the Tualatin River for the purpose of pollution abatement and conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
- 4. The quantities of water to be protected under the instream water right are:

Priority Date	Instream Period	Rate (cfs)
Sept. 19, 1951	June 23 through September 30	0.5

- Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.
- 6. During the term of this order, the instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- 7. The order may be terminated at any time during a calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use (May 23) or after the instream period has begun, water may not be used under Certificate 22048 until the following calendar year, unless the Director determines that enlargement would not occur.
- 8. This order may be terminated upon submission of evidence by the applicant that conditions for termination of the order have been met. Conditions for termination include:
 - a) Ownership of the lands to which certificate 22048 are appurtenant has changed and the new landowner intends to exercise Certificate 22048 on the land;
 - b) Reclaimed water is no longer available for use on the subject lands; or
 - c) The applicant provides other information demonstrating that termination of the order is necessary.
- During the term of this order, the right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 22048 and any related decree.

10. Upon termination of this transfer order, the use of water shall revert to its original use and place of use as described by Certificate 22048. The use shall revert to the authorized use and place of use upon submission of a termination request from the applicant.

Dated at Salem, Oregon this 26 day of May 2010.

Timing C. stard, Director

Mailing Date MAY 2 8 ZUIU

Added all these to modpod as "local gout" 10-26-15" also added TVID as "irridist"

<u>Counties</u>: Note: Washington County was included in the application, however I sent this to them also just to be complete.

Washington County Planning Commission 155 N First Ave Hillsboro, OR 97124-3072

Clackamas County Transportation and Development 150 Beavercreek Rd Oregon City, OR 97045

Cities:

City of Forest Grove Community Development – Planning 1924 Council St PO Box 326 Forest Grove, OR 97116-0326

City of Cornelius Community Development 1300 S Kodiak Circle Cornelius, OR 97113

City of Hillsboro Planning Division Civic Center, 4th Floor 150 E Main St Hillsboro, OR 97123

City of Tigard Permit Center – Planning 13125 SW Hall Blvd Tigard, OR 97223

City of Durham City Hall – Planning Department 17160 SW Upper Boones Ferry Rd Durham, OR 97224

City of Tualatin Planning Department 18880 SW Martinazzi Ave Tualatin, OR 97062-7092 City of King City Planning Commission 15300 SW 116th Ave King City, OR 97224-2693

City of Rivergrove Planning Commission PO Box 1104 Lake Oswego, OR 97035

City of West Linn Planning Department 22500 Salamo Rd West Linn, OR 97068



Water Resources Department

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

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 10/26/2015

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: WASHINGON; CLACKAMAS

Transfer: 11469

Water Right: CERT 87874

Priority Date: SEPTEMBER 19, 1951

Name:

CLEAN WATER SERVICES

C/O STEVE KREBBE 16060 SW 8TH AVENUE TIGARD, OREGON 97224

Change: PLACE OF USE, USE (TO INSTREAM USE)

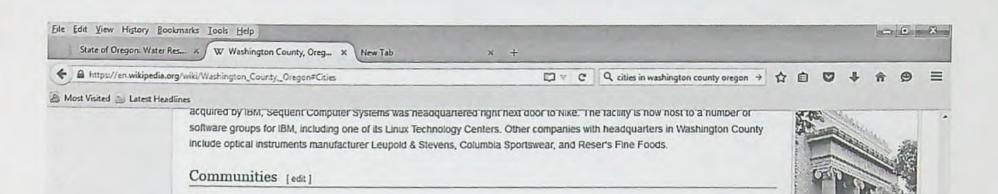
Source: TUALATIN RIVER

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



Census-designated places [edit]

• Banks

Beaverton

Cornelius

Durham

- Bethany
 Garden Home-Whittle
 Bull Mountain
 Metzger

Glencoe

· Glenwood

· Forest Grove

Gaston

· Hillsboro

. King City

- Cedar Hills
 Oak Hills
- ar Mill Raleigh Hills

Laurelwood

· Mariene Village

Manning

Middleton

Mountaindale

· Midway

Mulloy

· Norwood

Orenco

Patton

Progress

· Reedville

· Roy

· Lake Oswego

· North Plains

· Portland

· Rivergrove

- Garden Home-Whitford
 Rockcreek
 - West Haven-Sylvan
 - · West Slope

Unincorporated communities [edit]

- Barona
 Balm Grove
 Farmington
- Balm Grove
 Blooming
 Gales Creek
- Bonita
 Bonny Slope
- Bradley Corner
 Hayward
 Buckheaven
 Hazeldale
- Cherry Grove
 Kansas City
 Dilley
 Kinton
- Dixie
 Laurel

- Scholls
 - Six Corners
 - Somerset West

· Sherwood

· Tigard

Tualatin

· Wilsonville

- Tanasbourne
- Thatcher
- Timber
- Toblas
 Verboort
- Watts
- · West Union
- Wilkesboro
- Witch Hazel



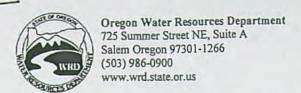
The Washington County

Courthouse in Hillsboro

Downtown Forest Grove in 1920

See also [edit]

- National Register of Historic Places listings in Washington County, Oregon
- . Washington County Museum
- . L. L. "Stub" Stewart State Park
- · Ki-a-Kuts Falls
- . Washington County Isil



Certificate of Water Right Ownership Update

NOTICE TO SELLE	RS & 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 certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department.

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 ty	pe or print legibly when filling	in the following info	ormation. U	lse additio	nal paper if	necessary.
	PROPERTY	Y SELLER INFO	RMATION			
Applicant(s):	John & Doris			Terhorst		
Mailing address	Fist	N	/A.			
		Purchased in 1	994			
Dhones	City	State			Zip	
Phone:	Home	Wark			Other	
•	PROPERT	Y BUYER INFOR	MATION			
Applicant(s):	Clean Water Services	c/o S	steve Kebl	oe, Princ	ipal Engir	neer
The second secon	First		Isboro Hig	hway		
	Iillsboro	OR			97123	
	Main: 503-681-3600		547-8108		Zip	
Phone:	Home	Wark	347-0190		Other	
	PROPERTY DESCRIPT	CION (attach addi	tional nages	if necess	arv).	
Country Was	hington Township: 15		200			8
				Beetton.		
Tax lot number	(s):		000		REC	EIVED
Attach a copy	of your property deed or lega	l description of the	e property.			
Street address o	of water right property:		N/	Δ	AUG	07 2007
Sireer address o	i water right property.		1117	•		OURCES DEF
Water Right Inf	formation (attach copy of water ri	ght permit or certific	ate & final pr	oof map if		., 0,1,20,0
A STATE OF THE PARTY OF THE PAR	S26463 Permit #					22048
Will all the land	ds associated with this water rig	ght be owned by the	buyer?	√ Yes	☐ No	
	dual completing this form: <u>Jet</u>					-9010
Signature:	Add In		Date:	8-2-	2007	
Rev. August 2006	5) 111 0	Ownership Updat				WT

9-5-2012 October 23, 2015

> CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224

Reference: Instream Transfer T- 11469

On August 27, 2012, we received your water right Transfer application. The application was accompanied by \$800.00. Per your request this money was deducted from Schwabe, Williamson, and Wyatt, PC customer account on August 28, 2012.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

This application <u>may</u> require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, or in the new place of use until a final order approving the transfer application has been issued by the Department.

In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503)986-0883.

Cc: Watermaster Dist. #18 Martha O. Pagel, Agent

Enclosure

Instream Transfer Process

OAR 690 Divisions 380 and 077

Application Received

(required information included)

Injury Review forms sent to Watermaster, and Groundwater staff and ODFW as appropriate

> Notice of Application in WRD Weekly Notice (30-day Comment Period)

Review of the status of the right and the potential for enlargement or injury to other rights

Draft Preliminary Determination

sent to applicant

(WRD assessment of whether application should be approved or denied, considering injury review and any comments received)

Applicant Review of

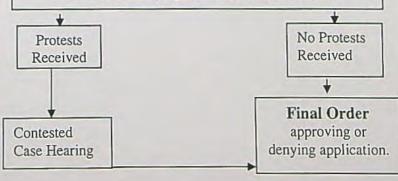
Draft Preliminary Determination (Opportunity for applicant to modify or withdraw proposed transfer—at least 30 days allowed)

Preliminary Determination Issued

Notice of Preliminary Determination

in WRD Weekly Notice and, if statutorily required, in newspaper once a week for 3 consecutive weeks.

Protest Period ends 30 days after WRD notice, or 30 days after last date of newspaper publication, whichever is later.



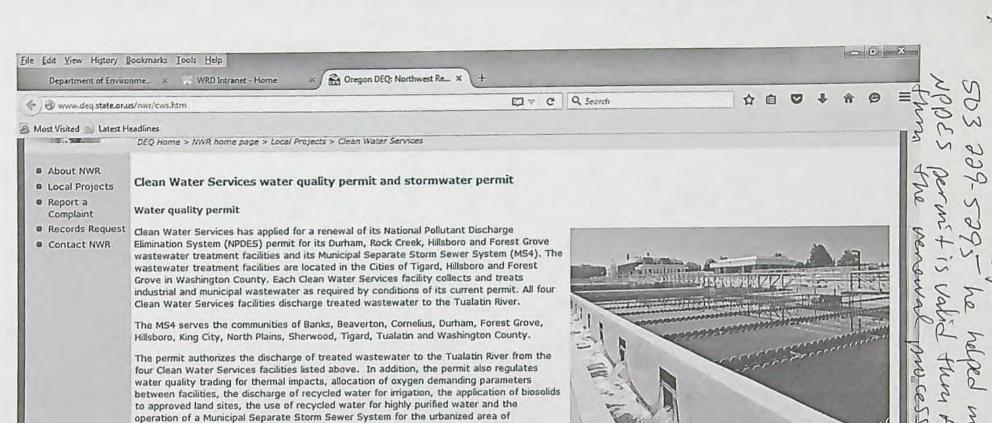
Water Rights Platcard Report

Water Right	Chargens Princips	Ura	Line Status	DLC SENCE SAID	Q(48): N	E N	W S	W 55	NE.	NOW NOW	SW	SE NW	NE SW	NW	SW	SH	112 to	SE S	12 W2	E Unka
LE Certi22048 OR CN	T7400, 9/19/1951 I	_	CH				4 1				THE PERSON NAMED IN		-11	-		Ī	T	T	T	T
Additional Info: RUSSELL A COWAN	Tites				-	-	-													-
App: 526463 Permit: 520745						1												1		
Cert: 22048 td. Cert:87874 RR *	T11469 9/19/1951 1	RRIGATION	-	47	25	2 24	.4 1	8 1.6	1.9							\Box		+	+	1
CLEAN WATER SERVICES Agg: \$25463 Permit: \$20745	ject right																			
		HUNICIPAL	WD	-																-
att Appr 8 71451 WD Additional Info:		ISES																		
TUALATIN VALLEY WATER DISTRICT App: 571651		-	-	_									-		-			-	-	=
21 Permits # 12393 *	8/25/1995 V	WILDLIFE				1														
CLEAN WATER SERVICES/UNIFIED SEWERAGE AGE	NCY																		1	
App: R50595 Permit: R12303			_		-				1.									+		+
ect Permit: \$ 54737 * Additional Info:		HUNICIPAL JSES						1	1											
HILLSBORD, FOREST GROVE, BRAVERTON, TUALAT App: 569637	IN VALLEY WATER DISTRICT																			
Permit: 554737	4/28/1976 1	NUNICIPAL	_		-		+													-
Additional Infa:		USES					1													
CITY OF FOREST GROVE App: \$54203 Permit: \$40615																				
Permit: 540615 est Appl S 69623 *	5/24/1985	RRIGATION				1	1	5.2		1.7					4.6				2.	6
Additional Info: TUALATIN VALLEY IRRIGATION DISTRICT																				
App: 569623 *	5/24/1988	SUPPLEMENTAL				+	+	1.7		25.4	25.1	9.65	26,93	33.6	1.0	H	15.6 1	.55	+	+
Additional Info:		RRIGATION (Supplimit)																		
TUALATIN VALLEY IRRIGATION DISTRICT App: 569823						_												1	1	
411 Cert:20013 OR CN	T10785 3/5/1946	IRRIGATION	CN	2	/						1-3							X		
Additional Info: 3 W NELSON App: 521453									1								1			
Permit: \$16830 Cart: 20013				/												1				
LEST CANTI-20013 OR CH	T10785 3/5/1946	IRRIGATION	CN	y																
Additional Infa; J W NELSON				/									1	Y						
App: 521451 Permit: 516830 Cert: 20013			/								100		/							
LIST Certi20013 OR CH	T10785 3/5/1946	IRRIGATION	CH	4								1	4,4					1		
Additional Info: 3 W NELSON		/									/									
App: 521453 Permit: 516830		/					1			1										
Cert: 20013 lett Cert: 20013 OR CN	T10765 3/5/1946	IRRIGATION	CN	5		+	+		1			3,4					-	1	+	+
Additional Infa: 2W NELSON						10		X												1
App: S21453 Permit: S16830							X													X
Certi 20013 Lett Certi 20013 OR CN	730785 3/5/1946	IRRIGATION	CN	6		+	4.		-	-	-			-	-	\vdash		+	X	-
Additional Info:					X													X		1
3 W NELSON App: 521453 Permit: 516830																	X			
Cert: 20013 data Cert: 20013 OR CN	T10785 3/5/1946	TRUTGATION	CN	1		+	+	-	+		-		-	-	-		1	1-8	+	+
Additional Info:				/											1			-		
J W NELSON App: 521453			/											1	Y					
Permit: \$16830 Cart: 20013		IRRIGATION/	/_			-	-		-		100			/					-	
Additional Info:	T10785 1/5/1946	IRRIGATION	CH	44					24,	4 25-4	3,2	24-4	1/	444						
J W NELSON App: S21453		/				-1							1							
Permit: \$16830 Cert: 20013		/																		
led Cert22067 OR *	6/12/1952	IRRIGATION													1.8					
Additional Info: W.E. LIMPUS App: 527319																				
App: 527319 Permit: 521481 Cert: 22067									0											B
4.C Certi22067 OR *	6/12/1952	IRRIGATION		,					7					9.6		T				
Additional Info: W.E. LIMPUS																				
App: 527319 Permit: 521481																		13		
Cart: 22067	6/12/1952	IRRIGATION		44							-	-		0,4		+				
Additional Infa:																				
W.E. LIMPUS App: 527319 Permit: 521481																				
Cert: 22067	applicate	IRRIGATION	-								-	-	-	-	-	+	+			0.1
Additional Info:	6/43/1953	INTERNATION														1			15.8	0.1
Additional Info: CECIL E HINES App: \$28690																				
Permit: 522591 Cert: 22579									-1/-		1	1								
g Certi26791 OR *	3/14/1958	PRIGATION	-	47				29		B		1.5			1			9		
																			4	

1 of 3

Permit: \$24094	_				1	1	ı		1				1	1	1	1	11	
Cart: 26791 Stiest Cart:27036 OR *	11/15/155	IRRIGATION	47		+	21	,							-	10	+	+	
		LINGUATION	**			1	1											
Additional long: MININGE LA FOLLET Agg: \$26644 Parmer: \$20871 Curt: \$2005	+																	
	12/3/1969	IRRIGATION CN	47		-	3.	6				197							
Additional Info HARDID DURCALE Ago: \$4550 Permit: 334655														1	-		+	
Cert: 43538 Splitt Cert:45013 0R *	1271 121 581	IRRIGATION .	47		-	10									,	+	\vdash	
Additional Info: LOTAL & COLETA LEFORE App.: \$45650 Permit: \$34643		- 3-0-2-9-11-10-15	7						Ĭ									
Cert: 45013 Sales: Cert: 81021 08 *	7/8/1971	DISTREAM USES	-		1	•				•								
Additional Left; CITY OF MILLSBORD Appl; S46420 Permit: 535782 Cart: 61021																		
Saint Certision on *	6/26/1958	MUNICIPAL USES						•										
Additional Info: CTTY OF MILLSDORG App: 532421 Permit 532139																		
Cart: 61020 Salast Cort:81022 OR *	6/26/1958	MUNICIPAL			-									+	+	+		
Additional Info: CITY OF POREST GROVE App: 540359 Permit: 537837 Cart: 61022		uses																
Saint Certis5916 OR *	4/28/1976	HUNICIPAL			\top			•										
Additional Info: CITY OF FOREST GROVE App: 554203 Fermit: 546615 Car:: 65916		USES																
Spinit Cert: 65913 OR *	2/6/1974	MUNICIPAL USES						٠										
Additional Lobs: CITY OF HILLSBORD WATER DEPARTMENT; HILLSBORD CIVIC CENTER App.: 551643 Partnet: 346433 Cart: 55913																		
Salest Inchester T 10888 CF RR (REG) DN	2/20/1963	IRRIGATION DN						(10)	(13)		(4)	(4,2)	(4.3)					
Additional Infa: ROY MALENSRY App: \$38447 Permi: \$35792					+													/
Salect Inchester T 10666 CF RR (REG) DN	2/20/1963	SUPPLEMENTAL DN	/		-	30)				(26-6)	(11-3)	(11)	(1:6)		11	11		
Additional Info: ROY MALENSKY (Apr.: \$38447 Parmit: \$35792		(Supplimit)												1	1			
Saint Certi66642 CF • Additional Info:	12/3/1969	IRRIGATION	47			3.	3								1			
Additional Infer MATT NEWTON App: 194659 Permat 334655 Cert: 66643																		
Salect Cartie7719 RR * Additional Infa: JW NELSON	3/5/1946	IRRIGATION	2						1.2									
App: 521453 Parmit: 516830 Cart: 97719 Salact Corts87719 RR *	31511544	IRRIGATION															Ц	
Address Info: JW NELSON App: 521453 Permit: 516910	3/3/1949	Indiantion	3									6						
Cert: 87719 Islant Cert: 87719 RR *	3/5/1946	IRRIGATION	4				-				4.4				+	+	H	
Additional Info: J W NELSON App: S21453 Permit 516830											Ĭ							
Certi 67719 Selast Certi 87719 RR *	3/5/1946	IRRIGATION	5			+	+			2.4				+	+	+	H	
Additional Infa: 3 W NELSON App: 521453 Parmit: S16930																		
Cert: 87719 Salact Cert:87719 RR *	3/5/1944	IRRIGATION	6			20	-											
Additional Infe: 1 W NESON App. \$21453 Permit: \$16350	3/5/1945	INUGATION	6			8.0												
Certs 07719 Select Certs07719 RR *	3/5/1946	IRRIGATION	,													1.0		
Additional Infa: 1 W NELSON App: 521453 Permit: 516330																-10		
Cert: 87719 Stlett Cert:87719 RR *	3/5/1946	IRRIGATION	44				5	4.0	2.0	94.0			-				H	
Additional Info: 1 W NELSON App: S21453 Permit: S16830								6.8	7.2	21.6		4,4						
Cart: 97719 Sabut Certa97718 CF *	3/5/1946	DISTREAM		-			+						-				1.1	
Additional Infa: OREGON WATER RESOURCES DEPARTMENT App: \$21451 Parms: \$16430		uses														i		
Cert: 87718 Selest Cert: 88122 CF *	2/20/1963	IRRIGATION						-					1.1		-	-		
Additional Info: U.S. BUREAU OF RECLAMATION																		
App: 538447 Permit: 535792 Cert: 88122																		

inimit Certiffication CF *			2/20/1963	IRRIGATION	3								1					
Additional Info: U.S. BUREAU OF RECLAMATION App: 535447 Parmit: 535792 Cart: 65122																		
ESS Carts8122 CF *			2/20/1963	DRIGATION	43				7.5	15.3								
Additional Info: U.S. BUREAU OF RECLAMATION App: 535447 Fermit: 535792 Cart: 68122	no a	orthot																
niam Cort:88132 CF *			2/22/1963	IRRIGATION	44					0.2								
Additional feft: U.S. BLREAU OF REGLAMATION App: 539447 Parmit: 535792 Cert: 56122																		
Select Cortis8132 CF *			2/20/1963	TRAIGATION	47		0.3	5				1			0.6	0.7		
Additional Info: U.S. BUREAU OF RECLAMATION Age: 538447 Permit: 535792 Cart: 55122																		
iniati Certiss122 CF *			2/20/1963	SUPPLEMENTAL IRRIGATION									1)	1				
Additional Infa: U.S. BUREAU OF RECLAMATION App: 538447 Parmit: 535792 Cent: 88122				(Supplied)														
idied Certissiaa CF *	-		2/20/1963	SUPPLEMENTAL ERRIGATION	3								7.3					
Additional Info: U.S. BUREAU OF RECLAMATION App: 538447 Permit: 535792 Cart: 58122				(Supplimit)														
Salact CortiSS132 CF .			2/20/1963	SUPPLEMENTAL IRRIGATION	44					0.4								
Additional Info: U.S. BUREAU OF RECLAMATION App: 538447 Permit: 535792 Cart: 59122				(Suppfint)														
Salast Certi88122 CF *			2/20/1963	SUPPLEMENTAL	47	2	4.2 8	2			0.8				1	4,1		
Additional Info: U.S. BUREAU OF RECLAMATION App: 538447 Permit: 535792 Cert: 69122	VO	confli	ct	(Supplet)														
Salest Cert:87873 CF *			9/19/1951	INSTREAM			•						1				•	
Additional Info: OREGON WATER RESOURCES DEFA App: 526463 Parmit: 520745 Cart: 67873	RTHENT			uses														



DEQ seeks comments on the proposed permit renewal. For more information, see the public notice and associated documents.

