T-10332

Instream TLIS

FEES PAID

Cert. Fee

FEES REFUNDED

Amount

Receipt No.

Check No.

Name Clean Water Services % Steve Kebbe		
Address 2550 S.W. Hillshoro Highway Hillshoro, OR 9.712.3 503 Lxt-3600 Steve Kebbe Direct Steve Kebbe Direct The steve Kebbe Direct Steve Kebbe Direct The steve Medical Direct The steve Medic	Name of stream Tualatin River Trib. of Willandte. County of Washington Use Tellow Water No. of acres Name of ditch Date of priority 8/14/1975 In name of Why Thomas Adjudication, Vol, page App. No. \$53537 Per. No. \$38215 Cert. No. 48491 Certificate cancelled	Date 3/5/07 TOTAL
Certificate issued, page	Notation made on record by	
REMARK Schwabe, Williamson + Wyatt gent: Martha O. Pagel 530 Center St. NE OID/CWRE: Jeffrey Jones 450 Nashington County 155 n. First Ave. Suite ity of Tigard 13125 Sw Hall Blud Tigar	563 796-2900 Fax Suite 400 Salem, OR 97301 503 540-4260 300 Hilkbord, OR 97124	

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT #86521

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

INVOICE #

REC	EIVED FRO	M: Maga	11/1 to	r Service	APPLICATION				
BY:		-(1601)	- COULC	+ JULVICE	PERMIT				
					TRANSFER	T-10332			
CAS	H: C	CHECK:#	OTHER: (IDENT)	IFY)					
		X 1485B			TOTAL REC'D	\$350.00			
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	0407	COPIES				\$			
		OTHER: (IDENTIFY)			\$			
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	4270 WRD OPERATING ACCT								
	-	MISCELLANEOU		ID OF ENATING	ACCI				
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	0410	RESEARCH FEES				S			
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	0240								
		WATER RIGHTS:		EXAM FEE		RECORD FEE			
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	0203	GROUND WATER		S	0204	\$			
	0205	TRANSFER		\$ 35000					
	0200	WELL CONSTRU	CTION	EXAM FEE		LICENSE FEE			
	0218	WELL DRILL CON		\$	0219	\$			
	0210	LANDOWNER'S F			0220	\$			
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	0211	WELL CONST STA	ART FEE	\$	CARD #				
	0210	MONITORING WE	LLS	\$	CARD #				
		OTHER	(IDENTIFY) _						
	0607	TREASURY	0467 HY	DRO ACTIVITY	LIC NUMBER				
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	DESCRIPT	TION				\$			
		and the same of th							

RECEIPT:

86521 DATED: 3/5/07 BY: KULLOUSE



Water Resources Department North Mall Office Building 725 Summer Street NE, Suite A Salem, OR 97301-1266

503-986-0900 FAX 503-986-0904

December 31, 2008

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

Reference: Time-Limited Instream Transfer 10332

Enclosed is a copy of the order approving your time-limited instream transfer application.

If you have questions, please contact Laura Wilke at 503-986-0884.

Sincerely,

Sarah Henderson

Executive Support

cc:

Watermaster #18

Jeffrey Jones, CWRE Martha Pagel, Agent

Sarah Henderson

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-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.
- 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
ĺ	2 S	i 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.
- 5. 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.
- 7. 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.
- 8. 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.
- 12. 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;
 - 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. 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:

- 1. 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.
- 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 #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

- 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 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.
- 7. 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
 - c) 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 29 day of December, 2008.