Documents for public comment:

Public notice
Biosolids Management Plan
Mercury Minimization Plan
Recycled Water Use Plan
2013 Recycled Water Use Plan
Stormwater Management Plan
Thermal Load Management Plan

Other documents:

Washington County.

Information Summary

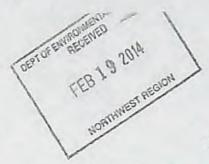
Dry Season Discharge from the Forest Grove and Hillsboro Wastewater Treatment Facilities through a Natural Treatment System. NPDES Permitting Report.

Hearing

When: 6 p.m. Thursday, Nov. 12, 2015 Where: Hillsboro Civic Center Auditorium 150 E Main Street, Hillsboro, OR 97123

Send written comments by mail, fax or email to:

Mark Hynson Water Quality Specialist Admir prouss while DEQ works, Partitions is the biosolids of works, recycled water coordinator



Biosolids Management Plan For Clean Water Services NPDES Permit No. 101141, 101142, 101143, 101144 File No. 90735, 90745, 90752, 90770

INTRODUCTION

Clean Water Services (District) owns and operates a municipal wastewater collection and treatment system, and manages a biosolids land application program. Wastewater processed by the treatment works is primarily of domestic origin, but a formal pretreatment program is required to be implemented under the District's National Pollutant Discharge Elimination System (NPDES) permit. The District also receives and processes septage. This Biosolids Management Plan, as required by the NPDES permit, outlines the liquids and solids processes at the facilities, how biosolids are managed to meet federal and state requirements, and how the biosolids land application program is operated. The District's biosolids management plan was originally approved by the Oregon Department of Environmental Quality (Department) in 1990 and is being updated at this time to address permit renewal.

WASTEWATER TREATMENT FACILITIES

The District operates four wastewater treatment facilities within Washington County, Oregon, that are designed to treat a combined total dry weather flow of approximately 71.3 million gallons per day (MGD). These facilities are:

FACILITY:	DURHAM	ROCK CREEK	HILLSBORO	FOREST GROVE
Address	16580 SW 85 th Tigard, OR 97224	3235 SW River Rd. Hillsboro, OR 97123	770 South First Str. Hillsboro, OR 97123	1345 Fernhill Rd. Forest Grove, OR 97116
Discharge Season	Year-round	Year-round	High flow period	High flow period
Discharges to	Tualatin River	Tualatin River	Tualatin River	Tualatin River
Discharge Location	Mile 9.2	Mile 37.7	Mile 42.9, 43.3	Mile 53.8
		Design Flows		
Dry	31.0 MGD	41.3 MGD	Non-discharge	Non-discharge
Wet	47.0 MGD 57.5 MGD 14.0 MGD		14.0 MGD	20.0 MGD
Peak	140.0 MGD	200.0 MGD	14.0 MGD	20.0 MGD
		Average Flows		
Typical Average flows	25.1 MGD	32.4 MGD	4.5 MGD	4.9 MGD
Dry	24.5 MGD	27.1 MGD	Non-discharge	Non-discharge
Wet	27.75 MGD	35.5 MGD	5.3 MGD	5.5 MGD
Peak Day	61,0 MGD	68.5 MGD	12.4 MGD	14.3 MGD
	97.1% domestic	83.3% domestic	98.4% domestic	94.9% domestic
Flow Origins:	2.99% industrial	16.7 % industrial	1.6% industrial	5.1% industrial
	0.03% septage	0.005% septage	no septage received	no septage received

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 2 of 31

LIQUIDS PROCESSING

Durham

Preliminary and Primary Treatment

The Durham AWWTF receives influent flows from four interceptors serving the Durham Basin: Upper Tualatin, Lower Tualatin, 85th Avenue, and Fanno Creek. The current Influent Pump Station (IPS) has a total rated capacity of 180 MGD and a firm capacity of 140 MGD. The IPS has two wetwells that may be run individually or at the same time. Each wetwell is equipped with two 25 MGD, 600 hp influent pumps and one 40 MGD, 1000 hp influent pump. All pumps are equipped with variable frequency drives. The IPS was placed into service in 2007 and replaces the original Raw Sewage Pump Station. The IPS discharges to either a 42" force main or a 54" force main. During high flows, both force mains may be used. All force mains together handle a combined flow of 200 MGD; both force mains are equipped with magnetic flow meters. The force mains convey wastewater to the plant Headworks.

Preliminary treatment at the Headworks consists of rock removal, mechanical fine screening, rag removal, grit removal and flow measurement. These facilities are housed in an enclosed headworks facility equipped with odor control. Wastewater entering the Headworks passes through a rising well where rocks settle out and are removed annually. The flow is then divided to four parallel channels, each containing a mechanical 3/8" fine screen and an induced-vortex grit removal system. Two of these channels are rated at 40 MGD each; the remaining two are rated at 60 MGD each. Alum and polymer may be fed at the headworks flumes to enhance primary treatment and provide for phosphorus removal in the primary process.

Primary treatment is provided in two 120 foot-diameter primary clarifiers that were constructed in 1976, and rated at 18.8 MGD each; and two130 foot-diameter primary clarifiers constructed in 1991 and 1994, rated at 34 MGD each. Primary sludge is withdrawn in dilute form and little or no sludge blanket is maintained in the clarifiers. All four primary clarifiers are covered and ventilated to odor treatment systems.

Primary effluent from Primary Clarifiers #1 and #2 is collected in an excess flow diversion structure. During peak flow events, flow can be diverted to the surge basins or downstream processes from this structure. Lime may be fed at the excess flow diversion structure during the nutrient removal season to provide alkalinity for nitrification. The primary effluent then flows to the Primary Effluent Pump Station (PEPS) where it is combined with the effluent from Primary Clarifiers #3 and #4. The PEPS pumps and distributes primary effluent to the four activated sludge aeration basins.

Biological Treatment

Secondary treatment is provided in four parallel trains containing activated sludge aeration basins, secondary clarifiers and return activated sludge/waste activated sludge (RAS/WAS) pumping. During the summer nutrient removal season, the activated sludge process is operated in an enhanced biological nutrient removal (EBNR) mode. During the winter, the system is operated for carbonaceous biochemical oxygen demand (CBOD5) removal using a step feed configuration.

Each activated sludge aeration basin has a dedicated secondary clarifier where alum may be added for additional phosphorus removal. Secondary effluent is collected in the secondary effluent splitter box where it can be conditioned with alum for final phosphorus polishing and split evenly between the three chemical clarifiers.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 3 of 31

When operated in the EBNR mode with nitrification, each activated sludge train has an estimated maximum-month capacity of 7.7 MGD, providing a total capacity of 31 MGD. During winter operation for CBOD5 removal only, the secondary treatment process has a total rated capacity of 80 MGD during maximum-week conditions. Primary effluent flow above 80 MGD is diverted around secondary treatment.

Clarification Process

Three chemical clarifiers provide parallel treatment of secondary effluent. The chemical clarifiers have a total design capacity of 75 MGD. Alum may be added during the summer season when phosphorus removal is required. The chemical clarifiers have a mechanical flocculation zone at the influent of each clarifier. The flocculators are typically operated only when alum is being fed.

Disinfection

Disinfection is achieved using sodium hypochlorite. Three chlorine contact basins (CCBs) are located ahead of the effluent filters. The hypochlorite feed is flow-paced and added to the chemical clarifier effluent. Low pressure air is provided to maintain any solids in suspension, to augment effluent dissolved oxygen levels and provide mixing for better disinfection.

Chlorine may also be added at the excess flow diversion structure for flow to the surge basins. This ensures that any flow discharged from the surge basin is disinfected. Sodium bisulfite is then added to dechlorinate the disinfected surge basin effluent prior to discharging to the receiving stream.

Filtration Process

Thirteen mixed-media filters are used to filter effluent following disinfection. During the summer, three filters can be dedicated to the production of recycled wastewater, with filtered effluent entering a separate reuse clearwell. Filter backwash is directed to the filter backwash basin, which drains back to the Fanno Creek Interceptor.

Based on design criteria of 3 GPM/square foot and two filters out of service for backwash, the filtration capacity is 45 MGD. During the winter season when the loading rates can be higher, the capacity is approximately 60 MGD on an average day basis. During peak flows, the capacity is 100 MGD for short-term events, but 85 MGD for sustained events.

Filtered effluent enters a clearwell which may be aerated using coarse-bubble diffusers, though this process is rarely needed to meet the dissolved oxygen limits. Sodium bisulfite solution is flow-paced and fed to the filtered effluent as it leaves the clearwell. Following dechlorination, the effluent is discharged to the Tualatin River through the plant outfall and diffuser.

All flow through the plant receives a minimum of primary clarification, disinfection and dechlorination. When flows exceed 80 MGD (the capacity of the biological process), the excess flow is diverted to the surge basins. From there, the flow may be:

- · Returned to the plant for full treatment by way of the excess flow diversion structure;
- Returned to the plant for filtration prior to dechlorination and discharge;
- Allowed to discharge to the wet weather outfall; or
- Drained back to the Fanno Creek Interceptor.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 4 of 31

Rock Creek

Raw sewage flows through a 72-inch interceptor to the Rock Creek Raw Sewage Pump Station. One or more of seven raw sewage pumps are available with five sized at 35 MGD, and two sized at 25 MGD, to deliver raw sewage to three mechanically-cleaned fine bar screens located in the Headworks Building. Total pumping capacity is 225 MGD. The flow pumped to the fine bar screens is measured using magnetic flow meters located in dual force mains.

Along with the three fine bar screens having a total capacity of 200 MGD, grit and other screenings are removed. Rags are washed, compacted, and removed to a roll-off container for landfill disposal with the grit.

The screened sewage then flows to one or more of five primary sedimentation tanks. Three circular tanks, each with a volume of 1.62 MG, are used exclusively for flows up to 150 MGD. In the event flows reach 150 MGD, the two empty rectangular tanks, with a volume of 0.56 MG each, may be used. From this primary treatment system, the primary effluent flow can be sent to either of two (or both) secondary treatment systems, west-side or east-side, designed to perform biological nutrient removal (BNR).

Biological

The west-side system consists of two diffused-air aeration basins followed by six secondary clarifiers. The aeration basins have a volume of 2.17 MG each and the secondary clarifiers have a volume of 0.986 MG each.

The east-side system consists of four diffused-air aeration basins followed by four secondary clarifiers. The aeration basins have a volume of 1.7 MG each and the secondary clarifiers have a volume of 2.07 MG each.

Filtration

Secondary effluent from the west side flows through two high rate clarifiers (HRC) with optional chemical addition for TSS and/or TP removal. Winter capacity of HRC is 44 MDG and summer capacity is 30 MGD.

Secondary effluent from the east side system flows through ten (10) mono-media gravity filters with a combined capacity of 80 MGD.

Clarification

During the phosphorous removal season, east secondary effluent can be directed to four claricone upflow solids contact chemical clarifiers, having a combined flow capacity of 20 MGD. When these units are in use, flows in excess of 20 MGD can be directed to two direct filtration channels prior or HRC. Also, during the phosphorous season, west secondary effluent is chemically treated through HRC. Effluent from the HRC can then flow by gravity to the west CCBs or is pumped to the east side filters.

Disinfection

Filtered effluent flows into the East CCB with a volume of 0.697 MGD and the two west CCBs with a volume of 0.697 MGD. The two west CCBs with a volume of 0.317 MGD each receive gravity flow from HRC. CCB #1 can also be used to produce recycled water depending upon irrigation demand. Effluent is then de-chlorinated with sodium bisulfite and then discharged to the Tualatin River via two outfall lines; one a 60-inch outfall and the other, a 96-inch outfall.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 5 of 31

Hillsboro

The Hillsboro Wastewater Treatment Facility (WWTF) provides wastewater treatment for the western region of the city of Hillsboro and the southeastern area of the city of Cornelius. The Hillsboro WWTF currently operates and discharges to the Tualatin River only during the wet weather permit season.

The wet weather period begins the earlier of a) the first day after September 30th when the seven-consecutive-day median of daily mean flow in the Tualatin River as measured at the Farmington gauge is at least 350 cfs; or b) November 15th. Effluent is discharged directly to the Tualatin River during the wet weather period. The NPDES permit defines discharge outfall H001 as the discharge location for Hillsboro WWTF.

The dry weather period begins the earlier of a) The first day after April 30th when the seven-consecutive-day median of daily mean flow in the Tualatin River as measured at the Farmington gauge is less than 250 cfs; or b) July 1st. During the dry weather period, 100% of influent flow is pumped to the Rock Creek facility for treatment. Dry weather pumping is accomplished by the facilityfa High Head Pump Station (HHPS). Influent flows are sent to the HHPS after screening and grit removal.

The Hillsboro WWTF is designed to treat an average dry weather flow of 4.5 MGD and a daily wet weather peak hydraulic loading of 14.0 MGD. Flow is composed of 98% domestic and 2% industrial. The facility does not accept septage.

The Hillsboro WWTF provides screening and grit removal, primary clarification, secondary treatment with an activated sludge process, secondary clarification, and ultraviolet (UV) disinfection. Biosolids produced at the facility are pumped to the Rock Creek AWWTF, for further processing.

Headworks

The Hillsboro WWTF receives wastewater from Hillsboro, south Cornelius, North Plains and Banks service areas. Part of the influent flow enters the Headworks by gravity and part is pumped to the Headworks from the Influent Pump Station. The Headworks provide screening, grit removal, sampling and flow measurement.

The Headworks include two 3.5 foot-wide bar screens and two 15-foot diameter vortex grit basins. Each screen has its own Schreiber rag washer/compactor that augurs the washed and compacted screenings into a dumpster. Grit slurry is pumped by two recessed-impeller pumps into two parallel grit cyclones, discharging into a common grit classifier. Classified and dewatered grit is then discharged to the dumpster, along with the screenings as previously described. The Headworks are designed to handle a range of flows from 1.5 to 40 MGD.

Influent Pump Station

The newly-constructed Influent Pump Station (IPS), has a wet pit configuration with four submersible pumps, all with variable frequency drives. The two smaller pumps will have an operating range of 700 to 3500 GPM (up to 5.0 MGD), and the larger two will operate in the range of 2,450 and 7,015 GPM (up to 10 MGD), offering a large range of operational flexibility.

Primary Clarifiers

The Hillsboro WWTF has two 60-foot diameter primary clarifiers, each with 10-foot sidewater depths. The clarifiers have domed covers and affiliated odor control systems. The clarifiers have a

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 6 of 31

design peak hour flow (PHF) surface overflow rate (SOR) of 2,500 gpd/sf. The design rating corresponds to a PHF capacity of 7 MGD and 14 MGD with one or both units in service, respectively.

Secondary Treatment

Aeration Basins:

The Hillsboro WWTF currently has one, 1.04 MG fine-bubble aeration basin with a 14.6-foot sidewater depth. The basin is compartmentalized into eight zones, allowing operation in either contact stabilization mode or plug flow mode with an anaerobic selector.

Blowers:

The Blower Building contains three 3,130 scfm, 250-hp multistage centrifugal blowers. The existing firm capacity of the blower system is 6,260 scfm with two blowers in services and one in reserve status; with total existing capacity at 9,390 scfm. There is space available for one additional blower.

Aeration blowers also provide both aeration and channel agitation air to the Headworks and to the UV influent channel. Channel air control is achieved by manually adjusting a valve to throttle airflow.

The dissolved-oxygen (DO) control system includes air supply control through throttling valves to maintain a DO setpoint and a blower inlet valve throttling to maintain a setpoint discharge header pressure.

Secondary Clarifiers

There are three secondary clarifiers at Hillsboro WWTF. Clarifiers 2 and 3 (each 80-foot diameter, 13-foot sidewater depth), were constructed in 1982. Clarifier 1 was constructed in 1996. Clarifier 1 is 112 feet in diameter with an 18-foot sidewater depth.

Mixed liquor flow from the aeration basin(s), is split between Clarifier 1 and Clarifiers 2 and 3. Flow splits are controlled manually with gates out of the aeration basin and there are no flow meters to individual clarifiers. Clarifiers 2 and 3 are rated at 6.4 MGD each, equating to a PHF surface overflow rate (SOR), of approximately 1,270 gpd/sf. Clarifier 1 is rated at a PHF capacity of 13.4 MGD based on a design (SOR), of 1.340 gpd/sf.

Return Activated Sludge (RAS) Pumps:

There are three, 10 hp centrifugal RAS pumps with a pumping capacity of 2 MGD, each dedicated to Clarifiers 2 and 3.

There are three variable speed submersible RAS Pumps, one at 7.5 hp with a pumping capacity of 1.7 MGD; and two at 25 hp and a pumping capacity of 3.2 MGD each, dedicated to Clarifier 1, exclusively.

RAS Flow Meters:

There are two 8"2magnetic flow meters with a capacity of 7 MGD, each.

WAS Flow Meter:

There is one magnetic flow meter having a capacity of 90 GPM.

UV Disinfection

The Ultraviolet (UV) disinfection system utilizes a low pressure/high output ultraviolet system with two channels, each with a capacity of 18.0 MGD for a total capacity of 36 MGD.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 7 of 31

High Head Pump Station

During peak flows, all influent flow in excess of 20 MGD is directed to the High Head Pump Station (HHPS), for transfer to the Rock Creek AWWTF. The HHPS is connected to the twin 24-inch pipelines running between and connecting the Forest Grove, Hillsboro and Rock Creek Facilities. This connection allows transfer to the Rock Creek AWWTF of raw or treated wastewater, along with the secondary solids produced at the Hillsboro and Forest Grove Facilities. The wastewater is then treated and discharged at the Rock Creek AWWTF.

The HHPS includes the following equipment:

- · Two Rock Creek transfer pumps one RS and one RWR, each 13 MGD and 400 hp
- Two transfer pump flow meters 16 MGD and 400 uipme
- · Two irrigation pumps (each 2,000 GMPM and 150 hp)
- · One irrigation pump flow meter (12000 GMPM and 150 ent: ong with t
- · Two plant water pumps (each 200 GPDM and 20 hp)
- Two effluent pumps (each 14 MGD and 75 hp, for high river stage discharge)

Typically, the Forest Grove and Hillsboro Facilities treat wastewater and discharge to the Tualatin River during the wet season and transfer the wastewater to the Rock Creek Facility for treatment and discharge during the dry season.

Forest Grove

Plant influent is primarily domestic wastewater with an industrial contribution of about 5.1%.

The Forest Grove WWTF is designed to meet the flows and loading projected through 2025 unless noted otherwise. Provisions for future treatment have been made (but, not currently provided) to include the additions from the proposed tie-in of the Council Creek Pump Station unless otherwise noted.

Provisions have also been made (but, not currently provided) for the anticipated permit revision to allow year-round discharge to the Tualatin River.

The Forest Grove WWTF is designed to handle an average summer hydraulic loading of 4.6 million gallons per day (MGD); monthly average mass loading of 7,800 pounds per day (lb./day) of BOD (peak month of 11,100) and 6,300 lb./day of TSS (peak month of 10,600).

The Forest Grove WWTF is designed to handle a peak hour hydraulic loading of 20 MGD with the following exceptions:

- The influent screens and grit basins are all designed to handle the additional flows from the Council Creek Pump Station that are projected to result in a combined flow of 20 MGD.
- Secondary treatment and disinfection is limited to 20 MGD. Excess flows are transferred by the High Head Pump Station (HHPS) to the Rock Creek AWWTF. The HHPS capacity varies based on the transfer line situation; at most, the HHPS can pump up to 20 MGD to the Rock Creek AWWTF.

The Forest Grove WWTF includes screening and grit removal, secondary treatment with an activated sludge process, secondary clarification, and UV disinfection. Solids produced at the Forest Grove WWTF are pumped to the Rock Creek AWWTF for further processing.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 8 of 31

Headworks

The headworks of the Forest Grove WWTF contains equipment for screening the raw wastewater as well as classifying the grit from the grit basins. Rags, sticks, and other debris are removed by mechanical bar screens to prevent plugging of downstream equipment. Screenings are conveyed by a sluice trough to washer/compactors and disposed of into a roll-off container.