Phillip C. Ward, Director

Mailing Date ______ DEC 0 1 2009

Water Right Transfer Checklist

Transfer T-10332 Transfer Specialist: Laura Snedaker									
Transfer Type: Instream - time i mitted									
Applican	t Name/Ad	dress: <u>Clea</u>	n Water Service	s, c.o Steve Keb	be, 2550 S	W Hil	lsboro Why, Hillsbor	o, OR 97123	
	Agent Name/Address: Martha Pagel (Schwabe, Williamson & Wyatt, P.C.), 530 Center St NE, Suite 400, Salem OR 97301								
CWRE N	CWRE Name/Number: Jeffrey Jones, #450								
Rec Landowner Name/Address: N/A									
Irr. District Name/Address: N/A									
Affected Gov'ts Name/Address: Washington Couty, City of Tigard, Clackamas County, Tualatin									
Comment	Commentors: Name/Address: Devlan, Riverg were of King Cite								
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Records Records App File No. or Decree Permit No. Certificate No. Certificate No.						RR/CR Nos.			
		S-53537		S-38215	48491		⊠ Yes □ No		
							Yes No		
							☐ Yes ☐ No		
Key Date	s & Initial	Actions	1						
Rec'd: 3/5/2007 Proposed Action(s): POU POD HST APOD USE OTHER: Instream (POU & Character of use)							eam (POU &		
Fees Pd:	\$350.00		WM District:	18		ODI	FW District: N/A		
Initial No	tice: 3/20/2	2007	WM Review s	ent: 3/21/2007		ODI	FW Review sent: N/	A	
Acknowle	dgement L	etter Sent [\boxtimes			GW	Review sent: N/A		
Processin	g Dates &	Actions							
Deficienc	y Contacts:						d Due: 12/9		
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Notice of I				100	iiiii Oldel E	, gnat	are Date. 12-6	7 00	

	Review Checklist	T- <u>10332</u>	Processor: La	ura Snedaker	
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-)				om ALL affected Govt's)	5
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	Certificated right or Proof acce	pted "to the satisfac	tion"	1	
	The right been exercised accord	ding to terms & con	ditions of certificate 1	course began USiNog	
	Delivery system has the capacit	ty to fully divert the	rate/duty of the right.	reclaimed.	
	No information in record that s			Water	
	No conflicts identified on the p		Δ 4 4		
	Affidavits prepared for rights the	nat need to be cance	led or diminished.— //	+	
	Application Map				
	The map has an original CWRE	E signature.			
	The map size and scale accurate	e and appropriate pe	er OAR 690-380-3100(1)(l	b)(c)&(d).	
	All authorized and proposed PC	OD's/POA's and PC	U's shown and clearly lab	peled.	
->	Metes and bounds for the POD				
	The POD/POA dimensions & 1/		he transfer application and	l certificate descriptions.	
	Map acres match the tabulation		_/		
	Have final proof maps/decree n	naps for the rights.	Application map matc	hes certificate FPS.	
	Have necessary aerial photos.				
	Determining the "From" and "To			and certificates to mark on)	
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(Conditions to avoid enlargement/inju				

Review Checklist



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

December 8, 2008

Laura K. Wilke Oregon Water Resources Department 725 Summer St NE Ste A Salem, OR 97301-1271

Re:

Clean Water Services - Transfer Application T-10332

Our File No.: 091418/140785

Dear Laura:

Enclosed is the original Affidavit of Publication from the Daily Journal of Commerce for the above-referenced transfer application.

Sincerely,

Martha O. Page

THE RESERVE OF THE PROPERTY OF

MOP:kdo Enclosure

cc:

Steve Kebbe

RECEIVED

DEC 0 9 2008

WATER RESOURCES DEPT SALEM, OREGON



P.O. Box 10127 / Portland, Oregon 97296-0127 / (503)226-1311 FAX (503) 222-5358

STATE OF OREGON, COUNTY OF MULTNOMAH. --ss.

I, MARC CAPLAN, being first duly sworn, depose and say that I am a Manager 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

NOTICE OF PRELIMINARY DETERMINATION CLEAN WATER SERVICES - WATER RIGHT TRANSFER T-10332

a printed copy of which is attached, was published in the entire issue of this newspaper for 3 time(s) in the following issues:

11/12/2008, 11/19/2008, 11/26/2008.

Subscribed and sworn to before me this 26th day of November, 2008.