The Headworks includes Two bar screens rated at 20 MGD each; two washer/compactors rated at 86 cubic feet per hour (cu.ft./hr.); two grit classifiers rated at 0.7 tons of grit/hour (corresponding to at least 20 MGD), each.

Influent Pump Station

The Influent Pump Station (IPS) lifts flows and provides the hydraulic head for the remainder of the treatment processes. It has six pumps rated at 6.3 MGD each.

Grit Basin

The grit basins remove grit from the screened wastewater. Grit consists of sand, gravel, and other inorganic and organic material such as coffee grounds and rice that are not readily biodegradable. Grit is removed early in the process to prevent abrasion of downstream equipment. The grit basins consist of two vortex grit basins rated at 20 MGD each.

Secondary Treatment

Secondary treatment removes dissolved and suspended material from the wastewater stream through metabolic and oxidative bacteriological processes. Removal rates greater than 90% of BOD and TSS are expected. The secondary treatment system consists of two aeration basins at 0.8 MG in volume and designed for 4.6 MGD average dry weather and 20 MGD peak wet weather each, and two secondary clarifiers 96.7 ft. diameter, 14.5 ft. SWD, rated at 10 MGD peak wet weather each.

Disinfection

Disinfection of the secondary effluent is provided to ensure that the standard of less than 126 organisms per 100 mL as a monthly geometric mean and less than 406 organisms per 100 mL on a single sample for *E. coli* bacteria is met during the wet season. The disinfection system consists of two Trojan 4000 medium pressure UV disinfection units. The units are rated at 30 m W-s/cm2 design dose at a peak flow of 10 MG each and a transmittance (water clarity at 254 nM wavelength) of 55%.

High Head Pump Station

The HHPS allows transmission of screened and de-gritted wastewater and solids to the Rock Creek AWWTF for treatment. It also allows for the distribution of treated effluent to on-site or off-site storage as well as on-site or off-site irrigation.

The HHPS is connected to the twin 24-inch pipelines, RS and RWR. This connection allows the transfer of raw (screened and de-gritted) or treated water as well as secondary solids to the Rock Creek AWWTF. The planned 10 MGD pump at the Rock Creek AWWTF will allow treated Rock Creek plant effluent to be sent through the RWR line, either for Forest Grove on-site storage or to on-site irrigation.

The HHPS consists of one low pressure feed pump rated 5 MGD, one high pressure feed pump rated at 10 MGD, and one irrigation pump rated at 10 MGD.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 9 of 31

Effluent Pumping

Effluent pumping is provided to deal with periods of time when the receiving stream is at high elevation and gravity flow is limited due to limited head difference. This function is accomplished using four variable-speed pumps rated at 6.7 MGD each.

SOLIDS PROCESSING

Durham

Primary sludge is pumped to a gravity thickener from where it is pumped to an intermediate digester feed tank before being pumped to the digesters. Waste activated sludge is pumped to a thickened feed tank. The flow from this storage tank is thickened using centrifuges before being stored in the centrifuge-thickened waste activated sludge (CTWAS) tank. From here it is pumped to the blend tank before being fed to digestion. Either or both sludges may be pumped directly from the gravity thickener and/or the CTWAS tank, then to digestion. Sampling occurs directly upstream of the common feed flow meter.

The anaerobic digestion process consists of a total of six tanks. The capacities and usage of these tanks is as follows:

Designation	Capacity	Usage
Digester #1	1.3 MG	Anaerobic digester: active digestion of plant solids. In previous descriptions, this tank's designation was Digester #4.
Digester #2	1.3 MG	Anaerobic digester: active digestion of plant solids. In previous descriptions, this tank's designation was Digester #2.
Digested Sludge Holding Tank #1	0.707 MG	Holds digested biosolids prior to dewatering. If one of the two active digesters must be removed from service, this tank may be used as an active digester.
Digested Sludge Holding Tank #2	0.707 MG	Used as additional digested biosolids storage as needed. In previous descriptions, this tank's designation was Digester #3.
Digested Sludge Holding Tank #3	0.707 MG	Used as additional digested biosolids storage as needed. In previous descriptions, this tank's designation was Digester #2.
Future Gas Storage	0.707 MG	Future storage tank for digester gas. In previous descriptions, this tank's designation was Digester #1.

Solids stay in the active anaerobic digesters an average of 25 days. The typical operating temperature of the anaerobic digesters is 97 degrees Fahrenheit. Volatile solids reduction averages between 50 and 60 percent.

Biosolids are pumped from the digested sludge holding tanks to one of two dewatering centrifuges. The dewatered biosolids are then loaded into trucks for transportation to application sites.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 10 of 31

Based on data collected during 2009-2011, the Durham AWWTF has an annual average sludge production of 15 MG of primary sludge and 14 MG of secondary sludge. After anaerobic digestion total biosolids production is approximately 4,448 dry tons per year.

Rock Creek

Primary solids are settled in three primary sedimentation tanks with a volume of 1.62 MG each. The resultant sludge is raked into hoppers from where it is pumped to the Vortex Grit separator. The degritted primary sludge is then pumped to the Thickening Feed Tank (TFT). The TFT has a volume of 0.66 MG. Claricone chemical sludge is also pumped to the TFT in the summer and the mixed sludge is thickened over gravity belt thickeners. Secondary sludge is drawn from the RAS with centrifugal pumps and sent directly onto gravity belt thickeners. The two (2) thickened sludge streams come together and are then pumped to the anaerobic digestion process.

The anaerobic digestion process consists of a total of six digester tanks. The capacities and usage of these tanks is as follows:

Designation	Capacity	Usage
Digester #1	0.66 MG	Dewatering feed tank: anaerobic, digested solids from the active digesters flow into this tank which is then pumped to the dewatering centrifuge or belt filter presses.
Digester #2	0.66 MG	Thickening feed tank: degritted primary sludge and claricone chemical sludge are pumped into this tank which then feeds the gravity helt thickeners. The combined thickened sludge is then pumped into the active anaerobic digesters.
Digester #3	0.66 MG	Anaerobic digester: active digestion of plant solids
Digester #4	0.66 MG	Anaerobic digester: active digestion of plant solids
Digester #5	1.42 MG	Anaerobic digester: active digestion of plant solids
Digester #6	1.42 MG	Anaerobic digester: active digestion of plant solids

Solids stay in the active anaerobic digesters an average of 25 days. The typical operating temperature of the anaerobic digesters is 97 degrees Fahrenheit. Volatile solids reduction averages between 50 and 60 percent.

The digested biosolids are pumped to the dewatering process. The dewatering process consists of one centrifuge and four twin-belt presses. Digested biosolids are conditioned with polymer and typically dewatered to between 14-16 percent solids on the twin belt presses or to 22-25 percent solids in the centrifuge. The digested, dewatered biosolids are then loaded into trucks for land application.

The Rock Creek AWWTF had an annual sludge production of 31 MG of primary sludge, and 28 MG of thickened secondary sludge during 2011. After anaerobic digestion and dewatering, total biosolids production was approximately 7,000 dry tons.

Hillsboro

Primary and waste activated sludge is transferred to the Rock Creek AWWTF for further digestion and processing. No biosolids are generated at the Hillsboro facility.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 11 of 31

Forest Grove

Waste activated sludge is transferred to the Rock Creek AWWTF for further digestion and processing. No biosolids are generated at the Forest Grove WWTF.

SEPTAGE PROCESSING

The Durham and Rock Creek AWWTFs routinely accept residential septage and chemical toilet wastes. The Hillsboro and Forest Grove WWTFs do not accept septage. Based on data from 2009 - 2011, the annual average number of gallons received at the Durham AWWTF was 2.93 million gallons and the annual average number of gallons received at the Rock Creek AWWTF was 0.595 million gallons. Septage hauling to District facilities is regulated under the District's Industrial Pretreatment Program. Septage haulers must be approved by the District prior to discharging into the Durham or Rock Creek AWWTFs. The District requires that septage haulers have a valid Sewage Disposal Service license issued by the State of Oregon Department of Environmental Quality. The Durham AWWTF has an automated septage receiving station that is capable of sampling and monitoring pH and flow for each load of septage delivered. At the Rock Creek AWWTF, septage haulers are required to provide a sample and to measure and record pH for each load of septage delivered. Septage samples may be analyzed by the District to screen for unsuitable or prohibited loads.

PRETREATMENT PROGRAM

The District has an industrial pretreatment permitting system in effect that was approved by the Department in 1983. This system is reviewed annually.

BIOSOLIDS TREATMENT PROCESSES

Under 40 CFR Part 503 and Oregon Administrative Rules Chapter 340, Division 50, pathogen reduction and vector attraction reduction for biosolids must be met prior to land application. Vector attraction reduction requirements can also be met at the time of land application if biosolids are injected below the surface of the land or incorporated into the soil within six hours after application to the land. Biosolids are categorized as Class A or Class B depending on the method used to determine pathogen reduction. Biosolids may also be classified as exceptional quality (EQ) if the product meets: pollutant concentration limits in 40 CFR Part 503, one of the Class A pathogen reduction alternatives in 40 CFR §503.32(a) and one of the vector attraction reduction options in 40 CFR §503.33(b) (1) through (8). To meet regulatory requirements, pathogen reduction must be met before or at the same time that vector attraction reduction is achieved.

The District will certify in writing that Class B pathogen requirements and vector attraction reduction requirements are met. The District will also notify the Department in writing and obtain written approval prior to any process change that would use a pathogen reduction or vector attraction reduction method other than what is specified in this biosolids management plan.

Pathogen Reduction

Durham and Rock Creek AWWTFs

Pathogen reduction requirements of 40 CFR Part 503 and OAR 340-050 are met through Anaerobic Digestion. Sewage sludge is treated in the absence of air for a specific mean cell residence time (i.e., solids retention time) at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35°C to 55°C (131°F) and 60 days at 20°C (68°F).

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 12 of 31

Vector Attraction Reduction

Durham and Rock Creek AWWTFs

Vector attraction reduction requirements of 40 CFR Part 503 are met through Option 1: 40 CFR 503.33(b)(1): at least 38% reduction in volatile solids during sewage sludge treatment.

Biosolids Storage

Durham

The 0.707 MG holding tank (#1) at the Durham AWWTF provides up to seven days of biosolids storage. A second holding tank of 1.3 MG is also available. The dewatered biosolids silos have a total capacity of 120 wet tons and provide two days of storage. No further processing takes place during storage.

Rock Creek

The dewatered biosolids silos have a total capacity of 120 wet tons and provide an additional two days. No further processing takes place during storage.

Staging

The unloading and placement of biosolids in one area at a land application site may occur on a limited time basis. If staging of biosolids occurs, the requirements outlined in the site authorization letters for each site will be followed.

Field Storage

Field storage is not authorized by the Department at this time.

Transportation

Dewatered, pathogen Class B biosolids cake is transported from the Rock Creek and Durham AWWTFs by contract haulers. Contract(s) include provisions for emergency backup hauling should the primary hauler be unable to meet the hauling needs or schedules. Hauling equipment consists of dump trucks and dump pup trailers with a combined payload of approximately 30 wet tons per load. All dump boxes are required to be water tight and be tarpped during biosolids hauling. Contract haulers are required to provide the District with a Spill Response Plan describing haul routes, safety and spill response. Biosolids are delivered to either a local application site or to an arid land site in eastern Oregon.

Remedial Procedures

All spills into waters of the state or spills on the ground surface that are likely to enter waters of the state will be reported immediately to Oregon Emergency Response System (OERS) at 1-800-452-0311. All spills of ¼ cubic yard or more on the ground surface will be reported to the Department's regional biosolids specialist within one hour of the spill incident.

Spill During Transportation of Biosolids

The District requires each contract hauler to have a written Spill Response Plan. The Spill Response Plan becomes part of the contract between the District and the hauler. Each plan requires that the hauler notify the District, DEQ and the Oregon State Police in the event of a spill. Each plan also requires the hauler to be equipped to clean up any spill that may occur and to train employees on all aspects of the plan.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 13 of 31

Solids Treatment Process Failure or Modification

Both Durham and Rock Creek AWWTFs have limited dewatered cake storage capacity. However, both facilities have additional liquid storage capacity that could be used in the event that hauling of biosolids is interrupted. In addition, the District retains the option of storing biosolids on District facility properties by mixing the biosolids with sawdust and stockpiling. These biosolids would then be land applied once field and/or transportation conditions allow.

The District has a contract with the Columbia Ridge Landfill for emergency disposal of biosolids in the unlikely event of a process failure at either Rock Creek or Durham AWWTF. Should a process failure occur that effects the biosolids pollutant levels to the point that they no longer meet the limits in 40 CFR 503.13 Table 3, the District would begin monitoring and record keeping on accumulative loading and application site life for these biosolids. Should the pollutant levels in the biosolids not meet the limits in 40 CFR 503.13 Table 1, the District would not be able to land apply these biosolids and they would be disposed of at the Columbia Ridge Landfill until the biosolids once again meet the requirements for land application.

Monitoring and Reporting

Monitoring and Sampling Program

Class B Biosolids:

Biosolids produced at the Rock Creek and Durham AWWTFs meet the following requirements for classification as a Class B biosolids for land application.

1. Pollutant Levels

Rock Creek and Durham dewatered biosolids cake are sampled a minimum of once per 60 days and analyzed for the characteristics shown in Table 1 of 40 CFR 503.13. Biosolids from both facilities consistently meet the Ceiling Concentrations in Table 1 of 40 CFR 503.13 and the Pollutant Concentrations in Table 3 of 40 CFR 503.13.

2. Pathogens

Rock Creek and Durham biosolids are processed to comply with 40 CFR 503.32

Class B -- Alternative 2. The Process to Significantly Reduce Pathogens (PSRP) used is anaerobic digestion. The anaerobic digestion process is monitored to ensure that biosolids detention times exceed 15 days and that digester temperatures are maintained between 35 and 55 degrees C.

Temperatures are monitored continuously and detention times are calculated daily. These values are then graphed against one another to demonstrate that the anaerobic process is achieving required time and temperature levels necessary for pathogen reduction as defined in 40 CFR Part 503 Appendix B, A3.

3. Vector Attraction Reduction

Rock Creek and Durham biosolids are processed to comply with 40 CFR 503.33(b)(1) by the reduction of total volatile solids (TVS) of ≥38 percent during the anaerobic digestion process. TVS and volumes of digester feed and digester underflows are routinely monitored and calculations made to ensure that vector attraction reduction requirements are being met.

Determination of Total Volatile Solids Reduction by Digestion is calculated using the Approximate Mass Balance Method and the Van Kleeck Method as described in EPA Guidance Document # EPA/625/R-92/013 titled Control of Pathogens and Vector Attraction in Sewage Sludge. Periods of high influent flow tend to wash excessive amounts of inert material into the

treatment facility, which accumulate in the primary sludge being fed to the digesters. These events affect the results when the Van Kleeck Method of determining volatile solids reduction is used. The Approximate Mass Balance Method is relied upon during these high flow events. Both methods are graphed on an ongoing basis.

Water quality laboratory sampling frequency and analytical methods are as follows:

% TS, TVS	Monthly	SM 2540 G
NH3	Monthly	SM 4500 G
TKN	Monthly	EPA 351.2
TPO4	Monthly	EPA 365.4
CN	2 X year	EPA 9012A
Density	Monthly	WQL method
Hg	Monthly	EPA 245.1, 7470A
NO2,NO2NO3,NO3,SO4	Monthly	EPA 300
B,Ca,Fe,K,Mg,Na,S	Monthly	EPA 6010C
Ag,Al,As,Ba,Be,Cd,Co,Cr,Cu,Mn,Mo,Ni,Pb,Sb,Se,Ti,V,Zn	Monthly	EPA 6020A
PCB	2 X per year	EPA 8082
Pesticides	2 X per year	EPA 8081A
Semi-VOC	2 X per year	EPA 8270C
VOCs	2 X per year	
рН	Monthly	

Recordkeeping and Reporting Procedures

The District as the preparer and land applier of biosolids is required to maintain records to demonstrate that federal and state biosolids requirements are met. Records will be kept on file by the District, and will be available upon request by the Department. Monitoring and sampling records will be retained for a period no less than five years, unless otherwise required by the NPDES permit or a site authorization letter.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 15 of 31

The District maintains the following records on its biosolids program:

- 1. An individual file on each authorized application site which includes:
 - a. A description of the site;
 - The DEQ letter authorizing the site for biosolids application and detailing any special management practices to be followed at the site;
 - c. A pre-application notification letter for each site outlining the acres to be applied to, the crop to be grown, the nitrogen requirements, the estimated nitrogen in the biosolids to be applied and the estimated biosolids application to achieve this application rate. These letters are accompanied by a FACT SHEET and site authorization letter which includes any site restriction requirements.
 - A daily log showing the dates, load numbers, amounts and locations applied of all biosolids taken to the site.
 - A Field Completion Report and letter for each application performed on the site detailing the actual volume of biosolids and corresponding nitrogen applied.
 - f. Soil sampling and analysis data.
- 2. All data on biosolids sampling and analysis for:
 - g. Pollutant Levels
 - h. Demonstration of PSRP compliance for Class B biosolids;
 - i. Demonstration of VAR compliance for Class B biosolids;
 - j. Volumes in Dry Tons of all biosolids produced.
- 3. Certifications that all management practices have been met.

Annual Reporting

A report of biosolids land application activities will be prepared and submitted to DEQ and EPA annually on or before February 19. The report will consist of the following:

- A brief description of the biosolids land application program for the preceding calendar year, including any significant changes to the program;
- Certifications required under 40 CFR 503.17;
- 3. Table 1, Biosolids Production/Utilization (Dry Metric Tons) for reporting year;
- 4. Table 2, Monthly Average Metal Data (mg/Kg) for Durham;
- Table 3, Monthly Average Metal Date (mg/Kg) for Rock Creek;
- 6. Table 4, Volatile Solids Reduction (%) for Durham & Rock Creek;
- 7. Table 5, Process to Significantly Reduce Pathogens data for Durham & Rock Creek;
- 8. Table 6, Biosolids Application Characteristics (Used to calculate application rates);
- 9. Table 7, Field Completion Report Summary for reporting year;
- 10. Table 8, Soil Sampling Data for reporting year

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 16 of 31

Certification Statement

The District is capable of meeting Class B pathogen reduction and vector attraction reduction requirements. As required under 40 CFR §503.17, the District must retain a certification statement indicating whether compliance with pathogen reduction, vector attraction reduction, and certain site restrictions have been met. The certification statement must be retained for a period of five years, and must be submitted with the annual report that is due February 19th or as required by the permit. The District will retain the following certification statement and it will be signed by a principal executive officer or ranking elected official or their duly authorized representative.

"I certify, under penalty of law, that the information that will be used to determine compliance with the Class B pathogen requirements in 40 CFR §503.32(b)(3), the vector attraction reduction requirement in 40 CFR §03.32(b)(1), and the site restrictions in 40 CFR §503.32(b)(5) for each site on which Class B sewage sludge was applied, was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification, including the possibility of fine and imprisonment."

CARL COLORS COLORS COLORS CA		
Signature	Date	
0		

The District's contractors or property owner are also required as the land applier to certify that the management practices in 40 CFR §503.14 are being met. This certification includes that biosolids are being land applied at approved agronomic loading rates as specified in department issued site authorization letters.

"I certify, under penalty of law that the management practices in 40 CFR §503.14 have been met for each site on which bulk biosolids is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification, including the possibility of fine and imprisonment."

Signature	Date
Digitature	Date

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 17 of 31

BIOSOLIDS CHARACTERISTICS

Pollutant Characteristics

The following table is a representative mean biosolids analysis for pollutant characteristics for District biosolids. This data and all previous data indicate that pollutant concentrations for all regulated pollutants have been met.

Parameter	Biosolids Analytical Result (mg/kg)	Sample Date	40 CFR §503.13(b)(3) Pollutant Concentration Limits (mg/kg)
Arsenic (As)	7.9	2011	41
Cadmium (Cd)	1,1	2011	39
Copper (Cu)	327	2011	1500
Lead (Pb)	14.9	2011	300
Mercury (Hg)	0.76	2011	17
Molybdenum (Mo)	7.3	2011	-
Nickel (Ni)	26.9	2011	420
Selenium (Se)	5.3	2011	100
Zinc (Zn)	550	2011	2800

Nutrient Characteristics and Other Parameters

The following table is a representative mean biosolids analysis for nutrient characteristics and other parameters for District biosolids..

Parameter/measurement unit	Biosolids Analytical Result	Sample Date
Total solids, percent	21.7	2011
Volatile solids, percent	65	2011
TKN, percent	6.4	2011
NO ₃ -N, percent	0.0003	2011
NH ₄ -N, percent	0.68	2011
Phosphorus (P), percent	3.2	2011
Potassium (K), percent	0.23	2011
pH, standard unit	8.1	2011

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 18 of 31

BIOSOLIDS UTILIZATION PROGRAM

The District's biosolids reuse program currently consists of direct land application of dewatered, pathogen Class B biosolids. Land application includes farm sites within 65 miles of the District facilities which can only be applied to during summer and fall months due to high ground moisture content and field conditions that make winter and spring applications impractical; and arid land sites in eastern Oregon that can be applied to on a year-round basis as long as road conditions allow for transportation of the biosolids to the application sites. This section outlines the scope of District's land application program.

In addition to the current program elements, the District will be seeking to develop other options for the beneficial reuse of biosolids. Some of the elements, which are under consideration, are reclamation projects such as landfills and gravel pits, and additional local and arid land sites. Any new program elements or application sites will receive written authorization from the DEQ prior to piloting or implementation.

BIOSOLIDS LAND APPLICATION PLAN

Agronomic Application Rate and Site Crops

The application of biosolids is performed under contract with an application service or the property owner. Biosolids are spread with conventional manure spreaders or similar equipment at controlled rates set by the equipment operator.

Application of biosolids to agricultural land is based on the agronomic nitrogen requirement of the crop grown at a specific site. Nitrogen requirements for specific crops are obtained from the Oregon State University Cooperative Extension Service.

Application rate calculations for sites east of the Cascades are based on the assumption that 30 percent of the organic-N, 40 percent of the ammonia-N (60 percent of the ammonia-N will be lost through volatilization), and all of the nitrate-N in biosolids is available during the first year following application.

The following equations are used to calculate annual application rates for sites east of the Cascades:

A. Biosolids Output

All biosolids are weighed prior to leaving the treatment facility using onsite truck scales. The weigh slip tickets are used to determine the total mass of biosolids delivered to a particular application site. The dry tons applied to the site are determined as follows.

(A1) DT(dry tons biosolids)/year = WT(wet tons from weigh slips) x (% TS/100)

B. <u>Annual Biosolids Application Rate Based on Crop Nitrogen Requirement</u>

To use the following calculations, the appropriate crop nitrogen requirement is obtained from OSU fertilizer guides and biosolids characteristics are obtained from Table 1 of 40 CFR 503.13. Units are in mg/kg.

- (B1) inorganic nitrogen = NH3 + NO3
- (B2) organic nitrogen = TKN (NH3 + NO3) inorganic-N

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 19 of 31

- (B3) available inorganic-N = .4NH3 + NO3 assumes 60% ammonia volatilization
- (B4) available organic-N = .3[TKN (NH3 + NO3)] assumes 30% mineralization
- (B5) total available N = .3[TKN (NH3 + NO3)] + (.4NH3 + NO3) = .3(TKN - NH3) + .4NH3 assuming nitrate levels are insignificant
- (B6) to convert mg/kg to lbs/dry ton multiply by .002
 - = .002[.3(TKN NH3) + .4NH3]
 - = .0006(TKN NH3) + .0008NH3
 - = .0006 TKN .0006 NH3 + .0008 NH3
 - = .0006 TKN(mg/Kg) + .0002 NH3(mg/kg)
 - = lbs. available nitrogen / dry ton of biosolids
- (B7) DT Biosolids/acre (application rate)
 - = <u>crop N requirement</u> lbs. available N / dry ton of biosolids

Application rate calculations for sites west of the Cascades are based on the assumption that 30 percent of the organic-N, 60 percent of the ammonia-N (40 percent of the ammonia-N will be lost through volatilization), and all of the nitrate-N in biosolids is available during the first year following application.

The following equations are used to calculate annual application rates for sites west of the Cascades:

A. Biosolids Output

All biosolids are weighed prior to leaving the treatment facility using onsite truck scales. The weigh slip tickets are used to determine the total mass of biosolids delivered to a particular application site. The dry tons applied to the site are determined as follows.

- (A1) DT(dry tons biosolids)/year = WT(wet tons from weigh slips) x (% TS/100)
- B. <u>Annual Biosolids Application Rate Based on Crop Nitrogen Requirement</u>
 To use the following calculations, the appropriate crop nitrogen requirement is obtained from OSU fertilizer guides and biosolids characteristics are obtained from Table 1. Units are in mg/kg.

12

(B6) to convert mg/kg to lbs./dry ton multiply by .002

$$= .002[.3(TKN - NH3) + .6NH3]$$

$$= .0006(TKN - NH3) + .0012NH3$$

$$= .0006 \text{ TKN(mg/Kg)} + .0006 \text{ NH3(mg/kg)}$$

= lbs. available nitrogen / dry ton of biosolids.

(B7) DT Biosolids/acre (application rate)

All calculations to determine application rates prior to actual applications are based on mean biosolids characteristics for each facility for the quarter preceding actual applications. Field Completion Reports are calculated using annual means of the data collected on the biosolids actually applied to the sites.

Since the District biosolids meet both the ceiling concentration limits (Table 1 of 40 CFR 503.13) and the pollutant concentration limits (Table 3 of 40 CFR 503.13), no metals accumulation tracking is performed on biosolids application sites. The District collects soil samples prior to application of biosolids to determine the levels of nitrogen in the soil. This data is used to adjust application rates when necessary.

District Site Monitoring

District staff performs periodic site visits. Each site visit is recorded on a Site Visit Check List. This check list covers monitoring for roadway conditions, odors/vector attraction, staging area conditions, current section/area conditions and projections for when the applications will move to another section, area or field. These check lists are compiled along with other District data and

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 21 of 31

maintained at the District office. In addition to performing the biosolids applications, appliers maintain a daily log of application locations and volumes. These logs are transcribed into an application report that is forwarded to the District upon completion of a given field. These reports are also maintained at the applier's office.

Site Inventory of Existing and Potential Sites

The following table is a summary of the currently authorized application sites available to the District and the site characteristics of each. An individual file is maintained on each of these sites which includes a description of the site, DEQ authorization letters for biosolids application on the site and records of each annual application. All management practices included in the DEQ authorization letters are closely monitored for compliance at each site. Within two weeks of the completion of applications to a site, District staff inspects the site to ensure that all management practices have been followed and all delivered biosolids have been applied. A written record of each site inspection is filed along with the application records for the site.

Biosolids Land Application Site Inventory

Controller: Madison, Kent

Legal Description	Available Acres	Crop	Ag Rate lb, N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
T3NR27E& 28E TL4702 & 410&,6100,	4016	Pasture	150	602,400	Year-Round	Annual	8/31/1993
T3NR27ES3 0	360	Pasture	150	54,000	Year-Round	Annual	1/13/2006

Total 4376 656,400

Controller: Clean Water Services

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity lb. N/year	Application Season	Harvest Cycle	Authorization Date
1S3W12100	170	Small Grains	180	30,600	May-Oct	Annual	4/27/2004
1S3W5100	60	Small Grains	180	10,800	May-Oct	Annual	6/3/2004
1S3W8101	15	Small Grains	180	2,700	May-Oct	Annual	6/3/2004
1S3W8300	(39)	Small Grains	180	7,020	May-Oct	Annual	6/3/2004

Total 284 51,120

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 22 of 31

Controller: Eichler, Phil

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
5S4W19200 5S4W19300	158.5	Annual Rye Grass	140	22,190	Apr-Oct	Annual	9/1/1999
5S4W2100	49	Annual Rye Grass	140	6,860	Jun-Oct	Annual	8/13/1999

Total

207.5

29,050

17

Controller: Saunders, Patty

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
5S5W32 2100 (EPO)	52	Oats	180	9,360	June-Oct	Annual	6/24/2004
5S5W33 500(WPO) 700	70	Oats	180	12,600	Mar-Oct	Annual	2/28/2005

Total

122

21,960

Controller: Stapleton, Hal

Legal Description	Available Acres	Crop	Ag Rate Ib. N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
6S5W25 600	55	Fescue	180	9,900	Apr-Oct	Annual	4/12/2002
6S5W26 500	45	Fescue	140	6,300	Apr-Oct	Annual	4/12/2002

Total

100

16,200

Controller: Lewis, Mark

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity 1b. N/year	Application Season	Harvest Cycle	Authorization Date
1N4W2800	25	Silage Corn	150	3,750	Apr-Oct	Annual	4/16/1999
1N4W13100 1N3W181300	84	Silage Corn	150	12,600	Apr-Oct	Annual	4/16/1999
1N4W1900	45	Silage Com	150	6,750	May-Oct	Annual	9/1/1999

Total

154

23,100

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 23 of 31

Controller: Wolf, Francis

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity lb, N/year	Application Season	Harvest Cycle	Authorization Date
T8SR1WS14 TL300, & S15 TL300	400	Grass Seed	160	64,000	Year-Round	Annual	6/28/2005
T8SR1WS23 TL700	140	Grass Seed	160	22,400	Year-Round Mar-Nov	Annual	10/20/2005
T8SR1WS9 &10 TL700 & 1100	119	Grass Seed	160	19,040	Year-Round	Annual	11/8/2005

Total 659 105,440

Controller: Dejong, Curtis

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
6S5W71500	44.8	Wheat	160	7,168	May-Oct	Annual	7/30/1998
T6SR5WS8 TL700	30.0	Wheat	160	4,800	May-Oct	Annual	7/30/1998
T6SR5WS8 TL900	40.2	Wheat	160	6,432	June-Oct	Annual	7/30/1998
T6SR5WS8 TL1100	27.8	Wheat	160	4,448	June-Oct	Annual	7/30/1998
T6SR5WS8 &9 TL1000	34.7	ANG	120	4,164	Jun-Oct	Annual	7/30/1998
T6SR5WS7 &8 TL700, 900 &1500	77.8	Wheat	160	12,448	May-Oct	Annual	6/2/1999
T6SR5WS8 TL900	8.0	ANG	140	1,120	May-Oct	Annual	6/2/1999
T6SR5WS4 TL600	76.9	Wheat	180	13,842	May-Oct	Annual	6/16/1999
T6SR5WS5 TL 300 (NPO) 500 (NEPO) 500 (EPO)	90.9	Wheat	180	16,362	May-Sep	Annual	6/4/2004
T6SR5WS8 TL 700 (SEPO) 900 (CPO)	24	Wheat	200	4,800	May-Oct	Annual	6/22/2001

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 24 of 31

T6SR5WS8 TL700 & 900	18.4	Wheat	200	3,680	April-Oct	Annual	5/18/2000
T6SR5WS5 TL300 (NPO)	31.6	Wheat	200	6,320	May-Oct	Annual	5/18/2000
T6SR5WS7 &8 TL700 &1500	38	Wheat	180	6,840	May-Oct	Annual	4/12/2002

Total

543.1

92,424

..

Controller: Dobson, Dean

Legal	Available	Crop	Ag Rate	Site Capacity	Application	Harvest	Authorization
Description	Acres		lb. N/acre	Ib. N/year	Season	Cycle	Date
T6SR5WS19 & 20 TL800	95	ARG	140	13,300	Jun 15-Oct 15	Annual	10/5/2006

Total

95

13,300

Controller: Dejong, Calvin

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity lb. N/year	Application Season	Harvest Cycle	Authorization Date
T5SR5WS33 TL100	60	Wheat	180	10,800	May-Oct	Annual	8/5/2002
T6SR5WS4 & 33 TL 100,600 (NCPO), 800 (EPO), 100 (SPO), 200 (SPO)	10 1 100	Wheat	180	18,000	June-Oct.	Annual	9/19/2002
T5SR5WS33 TL 100	68	Wheat	180	12,240	May-Oct	Annual	7/22/2002
T5SR5WS33 TL 300, 500 (E&SEPO), 700 (EPO)	103	Wheat	180	18,540	June-Oct.	Annual	8/5/2002
T5SR5WS33 TL100	43	Oats	180	7,740	May-Oct	Annual	5/13/2003

Total

374

67,320

Controller: Doerfler, Kent

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
T8SR3WS36 TL300	20	Oats	180	3,600	June 15- Oct 15	Annual	10/10/2006
T8SR2WS31 TL100 400 & 500	100	Oats	180	18,000	June 15- Oct 15	Annual	10/10/2006
T9SR2WS5 TL2700 (SWPO)	80	Oats	180	14,400	June 15- Oct 15	Annual	7/26/2007
T8SR1WS19 & S20 TL800 &1800	70	Oats	160	11,200	July 15 – Oct 15	Annual	7/5/2006
T8SR1WS29 & S29a TL400 &1800	40	Oats	. 180	7,200	June 15- Oct 15	Annual	6/21/2006
T10SR1WS2 8TL111	80	PRG	160	12,800	June 15- Oct 15	Annual	7/7/2006
T9SR2WS10 TL300	150	Fescue	140	21,000	June 1- Oct 15	Annual	6/22/2007
T10SR2WS1 1TL600	93	Oats	180	16,740	June 15- Oct 15	Annual	6/1/2007

Total

633

104,940

Controller: Maxon, Ryan

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
T6SR5WS17 TL 500 (SEPO)	22.6	Wheat	130	2938	May 15- Oct 15	Annual	8/11//2004
T6SR5WS17 &S18 TL500 (NPO)	43.3	Wheat	180	7,794	April 15- Oct 15	Annual	8/11/2004
T6SR5WS17 TL600 (CPO)	48.3	Wheat	160	7,728	June 15- Oct 15	Annual	8/11/2004

T6SR5WS17 & S18TL500 (CPO) & TL500 (CPO)	56.7	Fescue	160	9,072	April 15 – Oct 15	Annual	8/11/2004
T6SR5WS17 TL600 (SPO)	53.7	Wheat	160	8,592	April 15- Oct 15	Annual	8/11/2004
T6SWR5W S17& S18 TL500 (SCPO)	46	Wheat	160	7,360	April15- Oct 15	Annual	8/11/2004

Total

270.6

43,484

...

Controller: Turley, Brian

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
T5SR5WS3 &4, TL 600(ECPO), 700	160	Oats	180	28,800	Jun-Oct	Annual	3/10/2005
T5SR4WS7 TL 200 (NPO) & 300 (NPO)	90	Oats	180	16,200	Jun-Sept	Annual	5/31/2005

Total

250

45,000

Controller: Dejong, Keith

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
T6SR5WS12 TL700 (SEPO)	7.6	Wheat	180	1,368	June-Oct	Annual	7/31/1998
T6SR5WS18 &19 TL200(SEP O) TL 400 (CPO)	72.2	Wheat	180	12,996	April-Oct	Annual	5/26/2000
T6SR5W& 6WS7&12 TL8, 1000 (NPO) & 700 (SEPO)	95	Wheat	180	17,100	April-Oct	Annual	4/29/2002

T6SR5WS18 &19 TL400 (EPO)	49	Wheat	180	8,820	April-Oct	Annual	9/30/2003
T6SR5WS 18 TL200	123	Wheat	180	22,140	April-Oct	Annual	7/6/2001
T6SR5WS19 TL201	93	Wheat	180	16,740	April-Oct	Annual	7/8/2002
T6SR5WS18 TL400	29	Wheat	180	5,220	Year Round	Annual	9/23/2003
T6SR5WS18 TL200 (SWPO)	80	Wheat	180	14,400	June 1 to Oct 15	Annual	4/4/2003
T6SR5WS7 TL1100	33	Wheat	180	5,940	June 15 to Oct 15	Annual	7/31/2003
T6SR5WS7 TL1000	25	Wheat	180	4,500	June 15 to Oct 15	Annual	4/4/2003
T6SR5WS7 TL700(NPO) &800(NWP O & NEPO)	20	Wheat	180	3,600	June 1 to Oct 15	Annual	4/4/2003
T6SR6WS12 TL700	110	Oats	180	19,800	April 15 to Oct 15	Annual	7/27/2006
T6SR5WS7 TL1200	60	Oats	180	10,800	April 15 to Oct 15	Annual	7/27/2006
T6SR5WS7 TL801	13	Oats	180	2,340	April 15 to Oct 15	Annual	7/27/2006

Total

809.8

145,764

Controller: Brett Gray

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity lb. N/year	Application Season	Harvest Cycle	Authorization Date
T2NR18ES3 0 TL7600	171.7	Hard Red Spring Wheat	122.5	21,033	Oct - May	Annual	2/04/2008
T2NR18ES3 0 TL7500	142.1	Hard Red Spring Wheat	122.5	17,407	Oct - May	Annual	2/04/2008
T2NR18ES3 0 TL7500	158.6	Hard Red Spring Wheat	122.5	19,429	Oct - May	Annual	2/04/2008
T2NR18ES2 9 TL7400	149.4	Soft Spring Wheat	84	12,550	Oct - May	Annual	2/04/2008
T2NR17ES2 5 TL5100	158.2	Winter Wheat	132	20,882	Oct – May	Annual	2/04/2008

T2NR17ES3 6 TL8300	637.9	Winter Wheat	132	84,203	Oct - June	Annual	6/09/2008
T2NR18ES2 0 TL4700	155.8	Winter Wheat	132	20,566	Oct – June	Annual	6/09/2008
T2NR18ES2 1 TL4800	157.2	Winter Wheat	132	20,750	Oct – June	Annual	6/09/2008
T2NR18ES1 4 TL3200 & S23 TL3201	424.5	Winter Wheat	132	56,034	Oct – June	Annual	6/09/2008

Total

2,155.3

272,854

1.1

Controller: John Hilderbrand

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity Ib. N/year	Application Season	Harvest Cycle	Authorization Date
T2NR18ES3 1 TL7900 & TL1600	282	Winter Wheat	132	37,224	Oct – June	Annual	5/16/2008
T1NR18ES1 6 TL3100	521	Winter Wheat	132	68,772	Oct - June	Annual	5/16/2008

Total

803

105,996

Controller: Randy Hilderbrand

Legal	Available	Crop	Ag Rate	Site Capacity	Application	Harvest	Authorization
Description	Acres		lb. N/acre	lb. N/year	Season	Cycle	Date
TINR18ES1 6&17 TL3104	552.5	Winter Wheat	144	79,560	Year-Round	Annual	6/10/2009

Total

552.5

79,560

Controller: Macnab, Harry

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity lb. N/year	Application Season	Harvest Cycle	Authorization Date
T2NR18E S10 & S15 TL2200	181	Winter Wheat	132	23,892	Year-Round	Bi- Annual	6/28/2013
T2NR18E S15 & S22 TL3500	168	Winter Wheat	132	22,176	Year-Round	Bi- Annual	6/28/2013

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 29 of 31

otal	464			61,248			
T2NR18E S15 &16 TL3500	115	Winter Wheat	132	15,180	Year-Round	Bi- Annual	6/28/2013

Controller: M & M Ranches

Legal Description	Available Acres	Crop	Ag Rate lb. N/acre	Site Capacity lb. N/year	Application Season	Harvest Cycle	Authorization Date
T2NR18ES0 8 TL1400	90	Winter Wheat	132	11,880	Oct - June	Annual	6/09/2008
T2NR18ES1 7 TL3900	90.6	Winter Wheat	132	11,959	Oct - June	Annual	6/09/2008
T2NR18ES1 8 TL1400	94.7	Winter Wheat	132	12,500	Oct - June	Annual	6/09/2008
T2NR18ES1 8 TL4000	47	Winter Wheat	132	6,204	Oct - June	Annual	6/09/2008
T2NR18ES1 9 TL4000	312	Winter Wheat	132	41,184	Oct - June	Annual	6/09/2008
T2NR18ES1 9 TL4100	170.9	Winter Wheat	132	22,559	Oct - June	Annual	6/09/2008
T2NR17ES2 5 TL5000	158.2	Winter Wheat	132	20,882	Oct - June	Annual	6/09/2008
T2NR18ES3 0 TL7700	170.6	Winter Wheat	132	22,519	Oct – June	Annual	6/09/2008
T2NR18ES3 1 TL7800	173.9	Winter Wheat	132	22,955	Oct – June	Annual	6/09/2008
T2NR18ESO 8 TL1600	243.7	Winter Wheat	144	35,093	Year-Round	Annual	5/20/2009
T2NR18ES1 7 TL3800 &3900	114.7	Winter Wheat	144	16,517	Annual	Annual	5/20/2009

Total

1,666.4

224,252

Grand Total 14,519.2

2,159,406

Site Selection Criteria

As necessary, the District will locate additional sites for land applying biosolids. Prior to using any site for land application, the District is required to receive a written site authorization letter from the Department. All sites will be on agricultural land and may include sites in Washington, Yamhill,

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 30 of 31

Polk, Benton, Multnomah, Clackamas, Marion, Linn, Hood River, Wasco, Sherman, Jefferson, Gilliam, Wheeler, Morrow, and Umatilla counties of Oregon.