> S PERRY NOTARY PUBLIC-OREGON COMMISSION NO. 412267

MY COMMISSION EXPIRES NOV 27, 2010

RECEIVED

DEC 0 9 2008

WATER RESOURCES DEPT SALEM, OREGON

SCHWABE WILLIAMSON & WYATT Attn: KAREN DONOHUE 1211 SW 5TH SUITES 1500-2000 PORTLAND, OR 97204

Notice of Preliminary Determination for Water Right Transfer T-10332

Transfer T-10332
T-10332 filed by Clean Water Services (2550 SW Hillsboro Highway, Hillsboro, OR 97123), proposes a change in place of use and character of use under Certificate 48491. The right allows the use of 0.04 cfs (priority date August 14, 1975) from a diversion on the TUALATIN RIVER in Sec. 14, T2S, R1W, W.M. for Irrigation in Sec. 14, T2S, R1W, W.M. The applicant proposes to create an instream use in the poses to create an instream use in the Tualatin River (from the diversion to the mouth of the Tualatin River) at a maximum of 0.04 cfs. The Water Resources Department has conclueded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-5000, and OAR 690-077-0075.

Any person may file, jointly or severally, with the Department a protest or standing with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination. with the preliminary determination.
Published Nov. 12, 19 & 26, 2008.
PF10137481-3We

Order No.: 10137481 Client's Reference No .: T-10303 filed by North Pointe Homeowners Association, Inc., c/o Jim Goode, 763 NW Augusta Court, Albany, OR 97321, proposes to modify the point of appropriation under Registration Application GR-2542 (Certificate of Registration GR-2402). The ground water registration claims the use of 89.8 gpm (tentative priority date of 1953) from a well in Sec. 6, T11S, R3W, W.M. (Willamette Basin) for irrigation of 1.79 acres in Sec. 6. The applicant proposes to modify the point of appropriation to two wells located between approximately 175 and 250 feet northwest (Sec. 6, T11S, R3W, W.M.). The Water Resources Department has concluded that the proposed modification appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-382-1000.

T-10332 filed by Clean Water Services (2550 SW Hillsboro Highway, Hillsboro, OR 97123), proposes a change in place of use and character of use under Certificate 48491. The right allows the use of 0.04 cfs (priority date August 14, 1975) from a diversion on the TUALATIN RIVER in Sec. 14, T2S, R1W, W.M. for Irrigation in Sec. 14, T2S, R1W, W.M. The applicant proposes to create an instream use in the Tualatin River (from the diversion to the mouth of the Tualatin River) at a maximum of 0.04 cfs. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-5000, and OAR 690-077-0075.

T-10394 filed by S Hawkins Inc, 57390 Hawkins Road, La Grande, Oregon 97850 proposes a change in place of use under Permit G-13078 for which proof to the satisfaction to the director was made. The right allows the use of 2.64 cfs (priority date July 20, 1995) from a well in Sec. 10, T 3 S, R 39 E, W.M. (Grande Ronde Basin) for irrigation within Sects. 10 and 11, T 3 S, R 39 E, W.M. The applicant proposes to change the place of use within Sects. 10 and 11, T 3 S, R 39 E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T 10302 filed by Paul B. and George B. Freeman, 28707 Dodge Island Road, Junction City, Oregon 97448, proposes to modify the point of appropriation under Registration Application GR 2718 (Certificate of Registration GR-2571). The ground water registration claims the use of 400 gpm (tentative priority date of 1953) from a well in Sec. 6, T 15 S, R 4 W, W.M. (Willamette River Basin) for irrigation in Sec. 6. The applicant proposes to modify the location of the original point of appropriation approximately 500 feet northwest (Sec. 6, T 15 S, R 4 W, W.M.). The Water Resources Department has concluded that the proposed modification appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-382-1000.

T-10527 filed by MEDFORD IRRIGATION DISTRICT, proposes change the character of use and place of use and add a point of diversion, under Certificate 81635. The right allows the use of 0.5cfs (priority date MARCH 31, 1910) from FOURMILE LAKE RESERVOIR in Sec. 9, T 36S, R 5E, W.M. and FISH LAKE RESERVOIR in Sec. 4, T 37S, R 4E, W.M. for MANUFACTURING USES in Sec. 31 and 32, T 37S, R 1W, W.M. The applicant proposes to change the character of use to Municipal, add a point of diversion approximately 16 miles downstream (Sec. 13, T 36S, R 2W, W.M.) and to change the place of use to the city limits of the City of Eagle Point. The Water Resources Department has concluded that the

Laura Wilke

From: Laura Wilke

Sent: Friday, December 05, 2008 11:54 AM

To: 'Pagel, Martha'

Subject: RE: Time-Limited Instream Transfer T-10332 for Clean Water Services

Fantastic! Thanks Martha.