When selecting application sites, the District uses soil survey maps and soil survey information provided by Natural Resources Conservation Service to determine suitability of soil type, soil depth and depth to groundwater. Topographic maps are used to determine site suitability with respect to slope and proximity to waters of the state of Oregon. Consideration is given to wells on or near the site, the extent of buffer zones that may limit the sites use, crop selection and farming practices of the site owner/controller, the ability to restrict public access to the site and accessibility of the site for biosolids deliveries and applications.

District staff uses the Oregon Fish and Wildlife website to determine endangered species having distributions common with District applications sites. When a site is determined to be common with a species listed in Oregon, site history is the first level of evaluation to determine likely adverse effect to the listed species. If the site has been historically used for agricultural purposes that will be maintained by biosolids applications, no further evaluation is made. Should a site have a history that likely provided habitat for the listed species prior to biosolids applications, the site would be subjected to a more thorough evaluation by a qualified biologist prior to submitting the site for DEQ authorization.

All proposed sites must receive written authorization from the DEQ prior to the delivery and/or application of biosolids to the site.

Public Notification

Prior to application of biosolids to any newly authorized application site, notification is given to all adjacent and abutting residents and property owners. This notification is in the form of a letter delivered to each affected resident or property owner. The letter states that biosolids are to be applied to a farm site near their residence or property and the approximate dates that the applications are to occur. A map of the application site is included.

Included with all notifications is a description of biosolids, biosolids content, where they originate and how they are processed prior to land application. Part of this information is the regulations governing the production and land application of biosolids in Oregon, including the site inspection and authorization process that must occur prior to any land application. The District includes who will be performing the land application, and what to expect concerning noise, odors, and traffic impacts. Contact phone numbers are included for those who may have concerns, questions or complaints.

When new application sites are authorized in either remote areas or areas new to the District's program, we occasionally publish a description of the proposed biosolids applications in local news publications and/or hold public informational meeting in an effort to further notify and inform the potentially impacted or concerned public.

Site Management Practices

Site access restrictions and setbacks will be followed as outlined in the Department's site authorization letters. The District will ensure that access is restricted by appropriate means as necessary, such as fencing or posting of signs at the land application site. Biosolids land application will not occur in those areas designated as buffer strips and will be achieved through accurate measurement of the buffer area prior to commencing land application.

Biosolids Management Plan for Clean Water Services February 17, 2014 Page 31 of 31

Crop Management Practices

As listed in the Biosolids Land Application Site Inventory, biosolids are applied to pasture, small grains, grass seed, silage corn and forage. Timing of application and the harvest cycle of the crop are also listed. Soil conditions must be favorable for application such that runoff, leaching, or soil compaction does not occur. The timing of land application will take into consideration tilling and irrigation practices that may occur on an authorized site.

The overall management of nutrients at the land application sites takes into account the amount of biosolids land applied, the amount of commercial fertilizers used and the amount of residual nutrients in the soil. When additional sources of nitrogen (e.g., commercial fertilizer) are applied to a site, then the application of biosolids should be reduced to compensate for the additional nitrogen loading.

Prior to the initiation of biosolids application to a site, a representative soil sample is collected across the entire site, and analyzed by an independent commercial laboratory. Existing nitrogen levels in the soil profile are subtracted from the OSU Extension Service recommended nitrogen application rates for the crop and the biosolids application rate is adjusted. In the event of annual biosolids application to the same field for three consecutive years, annual sampling and testing of application site soils for nitrate and ammonia nitrogen will be conducted prior to biosolids application. Application rates must be adjusted to account for available nitrogen carried over from previous applications. If crop removal of nitrogen exceeds the calculated agronomic rate, additional nitrogen may be required to sustain crop production.

Expiration Date: 1/31/09 Sin Sur of Permit Numbers: 101141, (01142) 101143, 101144 & MS4 Page I of 70 Pages

FION SYSTEM PERMIT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WATERSHED-BASED WASTE DISCHARGE PERMIT

Department of Environmental Quality Northwest Region – Portland Office 2020 SW 4th Ave., Suite 400, Portland, OR 97201 Telephone: (503) 229-5263

Issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act

ISSUED TO:

Clean Water Services 2550 SW Hillsboro Highway Hillsboro, OR 97123

Four individual permits for the operation of publicly owned sewage treatment works (POTWs), one municipal separate storm sewage system (MS4) permit and individual storm water permits for the Durham and Rock Creek Advanced Wastewater Treatment Facilities in the Tualatin River watershed have been integrated and consolidated into this document. This represents a change in the traditional approach to regulatory management of the watershed by integrating several program elements of the Clean Water Act into a single document along with water quality trading. This combination allows 1) greater coordination of watershed protection and enhancement programs, 2) greater coordination of watershed assessment and monitoring activities, and 3) greater public involvement.

FACILITY NAMES AND LOCATIONS:

Durham Advanced Wastewater Treatment Facility 16580 SW 85th Tigard, Oregon 97224 EPA REFERENCE NO: OR-002811-8 File Number: 90735 GeoLoc: 45.4008 -122.7919 Treatment System Class: Level IV

Forest Grove Wastewater Treatment Facility 1345 Fernhill Road Forest Grove, Oregon 97116 EPA REFERENCE NO: OR-002016-8 File Number: 90745 GeoLoc: 45.5112 -123.0907

GeoLoc: 45.5112 -123.0907 Treatment System Class: Level IV Collection System Class: Level IV

Collection System Class: Level IV

Hillsboro Wastewater Treatment Facility 770 South First Street

Hillsboro, Oregon 97120
File Number: 90752
GeoLoc: 45.5137 -122.9897
EPA REFERENCE NO: OR-002334-5

EPA REFERENCE NO: OR-002334-5 Treatment System Class: Level IV Collection System Class: Level IV

Rock Creek Advanced Wastewater Treatment Facility 3235 SW River Road Hillsboro, Oregon 97123 File Number: 90770

GeoLoc: 45.4952 -122.9452 EPA REFERENCE NO: OR-002977-7 Treatment System Class: Level IV Collection System Class: Level IV

Municipal Separate Storm Sewer System File Number: 108014 EPA REFERENCE NO.: ORS108014

RECEIVING STREAM INFORMATION:

Basin: Willamette
Sub-Basin: Tualatin
Receiving Stream: Ash Creek#; Ball Creek#; Beaverton
Creek#; Bronson Creek#; Butternut Creek#; Cedar Creek#;
Cedar Mill Creek#; Chicken Creek#; Council Creek#; Dairy
Creek#; Dawson Creek#; Fanno Creek#; Gales Creek#; Hall
Creek#; Hedges Creek#; North and South Johnson Creek#;
Koll Wetland*; McKay Creek#; Nyberg Creek#; Red Rock
Creek#; North and South Rock Creek#; Summer Creek#;
Tualatin River#; Willow Creek#; Waible Gulch#.

County: Washington LLID: 1226500453377

* This water body has been designated water quality limited.

Total Maximum Daily Loads (TMDLs), Wasteload
Allocations and Load Allocations have been established for
these water bodies and all water bodies in the sub-basin. The
TMDLs for the Tualatin sub-basin establish Wasteload
Allocations for urban storm water and wastewater treatment
facilities. See Tualatin sub-basin TMDL approved by EPA
on August 7, 2001. These allocations are addressed in
Schedules A and D

SOURCES COVERED BY THIS PERMIT:

Facility Durham Advanced Wastewater	Type of Waste Treated Wastewater	Outfall Number D001	Outfall Location Tualatin R.M. 9.2
Treatment Facility	Wet weather outfall Raw Sewage	D002 D003 D004	Reclaimed Water Reuse Tualatin R.M. 9.2 Lower Tualatin
Pump Station Emergency Overflows: Beaverton	Location 4150 SW Watson, Beaverton	D005	Interceptor Beaverton Creek
Ironwood Sherwood South Bull Mountain	11275 NW McDaniel, Portland 19035 SW Pacific Hwy, Sherwood 14400 SW Beef Bend Road, Tigard	D006 D007 D008	Cedar Mill Creek Rock Creek South Unnamed Creek
Cipole Nyberg Fox Hills	9400 SW Cipole Road, Tualatin 6500 SW Nyberg Lane, Tualatin 5700 SW Nyberg Lane, Tualatin	D009 D010 D011	Rock Creek South Nyberg Creek Nyberg Creek
Borland Orchard Hills Saum Creek	4855 SW Borland Road, Tualatin 4561 SW Natchez, Tualatin 20455 SW 65 th Avenue, Tualatin	D012 D013 D014	Saum Creek Saum Creek Saum Creek
Pleasant View Scholls Country Estates	15906 SW Dozier Way, Tigard 16381 SW Gearin Court, Tigard	D015 D016	Unnamed Creek Unnamed Creek
Victoria Woods Sequoia Ridge Meyers Farm	22960 SW Miami Place, Tualatin 5990 SW Port Orford Street, Tualatin 16399 SW Bray Lane, Tigard	D017 D018 D019	Hedges Creek Saum Creek Unnamed Creek
Tektronix Other Emergency Overflows:	3555 SW Hocken Dr, Beaverton	D020	Beaverton Creek
Manhole # 20910 Manhole # 20900	Cedar Hills Boulevard, Beaverton SW Watson and Hall Blvd, Beaverton	D021 D022	Beaverton Creek Beaverton Creek
•		Outfall	Outfall
Facility Forest Grove Wastewater Treatment Facility	Type of Waste Treated Wastewater	Number F001	Location R.M. 53.8
Pump Station Emergency Overflows:	Location	F002	Reclaimed Water Reuse
Cornelius Pine Lodge	802 S Linden Street, Cornelius 198 S First Street, Cornelius	F003 F004	Council Creek Pine Lodge
B Street	1527 B Street, Forest Grove	F005	Gales Creek
Gaston Cedar Street	600 Main Street, Gaston 1083 Cedar Street, Forest Grove	F006 F007	Tualatin River Gales Creek
The alliday	Two of What	Outfall	Outfall
Facility Hillsboro Wastewater Treatment Facility	Type of Waste Treated Wastewater	Number H001A H001B H002	Location R.M. 42.9 R.M. 43.3 Reclaimed water reuse
Pump Station Emergency Overflows:	Location:	11002	Troublind Water rouge
North Plains Banks	9035 NW 307th Ave., North Plains 1 Cedar Canyon Road, Banks	H003 H004	McKay Creek Dairy Cr W Fork
Oak Village Water Quality Laboratory	42230 NW Oak Way, Banks 2550 SW Hillsboro Hwy., Hillsboro	H005 H006	Unnamed Creek Unnamed Creek
West Union Alderbrook Enschede	29785 NW West Union Rd, North Plains 1601 NW 9 th Ave., Hillsboro 529 SE Alder Court, Hillsboro	H007 H008 H009	McKay Creek McKay Creek Tualatin River
Other Emergency Overflows:			
Manhole #17168	SW Hobbs Road @ Council Creek	H010	Council Creek

File Number: 108014 etc.

Page 3 of 70

Facility Rock Creek Advanced Wastewater	Type of Waste Treated Wastewater	Number R001	Outfall Location R.M. 37.7
Treatment Facility	Wet weather Outfall	R002 R003	Reclaimed Water Reuse R.M. 37.7
Pump Station Emergency Overflows: Aloha #3 Broad Oak Cross Creek Rock Creek Ranch Rock Creek Ranch #3 Brighton Townhomes Bendemeer #1 Bendemeer #2 Westmark Country Haven 185 th Fir Grove	Location: 4850 SW-209 th Street, Aloha 6313 SW Broad Street, Aloha SW 209 th and Rosedale, Aloha 4960 NW Salishan Drive, Portland 20410 NW WestUnion Road, Portland 14802 NW Cornell Road, Portland 5080 NW Five Oaks Drive, Hillsboro 5670 NW Five Oaks Drive, Hillsboro 2050 NW WestUnion Road, Hillsboro 203585 NW Jacobson Road, Hillsboro 6465 SW 185 th , Aloha 1505 SE Duke Drive, Hillsboro	R004 R005 R006 R007 R008 R009 R010 R011 R012 R013 R014 R015	Butternut Creek Butternut Creek Cross & Butternut Creek Rock Creek Rock Creek Willow Creek Dawson Creek Dawson Creek McKay Creek McKay Creek Butternut Creek Ditch to Tualatin River

Municipal Separate Storm Sewer System (MS4)

All existing and new discharges of storm water from the MS4 within the storm water service area of Clean Water Services and within the urban growth boundary of Washington County

Facility
Storm water discharges from the Rock Creek and Durham Advanced Wastewater Treatment Facilities.
Permit required according to Code of Federal Regulations (CFR) 40.122.26(b)(14)(ix)

Issued in response to Application Numbers; 991614, 991615, 991616 and 991617 received December 29, 1997 and as revised on December 18, 2001, and MS4 Application Number, 989200 received on June 1, 2000.

These permits are issued based on the land use findings in the permit record.

Neil Mullane, Manager,

Water Quality Source Control Section

File Number: 108014 etc. Page 4 of 70

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a wastewater collection, treatment, control, and disposal system. The permittee is authorized to discharge to public waters adequately treated wastewaters only from the authorized discharge point or points established in Schedule A. Additionally, the permittee is authorized to implement a stormwater management program to reduce the contributions of pollutants in stormwater to the maximum extent practicable and to discharge stormwater to the waters of the State. These discharges must conform with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

	Page
Schedule A - Waste Discharge Limitations and Controls	5
Schedule B - Minimum Monitoring and Reporting Requirements	14
Schedule C - Compliance Conditions and Schedules	27
Schedule D - Special Conditions	38
Schedule E - Pretreatment Activities	
Schedule F - General Conditions	**

Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharge to an underground injection control system.

This permit and its related plans serve as the permittee's implementation plan addressing the wasteload allocation requirements of the Tualatin Sub-basin Total Maximum Daily Load (TMDL). The term "TMDL" refers to the August 2001 Tualatin Sub-basin TMDL and any subsequent modifications or amendments.

The term "permittee" shall refer to Clean Water Services.

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time Limited Instream Transfer Application T-11469, Washington County

DRAFT

PRELIMINARY DETERMINATION

PROPOSING APPROVAL OF A CHANGE IN PLACE OF USE AND

CHARACTER OF USE OF A WATER

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

Applicant

CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD, OR 97224

Findings of Fact

- 1. On August 27, 2012, Clean Water Services filed a time-limited instream transfer application to change the character of use and place of use under Certificate 22048 to instream use until termination is requested by the applicant. The Department assigned the application number T-11469.
- 2. Notice of the application for transfer was published on September 4, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. Certificate 22048 was cancelled by T-11468 and a remaining right certificate was issued December 31, 2012, for the water right not modified by Special Order Volume 88, Page 865. -The new certificate is 87874.
- 4. The application included a Land Use Information form completed and signed by a representative of the Washington County planning department. The Department also provided notice to Washington County upon receipt of the transfer application. However, the applicant did not provide notice of the proposed application to Clackamas County, and the cities of Forest Grove, Cornelius, Hillsboro, Tigard, Durham, Tualatin, King City, Rivergrove, and West Linn. All affected local governments located along the reach of a proposed instream use must be provided notice of both the intent to file the instream transfer

Comment [LKW1]: Looks like the comment deadline for local government notice was November 24th. Suggest checking for any electronic comments if you haven't already.

by the applicant and upon receipt of an instream transfer application by the Department. On October 27, 2015, the Department mailed notice to these additional local governments. No comments were filed in response to the notice.

Formatted: Not Highlight

5. The portion of the right to be transferred is as follows:

Certificate: 87874 in the name of CLEAN WATER SERVICES (perfected under

Permit S-20745)

Use: IRRIGATION of 29.7 ACRES

Priority Date: SEPTEMBER 19, 1951

Rate: 0.37 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for

each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation

season of each year.

Source: TUALATIN RIVER, a tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
15	3 W	WM	8	NENW	47

Authorized Place of Use:

		IRR	IGATI	ON		
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
15	3 W	WM	8	NENE	47	14.1
18	3 W	WM	8	SENE	47	0.8
15	3 W	WM	9	NW NW	47	14.8
					Total:	29.7

6. Certificate 87874 does not describe the measured distances of the point of diversion, however information is available from the transfer application indicating that the point of diversion is further described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	3 W	WM	8	NE NW	47	1275 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 8 (LOCATED APPROXIMATELY AT RIVER MILE 55)

- The irrigation season is not specified in Certificate 87874. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
- 8. A total of 74.25 acre-feet of water may be beneficially used annually under the existing right.
- Transfer Application T-11469 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values: and pollution abatement on a time-limited basisuntil termination is requested by the applicant.

10. The applicant requests that the water use revert to its authorized use and place of use if it is determined by the applicant that use of water under Certificate 87874 is needed. For example, if the property is sold to a new landowner or if reclaimed water (currently being used for irrigation purposes on the described place of use) is no longer becomes unavailable.

Transfer Application T-11469 proposes to change the place of use of the right to create an
instream reach from the point of diversion (approximately River Mile (RM) 55) to the mouth
of the Tualatin River (RM 0).

12. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)
June 23 to September 30	0.37	74.2

13. The applicant has requested that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant has also requested that any instream water rights established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with a more senior priority date.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

- 14. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2). As part of the transfer application, the applicant identified that water has not been used under the existing water right and that reclaimed municipal water has been used instead for the irrigation.
- 15. ORS 540.610-(2)-(h) identifies that a water right is not subject to forfeiture if the nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
- 16. A registration for use of reclaimed water may be recognized by the Department under ORS 537.132 provided that the use of reclaimed water is also authorized by a national pollutant discharge elimination system or water control facilities permit issued pursuant to ORS 468B.050 or 468B.053. A National Pollutant Discharge Elimination System (NPDES) permit (Permit Number 101142) was issued by the Department of Environmental Quality, authorizing the use of reclaimed water for irrigation, on August 25, 1993, replacing an earlier NPDES permit.
- 17. A The registration for use of municipal reclaimed water was submitted to the Department on November 25, 2009, and for transfer application T 11469 identifies the reclaimed water was

Formatted: Line spacing: single

Formatted: Space Before: 0 pt, Line spacing: single

Comment [LKW2]: Given current discussions about use of reclaimed water, please check with Steve Parrett to make sure the registration for use of reclaimed water is in order. I've learned that some of our older registrations are not in order. I wasn't clear at the time I completed T-7408 about how the registrations needed to be reviewed consistent with the stability.

Comment [LKW3]: This registration wasn't actually submitted in association with this transfer. It was submitted back when I was working on T-7408 and we identified that a registration to use reclaimed water hadn't been submitted. The registration was probably copied by us from the registration file or T-7408 and put in this file.

- used for irrigation in-lieu of Certificate 22048 (superseded by Certificate 87874) and was applied under NPDES permit 101142.
- 17.18. Because the non-use of water occurred during a period of time within which the water right holder was using reclaimed water in lieu of the existing water right, the applicant has sufficiently rebutted the presumption of forfeiture in accordance with ORS 540.610(2)(h).
- 18.19. It is not clear whether a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-11469. However a delivery system to apply reclaimed water is identified as being present within the five-year period prior to submittal of Application T-11469.
- 49.20. Based upon review of the transfer application, water may be protected instream as follows:

Instream Reach: From the point of diversion (approximately RM 55) to the mouth of the Tualatin River (RM 0).

Instream Period	Instream Rate (cfs)	Instream Volume (acre-feet)
June 23 to September 30	0.37	74.2

- 20.21. The proposed change would not result in enlargement of the right. The lands described in Finding of Fact No. 5 may continue to receive reclaimed water during the term of this time limited instream transfer.
- 21.22. The proposed changes would not result in injury to other water rights.
- 22.23. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
- 23-24. The protection of flows within the proposed reach is appropriate, considering:
 - a) The instream water right begins at the recorded point of diversion;
 - b) The location of confluences with other streams downstream of the point of diversion;
 - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
- 25. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other

- instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). Priority dates of these instream protections range from May 25, 1966. to August 5, 1993.
- 26. -There are two time limited instream water also four instream rights created as a result of the instream transfer process (ORS 537.348), heing -Special Order Volume 76, Page 912 (T-10332), Special Order Volume 80, Page 1127 (T-7408), which protect water instream on a time limited basis; There are also two additional permanent instream rights, Certificates 87718 and 87873, established under the instream transfer process (ROS 537.348); T-10785 recorded at Special Order Volume 88, Page 370, which created instream water right Certificate 87718 and T-11468 recorded at Special Order Volume 88, Page 865, which created instream water right Certificate 87873. There are also currently nine instream leases in effect.—do I need to add this?
- 24.27. The instream right established under Special Order Volume 76, Page 912 (T-10332) is junior in priority date (August 14, 1975) to instream uses under MF-174, MF-175, and Certificate 59692 and is additive to those rights.
- 25.28. Excluding the leases, tThe proposed instream use is senior in priority date to each of the existing instream water rights established as a result of ORS 537.346 (minimum flow conversion) and 537.341 (state agency application process). The proposed instream use is also senior to the instream right established under Special Order Volume 76. Page 912.except for Certificate 87718 for 0.21 efs with priority date March 5, 1946, and Certificate 87873 for 0.03 efs which has the same priority date. September 19, 1951.
- A Total Maximum Daily Load (TMDL) designation has also been established for the Tualatin River Basin,
- 26-30. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Tualatin River are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and anadromous and resident fish habitat and pollution abatement, but are not always met. By replacing a portion of these instream water rights, and the instream right established under Special Order Volume 76. Page 912, any instream water right created as a result of this transfer will provide protection of stream flows identified as necessary for supporting aquatic life and anadromous and resident fish habitat under earlier priority dates.
- 27.31. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process and instream lease) and ORS 537.470 (allocation of conserved water process), located within the proposed reach, any new instream water right established by this transfer would provide protection for additional flows identified as necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.

- 28.32. During the period June 23 through September 30, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341. or ORS 537.346. and Special Order Volume 76, Page 912, and be in addition to other instream water rights established pursuant to ORS 537.348 or ORS 537.470, unless otherwise specified in an order approving a new instream water right under these statutes.
- 33. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.
- 29.34. The combination of existing instream water rights exceeds and do not exceed the estimated average natural flow. Exceedance of these flows occurred under a previous instream transactions. However, the proposed instream water right, in combination with other senior instream water rights established through the instream transfer process, will not exceed the estimated average natural flows.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-11469 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11469 is approved, the final order will include the following:

- The changes in character of use and place of use to instream use proposed in application T-11469 are approved.
- 2. The exercise of the right evidenced by Certificate 87874 for irrigation of 29.7 acres at the former place of use shall be SUSPENDED without loss of priority, for the term of the transfer authorized herein. The former place of use may continue to receive water under an NPDES permit issued by the Department of Environmental Quality and a registration for the use of reclaimed water filed with the Department on November 25, 2009.
- The instream water right shall provide for the protection of streamflows from the point of diversion (described in Finding of Fact No. 6) to the mouth of the Tualatin River (RM 0) for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values and pollution abatement.

4. The quantities of water to be protected under the instream water right are:

Priority Date	Instream Period	Instream Rate (cfs)
9/19/1951	June 23 to September 30	0.37

 Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion. Formatted: Space Before: 0 pt, Line spacing: single

T-11469.tlf

- Within the specified stream reach, the amount of water to which this right is entitled shall
 not exceed the quantity of water legally available at the original point of diversion.
- 7. During the term of this order, the instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and Special Order Volume 76, Page 912. In addition, the instream right established by this transfer shall—and-be in addition to other instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 87874 and any related decree.
- The former place of use of the transferred water shall no longer receive water as part of this
 right.
- 10. The order may be terminated at any time during a calendar year. However, if the termination request is received less than 30 days prior to the period of allowed instream use or after the instream period has begun, water may not be used under Certificate 87874 until the following calendar year, unless the Director determines that enlargement would not occur.
- 11. This order may be terminated upon submission of evidence by the applicant that conditions for termination of the order have been met. Conditions for termination include:
 - a) Ownership of the lands to which Certificate 87874 are appurtenant has changed and the new landowner intends to exercise Certificate 87874 on the land;
 - b) Reclaimed water is no longer available for use on the subject lands; or
 - The applicant provides other information demonstrating that termination of the order is necessary.
- The term of this Final Order shall continue until terminated. Upon termination of this timelimited instream transfer, the use of water shall revert to its original use and place of use as described by Certificate 87874.

Dated at Salem Orego	n thic	day of	2015

DRAFT

Dwight French, Water Right Services Division Administrator, for Tom M. Byler, Director Oregon Water Resources Department This draft Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@wrd.state.or.usa.

H	Fleid Code Changed)
	Field Code Changed	
1	Field Code Changed	
ĺ	Field Code Changed)
	Field Code Changed	
9	Field Code Changed)
	Field Code Changed	
	Field Code Changed	
	Field Code Changed)
	Field Code Changed]
15	Field Code Changed)
1	Fleid Code Changed)
(2) (A)	Field Code Changed	
	Field Code Changed)
11	Field Code Changed)
	Field Code Changed)
0	Field Code Changed)
	Fleld Code Changed)
	Fleld Code Changed	J
N Si	Field Code Changed)
	Fleld Code Changed	
200	Field Code Changed	
	Fleld Code Changed)
	Field Code Changed	
	Field Code Changed	Į
é	Fleid Code Changed	
į	Field Code Changed	Į
200	Field Code Changed	
14 19	Field Code Changed	
1	Field Code Changed	
1	Field Code Changed	
	Field Code Changed	į

FOX Tracy L

From: Langford, Shonee D. <SLangford@SCHWABE.com>

Sent: Monday, January 04, 2016 1:06 PM

To: FOX Tracy L

Subject: T-11469/ Clean Water Services

Attachments: CWS Ownership Report (Washington Co.).pdf; USA-CWS Name Change 061501.pdf

Follow Up Flag: Follow up Flag Status: Flagged

Tracy,

I'm assisting the applicant's agent, Martha Pagel, with the above-referenced transfer application in the name of Clean Water Services. This email responds to the items listed in your letter to the applicant, dated December 7, 2015.

- 1. The applicant requests one change to the draft preliminary determination. On page 7, we request that the word "necessary" in item 11.c be replaced with the word "appropriate" as follows: "The applicant provides other information demonstrating that termination of the order is appropriate necessary." We note that the instream transfer rules do not require a showing of necessity to terminate a transfer and believe the word "appropriate" would better provide the level of flexibility desired by the applicant. With that change, the draft preliminary determination is acceptable.
- 2. I have attached a copy of the required ownership report, which identifies Unified Sewerage Agency of Washington County as the property owner. I have also attached proof that the Unified Sewerage Agency of Washington County changed its name to Clean Water Services in 2001.
- 3. The applicant would like to publish notice of the transfer in the Daily Journal of Commerce.

Best Regards,

Shonee

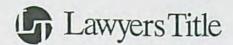
Shonee D. Langford | Attorney Schwabe, Williamson & Wyatt 530 Center Street NE, Suite 400, Salem, OR 97301

Direct: 503-540-4261

Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com

Legal advisors for the future of your business®

NOTICE: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.



Lawyers Title
Title Specialist Unit
121 SW Morrison St., Suite 500
Portland, OR 97204
503-553-5675 FAX 877-805-2512

Attn: David Cutler

Schwabe, Williamson & Wyatt 1200 SW 5th Ave., Suite 1900

Portland, OR 97204

Date Prepared: December 30, 2015

OWNERSHIP AND PROPERTY DESCRIPTION REPORT

Informational Report of Ownership and Property Description

Customer Ref: Clean Water Services

Order No. : 14F0030509

Effective Date: December 22, 2015

Fee : \$100.00

The information contained in this report is furnished by Lawyers Title (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE, NOR IS IT A PRELIMINARY TITLE REPORT OR A COMMITMENT FOR TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the customer, and the Company will have no greater liability by reason of this report.

THIS REPORT CONTAINS NO INFORMATION REGARDING ANY ENCUMBRANCE AFFECTING THE IDENTIFIED PROPERTY.

Ownership and Property Description

Owner. The apparent vested owner of the Property is:

Unified Sewerage Agency of Washington County

Premises. The Property is:

(a) Street Address:

2715 SW LAFOLLETT RD Cornelius, OR 97113

RECEIVED BY OWRD

JAN 0 4 2016

Informational Report of Taxes, Ownership and Property Description ORRQ 10/2007
Page 1 of 4

Exhibit "A"

Parcel I:

Being that part of the West half of the Donation Land Claim of Wm. Geiger, Jun. and wife (Claim 47) Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon, Bounded and described as follows, to-wit:

Beginning 10.54 chains South 0° 16' West from the Northeast corner of the West half of said Claim No. 47; running thence South 0° 16' West, 5.39 chains; thence North 89° 44' West 55.64 chains to the West line of said claim; thence North 5.39 chains; thence South 89° 44' East 55.64 chains to the place of beginning.

EXCEPT the West 150 feet thereof.

Parcel II:

All the following bounded and described real property situate in the County of Washington, State of Oregon, to-wit:

Being that part of the West half of the Donation Land Claim of Wm. Geiger, Jr. and wife (Claim No. 47) Township 1 South, Range 3 West, Willamette Meridian bounded and described as follows:

Beginning 15.93 chains South 0° 16' West from the Northeast corner of the West half of said Claim No. 47; running thence South 0° 16' West 5.39 chains; thence North 89° 44' West 55.64 chains to West line of said claim; thence North 5.39 chains; thence South 89° 44' East 55.64 chains to the place of beginning.

EXCEPT the West 150 feet thereof.

Parcel III:

Being that part of the West half of the Donation Land Claim of Wm. Geiger, Jr., and wife (Claim No. 47) Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon, bounded and described as follows, to-wit:

Beginning 21.32 chains South 0° 16' West from the Northeast corner of the West half of said Claim No. 47; running thence South 0° 16' West 5.39 chains; thence North 89° 44' West 55.64 chains to the West line of said claim; thence North 5.39 chains; thence South 89° 44' East 55.64 chains to the place of beginning.

EXCEPT that portion of the West 150 feet thereof lying Northerly of County Road 1398.

RECEIVED BY OWRD

IAN 0 4 2016

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Diane Whitney, Phone: 503-553-5675 Fax: 877-638-9513 E-mail: dwhitney@ltic.com Title Officer:

RECEIVED BY OWRD

JAN 0 4 2016



AGENDA UNIFIED SEWERAGE AGENCY BOARD OF DIRECTORS

FILED

JUN 1 5 2001

RECORDS DEPARTMENT UNIFIED SEWERAGE AGENCY

Agenda Category:

Public Hearing

All CPO's

Agenda Title:

ADOPT RESOLUTION AND ORDER CHANGING THE NAME OF UNIFIED SEWERAGE AGENCY TO CLEAN WATER SERVICES

Presented by:

Bill Gaffi, General Manager (mj)

SUMMARY (Attach Supporting Documents if Necessary)

In May 2000, the Unified Sewerage Agency (USA or Agency) Board of Directors asked staff to investigate the possibility of a name change that would better reflect the Agency's broader role in managing water resources in the Tualatin River Watershed. After reviewing a number of options, "Clean Water Services" was chosen as the name that best describes the Agency's mission.

USA was formed as a county service district by a 2-to-1 vote of Washington County residents in 1970 to unify a number of sanitary districts owning more than 26 small and inefficient wastewater treatment plants in the Tualatin River Watershed. Between 1970 and 1990, USA focused its efforts on upgrading and consolidating the wastewater collection and treatment system throughout the County. With this success as a foundation, USA was asked, over time, to take on more responsibilities related to local water issues including the establishment of a surface water management (SWM) utility in 1990. It has become clear in recent years that USA's work is about more than sewage collection and treatment—it is about caring for the water resources in the Tualatin River Watershed. Today, nearly 450,000 Washington County residents enjoy clean water and healthy rivers and streams through innovative wastewater and stormwater utility services, flood management, water quality and stream enhancement projects, fish habitat protection and more.

FISCAL IMPACT:

\$37,000 (FY 00-01)

\$18,000 (FY 01-02)

\$55,000 total estimated fiscal impact

REQUESTED ACTION:

Adopt the resolution and order renaming Unified Sewerage Agency of

Washington County to Clean Water Services.

USA ROO1-30

Agenda Item No.

4.a.

Date:

6/05/01

RECEIVED BY OWRD

JAN 0 4 2016

USA has been preparing for the name change for nearly a year and has taken measures to minimize the fiscal impact of the change. In January, USA placed a moratorium on the ordering of letterhead, business cards, billing stock, envelopes, fleet signage and other materials that include the Agency's name. In addition, scheduled upgrades and replacements of the Agency's web site, facility signage and public information materials have been delayed to take advantage of the anticipated name change. The new name and logo will be phased in within existing replacement cycles where possible over the next 12-18 months.

The \$55,000 estimated cost associated with the name change will be spread over a two-year budget cycle (FY00-01 and FY01-02) as the Clean Water Services name is phased in on printed materials, fleet markings and at USA's five facilities and 41 pump stations. Costs associated with the name change include name and logo development, marketing and research, fleet signage, customer announcements and employee uniforms. Total costs will be limited to less than 0.1 percent of the Clean Water Services fiscal year annual operating budgets in FY 2001 and FY 2002.

The new name, Clean Water Services, reflects our broader role in managing today's water quality needs and planning for the challenges of tomorrow.

RECEIVED BY OWND

JAN 0 4 2016

1	IN THE UNIFIED SEWERAGE AGENCY	
2	OF WASHINGTON COUNTY	
3	In the Matter of Renaming the Unified) Sewerage Agency of Washington County,) RESOLUTION AND ORDER	
5	Oregon to Clean Water Services and Designating Registered Office and Registered Agent. NO. USA 01-30	
6	The above-entitled matter came before the Board of Directors (Board) for the Unified	
7	Sewerage Agency of Washington County, Oregon (USA) at its regular meeting of June 5, 2001;	
8	and	
9	It appearing to the Board that in a special election held on February 3, 1970, the majority	
10	of the voters favored forming a county service district to be known as Unified Sewerage Agency	
11	of Washington County, Oregon in accordance with Oregon Revised Statutes Chapter 451 (ORS	
12	451), as amended by Chapter 646, Oregon Laws 1969, and a proclamation of the election results	
13	was certified and accepted by the Washington County Board of Commissioners (County Board)	
14	on February 5, 1970 by County Resolution and Order No. 70-35; and	
15	It appearing to the Board that on February 4, 1970 by County Resolution and Order No.	
16	70-36, the County Board formed and established Unified Sewerage Agency of Washington	
17	County under ORS 451 as a municipal corporation with the authority to construct, maintain and	
18	operate sewage works, designated the County Board as its governing body, and dissolved certain	
19	special sanitary districts organized under ORS Chapter 450; and	
20	It appearing to the Board that after USA's formation, USA assumed responsibilities	
21	related to local water issues including the establishment of a surface water management (SWM)	
22	utility in 1990; and	
23	It appearing to the Board that in May 2000, the Board asked USA to investigate a possible	le
24	name change to reflect USA's broader role in managing water resources in the Tualatin	
25	Watershed, and after reviewing a number of options, the Board chose "Clean Water Services" as	3
26	the name that best describes USA's mission; and	

RECEIVED BY OWRD

JAN 0 4 2016

1	It appearing to the Board that a district may change its name from the name given it in the			
2	formation order pursuant to ORS 198.793; and			
3	It appearing to the Board that the name change requires a number of administrative tasks			
4	to carry it out; and			
5	It appearing to the Board that USA published appropriate notice of the public hearing			
6	scheduled for June 5, 2001 pursuant to ORS 198.730(2); now therefore it is			
7	RESOLVED AND ORDERED that the name of the Unified Sewerage Agency of			
8	Washington County, Oregon is changed to Clean Water Services; and it is further			
9	RESOLVED AND ORDERED that USA shall notify any and all agencies of its new name			
10	as required by ORS 198.794, and submit a new notice of designation for its registered agent and			
11	registered office to the Oregon Secretary of State Archives Division as set forth in Exhibit A			
12	attached hereto and incorporated herein; and it is further			
13	RESOLVED AND ORDERED that this name change is effective 30 days from the date of			
14	this resolution and order unless a petition objecting to the name change is filed as provided by			
15	ORS 198.730(3).			
16	DATED this 5th day of June, 2001.			
17	A DIFFER COMED A CE A CENCY			
18	UNIFIED SEWERAGE AGENCY WASHINGTON COUNTY, OREGON			
19	By its Board of Directors AYE NAY ABSENT			
20	BRIAN Com Brian			
21	Chairman ROGERS ROHOOTEN Chairman			
22	DUYCK Z Recording Secretary			
23	U			
24				
25				

PAGE 2 - RESOLUTION AND ORDER

26

UNIFIED SEWERAGE AGENCY 155 North First Avenue, Suite 270, MS 10 Hillsboro, Oregon 97124 Phone (503) 846-8621 Fax (503) 846-3757 RECEIVED BY OWRD

MAN 0 4 2016

NOTICE OF DESIGNATION OF SPECIAL DISTRICT REGISTERED OFFICE AND REGISTERED AGENT

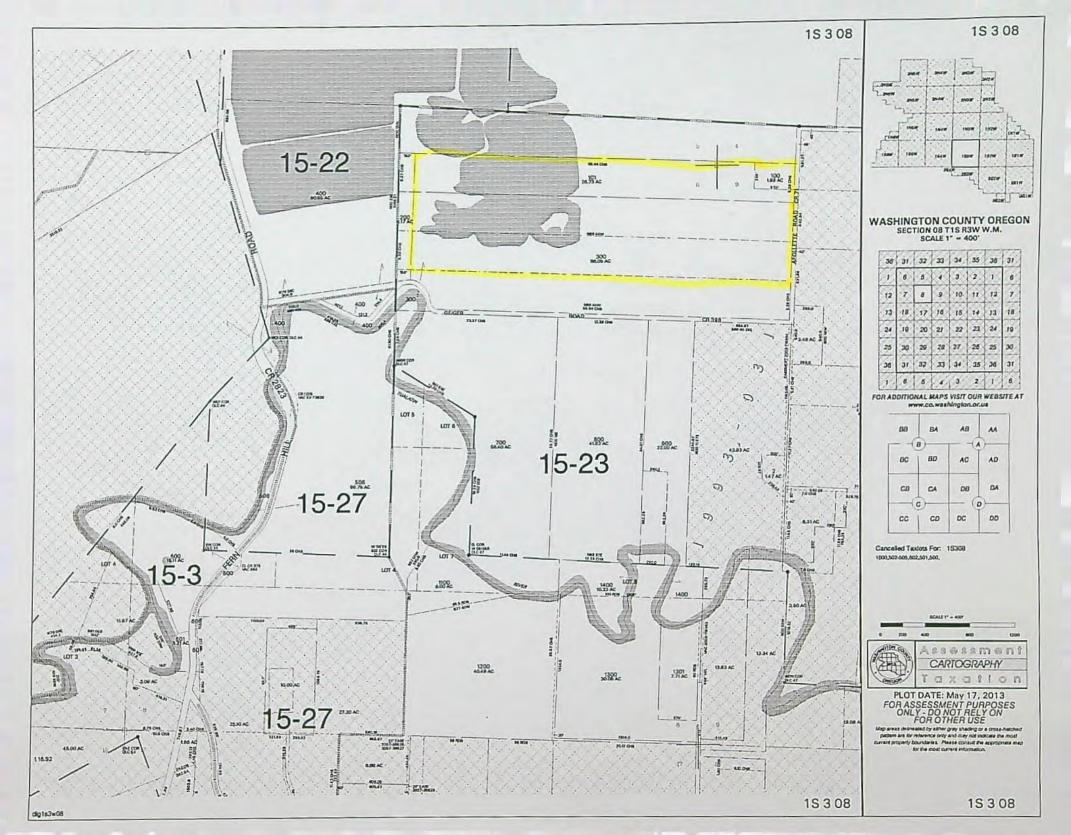
I. Dennis Stracho		(Financial Officer)
(&NATANALY OF the BOARD) of ORS Chapter 198, certif		ration, organized under the provision
1. Pursuant to a resoluti	on of the District Board, duly ac	dopted, the registered office of this
Clean Water Services	, 155 N. First Avenue, Su	uite 270, Hillsboro, OR 97124
(Street Address of Registered Of	ffice, City, Zip)
2. The registered agent	in Oregon at such registered offi	ice is:
Bill Gaffi, Gener	al Manager	,
	(Name of Registered A	gent)
of, 20 Clean Water Service		ard) of the District this day
	(Name of District)	
D		
By:(\$kacexacty)	(Financial Officer)	(RAPPART PART AR PERFORM)
STATE OF OREGON)	
) ss.	
County of)	
Signed before me on	by	
	Notary Public - Orego	
	My Commission Expi	res:
	must be filed each time a change is ma for filing this form. Please send the fo	ade in either the registered agent or the
-0	Secretary of State Archives Division	

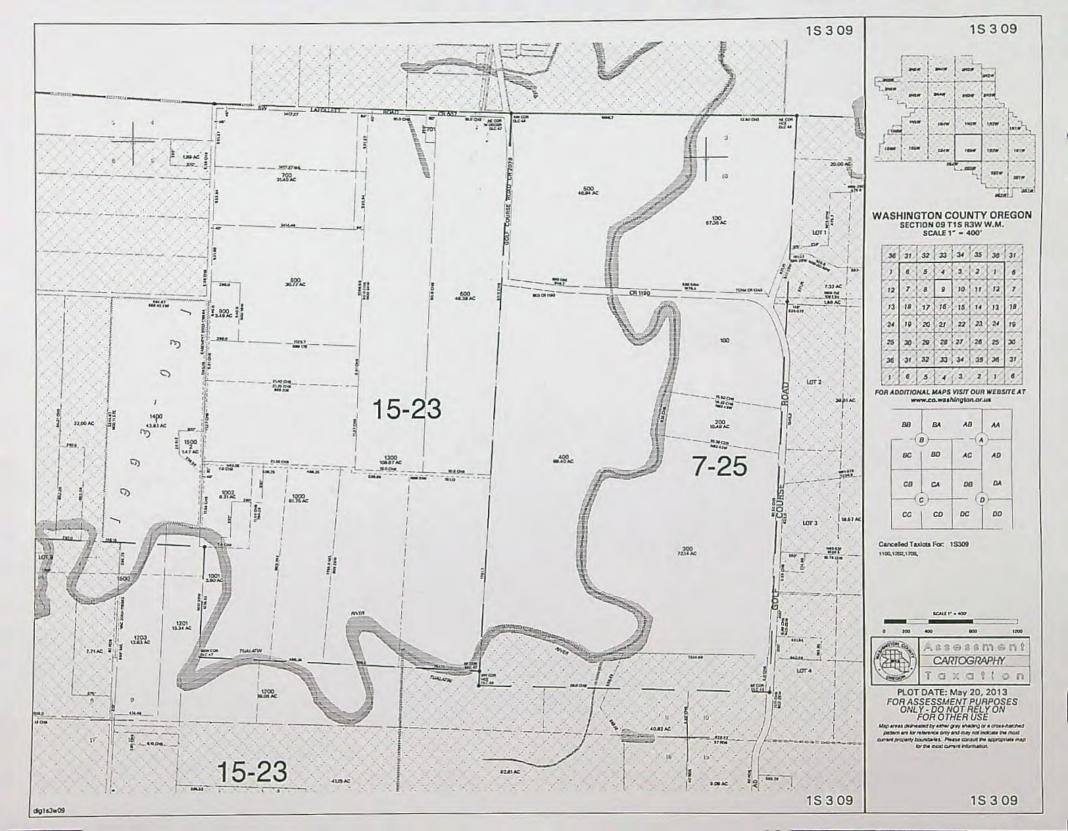
800 Summer St. NE Salem, OR 97310

Revised: March 2001

Sent n = ---

RECEIVED BY OWRD





Dorothy Pedersen

From:

Dorothy Pedersen

Sent:

Tuesday, September 18, 2012 3:30 PM Pagel, Martha (MPagel@SCHWABE.com)

To: Cc:

KebbeS@CleanWaterServices.org

Subject:

T-11468 news

Attachments:

Sample applicant letter to local gov for SAC (2 - Laura's comments).doc

Martha,

I took a quick look at the new instream application T-11468 and noticed a couple of things:

- The applicant is listed as Clean Water Services in care of Steve Kebbe, Engineer, however it is signed by Diane Tanigidi Denis, Deputy General Manager, rather than by Steve. I assume that the applicant is Clean Water Services (as signed for by the Deputy General Manager), and that Steve Kebbe is the one to whom mail should be addressed, in order to see that it gets to the right place in the office. Is that correct?
- 2. The proposed reach goes through or adjacent to several cities in Washington and Clackamas Counties. The application asked the applicant to list all government entities within whose jurisdiction the proposed instream reach will be located, and to notify all government entities and provide copies of the notices with the application. The application only listed Washington County and included a Land Use Information form from Washington County Planning. The Department has identified the following governments within the reach and has sent a notice out to them, so you will not need to do anything more related to this. Washington County, Clackamas County, City of Cornelius, City of Hillsboro, City of Tigard, City of Tualatin, City of West-Linn, City of Durham, City of Rivergrove and City of King City. I have attached an example "notice" that you can use to notify local governments prior to application submittal if you do future instream transfers.

I will continue to do the rest of the review of the application, and let you know if we need any additional clarification while we wait the 30 days for government entities to comment on the notices.

Sincerely,

Dorothy Pedersen Transfer Program Advisor Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, OR 97301-1266 (503) 986-0890



STATE OF OREGON WATER RESOURCES DEPARTMENT INTEROFFICE MEMO

DATE:

September 19, 2012

TO:

Application File T-11468

FROM:

Dorothy Pedersen

SUBJECT: Land Use Compatibility - Affected Local Government Notice

On September 19, 2012, the Department mailed notice of the instream transfer application to:

Washington County

Clackamas County

City of Cornelius

City of Hillsboro

City of Tigard

City of Tualatin

City of West-Linn

City of Durham

City of Rivergrove

City of King City

These represent affected local governments in which the proposed place of use (instream reach) is located.

A Land Use Information form was previously filled out and signed by Washington County.

This notice is being done to be consistent with the Department's Land Use Planning Procedures guide for instream actions under Division 77.



Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment September 19, 2012

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County:

WASHINGTON

Transfer:

11468

Water Right:

CERT 22048

Priority Date:

SEPTEMBER 19, 1951

Name:

CLEAN WATER SERVICES

16060 SW 85TH AVE

TIGARD, OR 97224

Change:

PLACE OF USE; USE (TO INSTREAM)

Source:

TUALATIN RIVER

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

.... D-03-15 note: these are not included as stake holders in wizes.

Counties

Washington County Land Use and Transportation Department Planning Division 155 N. First Avenue, Suite 350, MS 14 Hillsboro, OR 97124

Clackamas County Transportation and Development 9101 SE Sunnybrook Blvd. Clackamas, OR 97015

Cities

City of Tigard Current Planning Division Permit Center Building 13125 SW Hall Blvd. Tigard, OR 97223

City of Tualatin Planning Department 18876 SW Martinazzi Ave. Tualatin, OR 97062

City of West-Linn Planning Department 22500 Salamo Road, #1000, West Linn, OR 97068

City of Durham City Hall – Planning Department 17160 SW Upper Boones Ferry Rd. Durham, OR 97224

City of Rivergrove – Planning PO Box 1104 Lake Oswego, OR 97035

King City – Planning 15300 SW 116th Ave. King City, OR 97224-2693

City of Forest Grove Community Development – Planning 1924 Council Street Forest Grove, OR 97116



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

Watermaster Review Form: Water Right Transfer

Tra	nsfer Applicati	on: T- <u>11469</u>		Revi	ew Due Date:	9/30/2012
App	plicant Name:	Clean Water S	ervices care of	Steve Kebbe, E	ngineer	
Pro	Proposed Changes: POU POD POA USE OTHER					
Rev	viewer(s): G. 1	Beaman/C. Bear	man	Date	of Review:	Sep. 18, 2012
1.	presumption of	evidence that the of forfeiture wou dated aerial pho	ıld not likely be	rebuttable?	Yes No	If "yes", attach
2.	Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:					
3.	Have headgate notices been issued for the source that serves the transferred right(s)? ☐ Yes ☒ No ☐ Records not available.					
4.	In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:					
5.	In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:					
6.	Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: N/A					
7.	For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: N/A					
8.	For instream transfers that propose protection of a reach beyond the mouth of the source stream: N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No					
9.		ges: N/A Is same source?				inue to receive

For POU or USE changes: N/A In your best judgment, would use of the existing right
at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain:
Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? Yes No If "Yes", explain:
What alternatives may be available for addressing any issues identified above: N/A
Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked below:
A Headgate should be required prior to diverting water.
Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)
a. Before water use may begin under this order, the water user shall install a totalizing flow meter*, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) or at each new point of diversion/appropriation.
b. The water user shall maintain the meters or measuring devices in good working order.
c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)
a. Before water use may begin under this order, the water user shall install <u>staff</u> <u>gages</u> *, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.
b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and
downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.
* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:
☐ Weir ☐ Submerged Orifice
Parshall Flume Flow Restrictor Other:

Page 2 of 3

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T		
☐ In order to avoid enlargement of the right or is be installed prior to diversion of water, as a co ☐ at each point of diversion/appropriation ☐ at each new point of diversion/appropriation	ndition of this transfer on (new and existing)	:
For additional information, or to obtain approval applicant should contact the area Watermaster:	of a different type of n	neasurement device, the
Watermaster name:		
District:		
Address:		
City/State/Zip:		
Phone:		
Email:		
Note: If a device other than the one specified in the approved by the Watermaster, fill out and ma		
***********	*******	******
Approval of an Alternate Meas (to be filled out after consultation w On behalf of the Director, I authorize use of the fo	ith the applicant, or aj	fter a site visit)
Watermaster signature	District	Date
If this form is used for approval of an alternative r	neasurement device, i	t must be mailed to:
Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1266		

Page 3 of 3

Instream Water Right Transfer Application Checklist Checked by Date 8-27-12

(If QK,	check box to left; if not, fill in the blank)	I				
	. Page 1 of application: Are all attachments			included?	Can	12
	If not, what is missing?	Evide	rived 8.	24-17	Journ	Limited
□ 2	. Are fees included and correct?			_ , _	Time	Limited
f Accepting	If not, the correct fee would be:	, so the am	ount missing is: _		1	inste
tople,	Base fee for one water right, POU change	e and first cfs =		\$900.00		+ 22049
1 1	Type of use change to instream =			\$700.00	- Cer	
reed to	# of additional water rights (see Part 4 of application) =		x \$400.00 =	ø	_ 29	.ZAC
Acct.	If more than 1 cfs (based on primary acres x rate), # cfs or fraction above the first cfs =	Ø	x \$250.00 =	9	- ch	ange astream
Deduction			Sub-total =	\$1600.00	1-1	(
ar \$800	50% "fish-friendly reduction in	fee = Sub-tota	al above x 0.50 =	800.00		To be
Total = original sub-total minus the 50% reduction = \$800.00						teducted
1			(_			Cron
3	Page 3 of application: Have all the application	ants listed at th	e top of the page s	signed at the b	ottom?	customer
	If not, whose signature is missing?					Schwale
(🖻) 4	. Are all signatures on the application and a			-OK	C	Williams
	If not, whose "original" signature is missing	ng? No E	vidence i	receive	tagn	70 1
5	i. Are all listed certificates or permits shown If not, which are cancelled?			es. 8	1-28.12	Wyat
	For each cancelled certificate, if there has lands in the left side of Table 2, list its num on this checklist.			e issued that c nd check the #		
NATE	If any certificate is in the name of a "distr	ict", is a Suppl	emental Form D f	from that distr (district)	ict enclosed?	
7	If all #1 #6 haves on this shooklist are sho	alsod (with an			4)	-

7. If all #1-#6 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4, #5 or #6 is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.



STATE OF OREGON WATER RESOURCES DEPARTMENT INTEROFFICE MEMO

DATE:

October 26, 2015

TO:

Application File T-11469

FROM:

Tracy Fox, TACS

SUBJECT:

Land Use Compatibility - Affected Local Government Notice

On October 27, 2015, the Department mailed notice of the instream transfer application to the governmental entities on the attached list.

These represent affected local governments in which the proposed place of use (instream reach) is located.

A Land Use Information form was previously filled out and signed by Washington County.

This notice is being done to be consistent with the Department's Land Use Planning Procedures guide for instream actions under Division 77.



Water Resources Department

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

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 10/26/2015

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: WASHINGON; CLACKAMAS

Transfer: 11469

Water Right: CERT 87874

Priority Date: SEPTEMBER 19, 1951

Name: CLEAN WATER SERVICES

C/O STEVE KREBBE 16060 SW 8TH AVENUE TIGARD, OREGON 97224

Change: PLACE OF USE, USE (TO INSTREAM USE)

Source: TUALATIN RIVER

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

<u>Counties</u>: Note: Washington County was included in the application, however I sent this to them also just to be complete.

Washington County Planning Commission 155 N First Ave Hillsboro, OR 97124-3072

Clackamas County Transportation and Development 150 Beavercreek Rd Oregon City, OR 97045

Cities:

City of Forest Grove Community Development – Planning 1924 Council St PO Box 326 Forest Grove, OR 97116-0326

City of Cornelius Community Development 1300 S Kodiak Circle Cornelius, OR 97113

City of Hillsboro Planning Division Civic Center, 4th Floor 150 E Main St Hillsboro, OR 97123

City of Tigard Permit Center – Planning 13125 SW Hall Blvd Tigard, OR 97223

City of Durham
City Hall – Planning Department
17160 SW Upper Boones Ferry Rd
Durham, OR 97224

City of Tualatin Planning Department 18880 SW Martinazzi Ave Tualatin, OR 97062-7092 City of King City Planning Commission 15300 SW 116th Ave King City, OR 97224-2693

City of Rivergrove Planning Commission PO Box 1104 Lake Oswego, OR 97035

City of West Linn Planning Department 22500 Salamo Rd West Linn, OR 97068

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before October 04, 2012. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

County:

KT.AMATH

Transfer: 11463
Water Right: CERT 33418
Priority Date: FEBRUARY 11, 1959

Name: JOHN M. LIPKOWITZ

2024 SUMMER BLOSSOM #102

LAS VEGAS, NV 89134

Change: POINT OF APPROPRIATION; PLACE OF USE; USE
Source: A WELL

County:

WASHINGTON

County: WASHINGTON
Transfer: 11468
Water Right: CERT 22048
Priority Date: SEPTEMBER 19, 1951

Name:

CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD, OR 97224

Change:
PLACE OF USE; USE
Source:
TUALATIN RIVER

County: WASHINGTON Transfer: 11469 Water Right: CERT 22048

Priority Date: SEPTEMBER 19, 1951

Name: CLEAN WATER SERVICES

16060 SW 85TH AVE

TIGARD, OR 97224

Change: PLACE OF USE; USE Source: TUALATIN RIVER

ORIGINALS

Transfer Application

Transfer Map

Evidence of Use Affidavit

Documentation of Use

Land Use Information Form

Report of Ownership

Miscellaneous

Superseded Pages

Receipt

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

August 27, 2012

BY HAND DELIVERY

Laura K. Wilke Oregon Water Resources Department 725 Summer St NE Ste A Salem, OR 97301-1271

Re: Application for Time-Limited Instream Transfer / Clean Water Services

Our File No.: 091418/140785

Dear Laura:

The enclosed application for a Time-Limited Instream Transfer is submitted for filing on behalf of our client, Clean Water Services ("CWS"). Please deduct the application fee of \$800 from our firm account with the Oregon Water Resources Department ("OWRD").

The application proposes a time-limited transfer for the remaining portion of Certificate 22048 that was not previously included under Transfer T-7408 approved by OWRD on May 26, 2010 (Special Order Volume 80, Page 1133), and in a separate application for permanent instream transfer application filed today.

I will serve as the contact person for this application. If you have questions or need any additional information, please just let me know.

Sincerely,

Martha O. Pagel

MOP:kdo Enclosures

2110100

Steve Kebbe (w/encls.)
Jeff S. Jones, P.E. (w/encls.)

RECEIVED

AUG 27 2012

WATER RESOURCES DEPT SALEM, OREGON

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



Application for Water Right Instream Transfer

Part 1 of 5 - Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included. For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL INSTREAM TRANSFER APPLICATIONS

RECEIVED

Che	ck all ite	ns included with this application. (N/A = Not Applicable)	AUG 2 7 2012							
\boxtimes		Part 1 – Completed Minimum Requirements Checklist.	WATER RESOURCES DEPT							
		Part 2 – Completed Map Checklist.	SALEM, OREGON							
		art 3 – Completed Instream Transfer Application – Applicant Information and Signature.								
		Part 4 – Completed Instream Transfer Application – Water Right include a separate Part 4 for each water right. List all water right transferred here: 22048.	t Information. Please							
\boxtimes		Part 5 - Completed Instream Transfer Application - Proposed Ins	stream Use Information.							
		Attachments:								
\boxtimes		Completed Instream Transfer Application Map.								
\boxtimes		Completed Evidence of Use Affidavit and supporting documenta	ation.							
		Fees – Amount enclosed: \$ 800.00. See http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees	or call (503) 986-0883.							
		Note: Instream transfers are considered both a change in pla of use. In addition, an automatic 50% fee waiver applies to a								
	⊠ N/A	Affidavit(s) of Consent.								
	⊠ N/A	Supplemental Form D – For water rights served by or issued in t district. Complete when the transfer applicant is not the irrigation								
		Land Use Notice - Notice of the intent to file an instream transfe provided to each affected local government along the proposed r must be enclosed with the instream transfer application.								
		(For Staff Use Only)	ONUNC DE LOONS							
		WE ARE RETURNING YOUR APPLICATION FOR THE FOLI Application fee not enclosed/insufficient Map not in	cluded or incomplete							
			otice not included or incomplete							
			is incomplete							
		Other/Explanation								
		Staff:503-986-0 Date:								

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and

1	matches t	the existing water right map. Check all boxes that apply.
	□ N/A	Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/ .
		OR
	⊠ N/A	Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map must still meet Department mapping requirements described below.
	⊠ N/A	If more than three water rights are involved, separate maps are needed for each water right.
		Permanent quality printed with dark ink on good quality paper.
\boxtimes		The size of the map can be $8\frac{1}{2} \times 11$ inches, $8\frac{1}{2} \times 14$ inches, 11×17 inches, or up to 30×30 inches. For 30×30 inch maps, one extra copy is required.
\boxtimes		A north arrow, a legend, and scale.
		The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
		Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.
\boxtimes		Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
		Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
		Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
\boxtimes		Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
		Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.
		RECEIVED

1011469 TACS

AUG 27 2012

Part 3 of 5 - Applicant Information and Signature

	T	ype of Instream	n Transfer		40.000
Permanent Ins	stream Trans	fer or	⊠ Time-Limi	ted Instream	Transfer
pplicant Information					
APPLICANT/BUSINESS NAMI Clean Water Services in (bbe, Engineer	PHONE NO. 503-547-8198	ADDITIONAL 503-547-81	CONTACT NO.
ADDRESS 16060 SW 85th Avenue,				FAX NO. 503-547-81	96
CITY Tigard	STATE OR	ZIP 97224	E-MAIL KebbeS@CleanW	aterServices.org	
gent Information – T	he agent is author	orized to represen	t the applicant in all	matters relating	to this application.
APPLICANT/BUSINESS NAMI Martha O. Pagel of Schw		& Wyatt, P.C.	PHONE NO. 503-540-4260	ADDITIONAL 503-796-28	CONTACT NO.
ADDRESS 530 Center Street NE, St				FAX NO. 503-796-290	00
CITY Salem	STATE OR	ZIP 97301	E-MAIL mpagel@schwabe	com	
individuals/entities to whic	0				
By signing this application Department approval of	of the transfer, I v		of the draft preliminary	v determination as	
authorized to pursue th	ne transfer as ider				
authorized to pursue the I affirm the applicant i	s a municipality a	atified in OAR 690- as defined in ORS 5	380-4010(5); OR	information and e	vidence that I am
authorized to pursue the authorized to pursue the applicant is name of the municipal I affirm that the applic	s a municipality a lity or a predecess ant is an entity wi	atified in OAR 690- as defined in ORS 5 for; OR th the authority to	380-4010(5); OR 40.510(3)(b) and that t	information and e the right is in the is acquiring by	
	ne franster as ider				

In your own words tell us what change(s) you want made and the reason for the change(s): <u>Clean Water</u> Services wants to transfer the water right instream for the benefit of the Tualatin River.

Applicant Signature

Print Name (and Title if applicable)

Date

IRRIGATION DISTRICT NAME	ADDRESS		
СПУ	STATE	ZIP	
Check here if water for any of for stored water with a federal		rater service agreement or othe	r con
ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	
city, municipal corporation, or tribwill be located. ENTITY NAME Washington County CITY	ADDRESS 155 N First Avenue STATE	urisdiction the proposed instre	eam re
will be located. ENTITY NAME Washington County	ADDRESS 155 N First Avenue	urisdiction the proposed instre	eounty
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY	ADDRESS 155 N First Avenue STATE	urisdiction the proposed instre	eam re
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY Hillsboro	ADDRESS 155 N First Avenue STATE OR	urisdiction the proposed instre	eam re
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY Hillsboro ENTITY NAME	ADDRESS 155 N First Avenue STATE OR ADDRESS	urisdiction the proposed instre	eam re
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY Hillsboro ENTITY NAME CITY ENTITY NAME	ADDRESS 155 N First Avenue STATE OR ADDRESS STATE	urisdiction the proposed instre	eam re
city, municipal corporation, or trib will be located. ENTITY NAME Washington County CITY Hillsboro ENTITY NAME	ADDRESS 155 N First Avenue STATE OR ADDRESS ADDRESS ADDRESS ADDRESS ADDRESS ADDRESS	ZIP 97124	eam re

RECEIVED

AUG 27 2012

WATER RESOURCES DEPT SALEM, OREGON

ZIP

STATE

CITY

Please use a separate Part 4 for each water right being changed. See instructions at http://www.wrd.state.or.us/OWRD/PUBS/docs/Hints_Forms_MS_Word.doc.

CERTIFICATE # 22048

Name on Certificate: Russell A. Cowan

Date(s) of Priority: September 19, 1951

Source(s) of Water to be Affected by the Transfer: Tualatin River

Description of Water Delivery System

System capacity: ____ cubic feet per second (cfs) OR

300-330 gallons per minute (gpm)

RECEIVED

AUG 27 2012

WATER RESOURCES DEPT SALEM, OREGON

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Reclaimed water is pumped to the POU utilizing a 75 hp, end suction pump located near the Forest Grove Wastewater Treatment Plant site. Water is conveyed through approximately 5,300 linear feet of 18 and 12-inch buried pipeline with risers installed for connection to water cannon sprinkler systems.

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" lands?

Yes

No

If YES, list the certificate, water use permit, or ground water registration numbers:



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Priority Date (if different between PODs)	Tv	wp	R	ng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1		1	S	3	w	8	NW	NW	47	Not identified on certificate or map

Will	the	proposed	instream	transfer	affect	the	entire	water	right?
11.000		Propose							0

Yes Then Table 2 on Page 6 does not need to be completed.

No Then complete all of Table 2 to describe the portion of the water right to be changed.

RECEIVED

AUG 27 2012

Table 2. Description of Change to Water Right Certificate # 22048

List only the part of the right that will be changed. For the acreage in each quarter-quarter, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD, specify the acreage associated with each POD.

					, 1							
Twp	,	Rnį	g	Sec	1/	4 1/4	Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
66	66	64	44	44	66	66	66	44	EXAMPLE	"	44	"
1	s	3	w	8	NE	NE	1S3080 000300	47	14.1	Irrigation	09-19-51	1
1	s	3	w	8	SE	NE	1S3080 000300	47	0.8	Irrigation	09-19-51	1
1	s	3	w	9	N W	NW	1S3080 000300	47	14.8	Irrigation	09-19-51	1
							TOTAL	ACRES	29.7			

Additional remarks: ____.

RECEIVED

AUG 27 2012

Part 5 of 5 - Proposed Instream Use Information

habitat and other ed Recreation Navigation Pollution Abatemen	atenance and enhance ological values.	ancement of aqua	tic and fish life, wildli		
Originating Water Right Number (as identified in	Priority Date	Source Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
Part 4) Cert # 22048	09/1951	Tualatin River	June 23 – Sept. 30	0.37	74.2
-					
					-1
			TOTAL	VOLUME	74.2
Note: The instream rate volume may not exceed to Additional Information: I water right proposed to be Identify the location of	o max volume or Rate and volume e transferred.	duty allowed by listed in table abo	the existing right(s). eve is based on the 29.		
Water is requested to Location of proportion upstream and dow POD at approxim T. 1 S., R. 3 W.,	o be protected w sed reach (If an i	ithin a reach: instream water right the reach): The 55 (said POD loc South and 40 fee	ht reach is requested, Tualatin River from ated in the NE 1/4 of I	identify the Cert. # 22 NW ½, Sec	2048 tion 8,
8); to the mouth Recommendations for c			2, T. 3 S., R. 2 E., W avoid taking away o		g
existing water rights.					D
⊠ None			RECEIVE	D	
			AUG 2 7 20	112 TO 11	469

Other (such conditions may include, but are not limited to, reductions in the instream flow
levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow
measuring locations and the strategy for monitoring the instream flow or lake levels):

RECEIVED

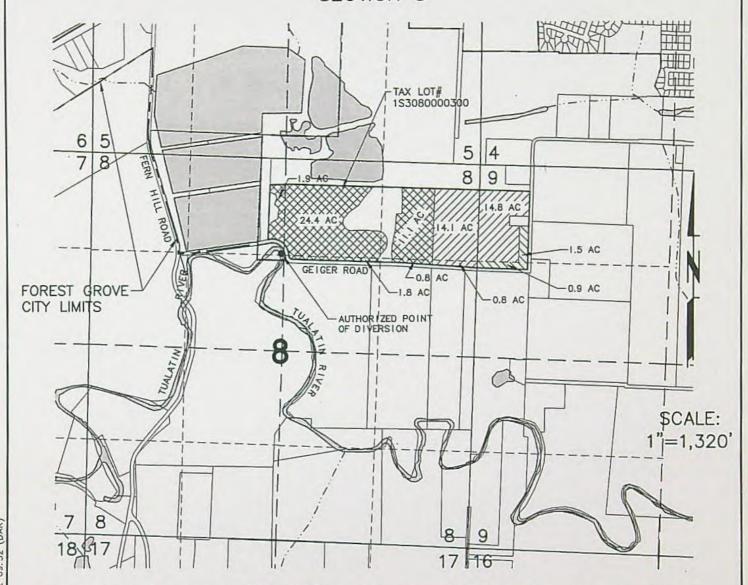
AUG 27 2012

	re any existing instream water rights on the same point or within the s) or lake, or on a portion thereof:	e same requested
□ No	Yes (identify other instream wa	ater rights): Cert. #
72960,	2961, and 80000 (under ORS 537.341); Cert # 59692, Applications #	MF174 and
MF175	(all three under 537.346); Cert. # 81025 (Henry Hagg Lake reservoi	r source); and
Applica	tions # S 86703 and S 86704 (both treated effluent sources)	
establish of conse (state ag with an	Tew instream water rights are generally (but not always) additive to instruct under ORS 537.348 (instream transfer application process) and ORS right water) and replace a portion of instream water rights established under application process) or ORS 537.346 (conversion of minimum percentile priority date.	537.470 (allocation ider ORS 537.341 ennial streamflows)
right est	r intent to have the proposed instream water right transfer be additive to ablished under ORS 537.348 and ORS 537.470 and replace a portion of ablished under ORS 537.341 and ORS 537.346 with an earlier priority d	any instream water
Yes	☐ No. If no, please explain your i	intent below:
establish instream Oregon	oposed conversion would add to the amounts of an existing instream wat led under ORS 537.341 or 537.346, provide documentation demonstration flows are necessary. Supporting documentation should include information of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Con abatement), and/or Parks and Recreation Dept. (recreation).	ng why additional ation from the
occurri	equested instream flow intended to exceed the estimated average nating from the drainage system? ; OR	ural flow or level
_ Ye	s (Provide supporting documentation that demonstrates why additional for the public use requested.); OR	lows are significant
	es, and it is presumed that flows that exceed the estimated average natural te levels are significant because:	l flow or natural
	The requested flow does not exceed the maximum amount of any instread application applied for under ORS 537.341 (state agency instream water process) for the same reach or portion thereof, and the requested public public use as the afore mentioned instream water right application, and	r right application use is for the same
	For the specified time period that flows are requested to exceed the estinatural flow or lake level, the stream is in an ODFW flow restoration properties of the priority watershed map indicating the specific watershed in included with the application. Priority watershed maps may be found of page; or	riority watershed. A volved should be
	The stream is listed as water quality limited and DEQ has provided scienthat demonstrates that increased flows would improve water quality. The information provided by DEQ should be included with the transfer approximation provided by DEQ should be included with the transfer approximation.	he scientific lication.
For a T	me Limited Instream Transfer, please answer the following:	RECEIVED
☐ The	time-limited instream transfer is for a specific number of years:	AUG 2 7 2012
	Begin Year to End Year	
	e-limited instream transfer is to terminate based upon other conditions:	WATER RESOURCES DEPT SALEM, OREGON
Revised 2	1/2012 Instream Transfer Application – Page 9of 11	1469 TACS

Conditions: Transfer remains in effect until Clean Water Services determines the water is needed for other District purposes which may include, but not limited to, 1) if the District sells—the land that water right is appurtenant to, and buyer wants to restore the water right for irrigation use or 2) if the District requires restoring the irrigation right when reclaimed water is no longer available for irrigation of the land.

RECEIVED

AUG 27 2012



APPLICATION MAP FOR INSTREAM TRANSFERS OF WATER RIGHT PERMIT NO. S-20745 CERTIFICATE NO. 22048

IN THE NAME OF CLEAN WATER SERVICES WASHINGTON COUNTY RECEIVED

AUG 28 2012

CERTIFICATE NO. 22048
CHANGE IN PLACE OF USE
PER T-7408
AREA = 40.0 ACRES

AUGUST 2012

WATER RESOURCES DEPT SALEM, OREGON

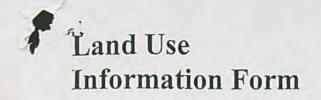
CERTIFICATE NO. 22048
PROPOSED TIME LIMITED TRANSFER
AREA = 29.7 ACRES

STATE OF OREGON

PROPOSED PERMANENT TRANSFER AREA = 2.4 ACRES

NOTE: This map is for the purpose of identifying the location of the 11469 water right only and is not intended to provide legal dimensions or locations of property lines.

G: \PDX_Projects\10\1134\CAD\10-1134-403-0R-WR MAP.dwg . 8/15/12 09:52 (DAK)





NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

RECEIVED 1 1 4 6 9 AUG 2 7 2012



Land Use **Information Form**

Mailing Address: 16060 SW 85th Avenue

Applicant(s): Clean Water Services in care of Steve Kebbe, Engineer

State: OR



sources Department t NE. Suite A 301-1266

RECEIVED

AUG 2 7 2012

WATER RESOURCES DEPT

Daytime Phone: 503-547-8198 SALEM, OREGON

A.	Land	and	Location
	-uiiu	CHICA	LOUGHION

City: Tigard

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

Zip Code: 97224

proposed se	i i i i cu	boundarie	5 TOT THE TUN	Tot informati	on requested below.				
Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>1S</u>	<u>3W</u>	8	NE NE	1S30800 00300	Exclusive Farm Use	Diverted	Conveyed	Used	<u>N/A</u>
<u>1S</u>	<u>3W</u>	8	SE NE	1S30800 00300	Exclusive Farm Use	Diverted	Conveyed	Used	<u>N/A</u>
<u>1S</u>	<u>3W</u>	2	NW NW	1S30800 00300	Exclusive Farm Use	Diverted	Conveyed	Used	<u>N/A</u>
	-					☐ Diverted	☐ Conveyed	☐ Used	

B. Description of	Proposed Use	2			
Type of application to Permit to Use or Sto Limited Water Use	ore Water 🛛 W	Vater Resources Depar Vater Right Transfer Illocation of Conserved V	Permit .	Amendment or Ground ge of Water	Water Registration Modification
Source of water: Re	eservoir/Pond	Ground Water	Surface Water (na	nme) Tualatin River	
Estimated quantity of w	vater needed: 0.3	7	t per second	gallons per minute	acre-feet
Intended use of water:	☐ Irrigation ☐ Municipal	Commercial Quasi-Municipal	☐ Industrial ☐ Instream	Domestic for	household(s)
Briefly describe:					

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.

1011469

RECEIVED

AUG 27 2012

For Local Government Use Only

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

Please check the appropriate box below and pro-	ovide the requested information
---	---------------------------------

Land uses to be served by the proposed wate your comprehensive plan. Cite applicable or		allowed outrigh	t or are not regulated by
Land uses to be served by the proposed wate listed in the table below. (Please attach docu Record of Action/land-use decision and acco periods have not ended, check "Being pur	mentation of applicable land-use approvals wo impanying findings are sufficient.) If approv	hich have alrea	dy been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lan	d-Use Approval:
pulling, very		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
Name: Anne Kelly	Title:	Associ	ale Plana
Name: The Kelly	Phone: 503-846	HESOCI	ate flana
ignature:	Phone: SD3-846	_8/3/Date: _	8/8/12
Government Entity: Working for	COUNT DEUT		
Note to local government representative: Ple ign the receipt, you will have 30 days from the orm or WRD may presume the land use associ-	Water Resources Department's notice date to	return the com	pleted Land Use Inform
£	***************************************	*************	
Receipt f	or Request for Land Use Inform	ation	
pplicant name:			
ity or County:	Staff contact:		
ignature:	Phone:	Date:	

RECEIVED

AUG 27 2012 TO 1 - 6 9/FS

Application for Water Right **Transfer**

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

Evidence of Use Affidavit

	riease print is	egibly or type.				ust be attac		eed more spacing.	.0
State o	f Oregon)					C	3
County	y of Washingto	on)) ss						,
, JEFF	S. JONES, in my	capacity as	CERTIFIED V	VATER RIC	GHT EXAMI	NER (450 W)	RE),		
nailin	ng address 121	SW SALMON. S	UITE 900. PC	RTLAND.	OR. 97204				
eleph	one number (503)225-9010,	being first	duly sw	orn depos	se and say	i i gyani	- · · · ·	
. M		of the exercis		of the w		t is based o	on (check one)	REC	EIVED
Lat	ttest that:							AUG	2 8 2012
	Water was u Certificate #	22048; OR					ace of use for ocations within		OURCES DEF OREGON s:
	Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)	
							0.250	(ir approad)	
R									
	Confirming	Certificate #	has	been issi	ed within	n the past	five years; OR		
	instream leas	se number is	:(No	te: If the	e entire ri	ght propos	sed for	five years. The ot leased instream	.); OR
		ght is not sub	ject to for	feiture a	nd docun	nentation t		ion of forfeiture f	
	Water has be						appropriation fers)	for more than	
				continue	s on revers	se side)	101	1 4 6 9	

Evidence of Use Affidavit - Page 1 of 2

- 3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF OAT GRASS TO MAINTAIN AND PROMOTE THE GROWTH OF OAT GRASS. AND TO PREVENT INTRUSION OF UNDESIRABLE/NOXIOUS WEEDS
- 4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of thiant

AUGUST 15, 2012

Signed and sworn to (or affirmed) before me this 15th day of August, 2012.



Adria El Meyn Notary Public for Oregon

My Commission Expires: 02-26-2013

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	 Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	District assessment records for water delivered Crop reports submitted under a federal loan agreement Beneficial use reports from district IRS Farm Usage Deduction Report Agricultural Stabilization Plan CREP Report
Aerial photos containing sufficient detail to establish location and date of photograph RECEIVED AUG 2 8 2012 WATER RESOURCES DEPT SALEM, OREGON	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

- 3. The water right was used for: (e.g., crops, pasture, etc.): <a href="https://linear.com/linear.c
- I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

AUGUST 15, 2012

Signed and sworn to (or affirmed) before me this 15th day of August, 2012.

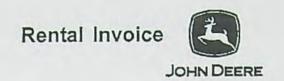


Adria El Meyn Notary Public for Oregon

My Commission Expires: 02-26-2013

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	District assessment records for water delivered Crop reports submitted under a federal loan agreement Beneficial use reports from district IRS Farm Usage Deduction Report Agricultural Stabilization Plan CREP Report
Aerial photos containing sufficient detail to establish location and date of photograph RECEIVED AUG 2 8 2012 WATER RESOURCES DEPT SALEM, OREGON	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

FISHER IMPLEMENT CO. 31970 OLD HWY 34 P.O.Box 159 Tangent, OR 97389 541-926-1534



S O L	CLEAN WA 2550 SW			PAGE 1 CASH CHG. OTHER	S CLEAN WATER SERVICES			/ICES
T	HILLSBOR		OR 97124	ACCT. NO	т	CATEADI	IDI TOATE	DUPLICATE*
SALESMAN	ORDERNO.	RO. NO.	PHONE PHONE	411739 INVOICEDATE	TIME	INVOICE N	D.	DUPLICATE
495	1		503-681-3600	25SEP07	13:39	LOC:	4	4328
	INVOICE F JD 642 6420 PREN RENTAL RA 1 DAY = 9 LIABILITY 1 DAY = 9 LIABILITY A SERVICE AT THE TI AT CONCLUMINIMUM F HOURLY RA WOULD APP RENTAL PA ADVANCE O DUE AT TH PERIOD. ALL RENTA	PERIOD: 20 G ATUM CAB ATES: 1 HRS. 1 7 INSURAN 1 HRS. 1 7 INSRUAN 1 HRS. 1 8 HRS. 1 7 INSRUAN 1 HRS. 1 8 HRS. 1	WEEK = 33 HRS, NCE WEEK = 33 HRS, NCE EANING DEPOSIT O	04152 7-07) 726.00 M 1 MONTH = 1 MONTH = F \$200.00 S OF USE ARGED AT CHARGES T AYMENT IS ENTAL PAY CCURING R IMUM RENT, REATER.	100 HR 100HRS IS DUE OVER TH AN HAT DUE IN MENTS A ENTAL	E W	AUG 2	1.452.00 8 2012 URCES DEPT REGON
	060				DESCI	MOTTON	ACCOUNT	AMOUNT
Ed Sol	3000	SHIPVIA			PARTS			
ed		DEGI N oct	0 4 2007		TOTAL N	ON-TAXAI	LE	1,452.00
RECEIVED BY		Ву			PLEASE PA	Y THIS TO	TAL	1,452.00

IOME OF THE HARD HOSE

TRAVELERS DESIGNED FOR

THE NORTHWEST

ERNST IRRIGATION

5036334114 P.

P.01/01

ERNST HARDWARE CO.

20179 MAIN ST, N.E. P.O. BOX 38 ST, PAUL, OREGON 97137

QUOTATION

Ph. 503-633-4111 503-223-6752 503-362-0136

FAX - 503-633-4112





SPRINKLER IRRIGATION

· Clear Water Services	Date Date	19 _
ity Fax 503-541-8001 State	Telephone Date Interested	
QUANTITY Traveler Rental:		PRICE
Me Car Rest a unit Similar Zo Model 110-1100' - 1100' Zo The unit will Gove Equipped in Speed Control	Hose	
at your Forest Cover Plant 134	5 February Rh	
Appled weeks in addition To The Base Month 625 each	2900	
Thorks Horale		
School for Fall '07	RECEIVED	-
Asked of Wednesday	WATER RESOURCES DEPT SALEM, OREGON	
Boll		

Price Subject to Change Without Notice:

If you desire to order equipment as listed, subject to conditions on reverse side, sign on line accepted.

QUOTATION NOT BINDING ON ERNST HARDWARE CO. UNTIL ORDER RECEIVED AND ACCEPTED BY AN OFFICER. PRICE SUBJECT TO CHANGE WITHOUT NOTICE.

Accepted	

Date: 26 SEP 07

Time: 15:26 Expires: 26 OCT 07

PARTS & SERVICE QUOTE

ERNST IRRIGATION CO 20179 MAIN ST N E

ST PAUL, OR (503) 633-4111 97137

Slsprsn: GERSlsprsn: None

Ouote No: 816290001 Segment No: 2

For: CLEANWATER SERVICES 3235 SE RIVER RD

HILLSBORO (503) 681-3600

OR 97124

Make EHCO Model 110-950 Pin 93-6768-5 Segment No: 2

Unit Extended
Price Price
394.02 394.02
.89 7.12 Ext Wgt Wgt Qty Part Number/Description 1 EH3012 GASTANK ASSY Total Weight 0 8 307143 1/4 FUEL 80.00 401.14 Total Labor Total Parts Total Misc

0.00 0.00 Taxes Quote/Estimate Expires: 26 OCT 07 Segment Total 481.14

Grand Total for Work Order Ouote

Total Weight 0
Total Labor Hours 3.00

Total Price 1740.38 0.00 Taxes 0.00 1740.38 Grand Total

Quote/Estimate Expires: 26 OCT 07

12/3/107

RECEIVED

AUG 2 8 2012

PARTS & SERVICE QUOTE

Date: 26 SEP 07 ERNST IRRIGATION CO

Time: 15:26 20179 MAIN ST N E Expires: 26 OCT 07 ST PAUL, OR 97137

(503) 633-4111

Slsprsn: GERRY PARMANTIER For: CLEANWATER SERVICES

3235 SE RIVER RD

Quote No: 816290001 . OR 97124 HILLSBORO 1

Segment No: (503) 681-3600

ke E	HCO Model 11	0-950 Pin 93-6768	-7	Segment No:	l
Qty 1 2 8	Part Number/D CL103-1613 ARMS106 307143	AUBURN MTR H HUB ASSY 1/4 FUEL	Ext gt Wgt	Unit Price 585.20 74.95 .89 394.02	Extende Pric 585.2 149.9 7.1
1	EH3012 9-150T	GASTANK ASSY 9-150T Total Weigh Total Labor		43.00	43.0
				Total Labor Total Parts Total Misc Taxes	80.00 1179.24 0.00
	Quote/Estimate	Expires: 26_OCT 07	inued)	Segment Total	1259.2

RECEIVED

AUG 28 2012