Laura Wilke Flow Restoration Program Coordinator Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, Oregon 97301-1271 Phone: (503) 986-0884 Web: www.wrd.state.or.us

From: Pagel, Martha [mailto:MPagel@SCHWABE.com]

Sent: Friday, December 05, 2008 11:00 AM

To: Laura Wilke

Subject: RE: Time-Limited Instream Transfer T-10332 for Clean Water Services

Hi Laura:

We did have it published; the last date was 11/26. I have the affidavit here and will send it off to you today.

Thanks. Martha

Martha O. Pagel

SCHWABE, WILLIAMSON & WYATT

Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com

From: Laura Wilke [mailto:snedaklk@wrd.state.or.us]

Sent: Friday, December 05, 2008 10:24 AM

To: Pagel, Martha

Subject: Time-Limited Instream Transfer T-10332 for Clean Water Services

Hi Martha!

The PD for T-10332 was issued on October 31, 2008. As part of the PD process, Clean Water Services needed to publish notice of the transfer in a local newspaper for three consecutive weeks. I just wanted to check in and see if this has been done and if the affidavit of publication (the original) is ready to send on in to the Department. It's of course that last date of publication that establishes when the protest period ends.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301-1271
Phone: (503) 986-0884
Web: www.wrd.state.or.us

To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

NOTICE: This communication (including any attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Thank you.

T-10332 termination of order - request to trovide written notification applic id's overt 48414 on some and st - this creve done s not appear to overlap withe area proposed for transfer - to affidavits of use 1) Supported by reg of reclaimed wester filed in 1997 almost 10 yrs prior to + van & feer appears to coner avea proposed for themsfer this is more fitting to rebuttal though your is hot subject to forfeiture



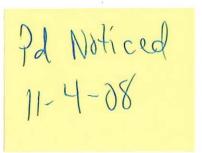
***! - - -

Water Resources Department

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

October 31, 2008

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



SUBJECT: Transfer Application T-10332

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10332. 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 simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day 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.

Because of the change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

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 if I may be of assistance.

Sincerely,

Laura K. Wilke

Field Services Division

cc: Darrel

Darrell Hedin, District 18 Watermaster Martha Pagel, Schwabe Williamson & Wyatt

Jeffrey Jones, CWRE

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time-Limited Instream)	PRELIMINARY DETERMINATION
Transfer Application T-10332, Washington)	PROPOSING APPROVAL OF A
County)	TIME-LIMITED INSTREAM
)	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

- 1. 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.
- 2. 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

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

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.

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.
- 5. 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.
- 7. 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.
- 8. 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.
- 12. 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 Preliminary Determination proposing to approve Transfer Application T-10332 to the applicant. The cover letter for the 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 Preliminary Determination and requested that the Department proceed with issuance of a Preliminary Determination.

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

- 14. 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).
- 15. A diversion structure, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 16. 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.
- 17. 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

18. 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.

- 19. The proposed change, as modified, would not result in injury to other water rights.
- 20. The amount and timing of the proposed instream flow, as modified, is allowable within the limits and use of the original water right.
- 21. 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.
- 22. 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.
- 23. 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.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10332 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 application T-10332 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-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.
- 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 #2) 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

- 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 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.
- 7. 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
 - c) 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 3/5 day of October, 2008.

Phillip C. Ward, Director

This Preliminary Determination was prepared by Laura Wilke. If you have questions about the information in this document, you may reach me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us..

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice of Preliminary Determination for Water Right Transfer T-10332

T-10332 filed by Clean Water Services (2550 SW Hillsboro Highway, Hillsboro, OR 97123), proposes a change in place of use and character of use under Certificate 48491. The right allows the use of 0.04 cfs (priority date August 14, 1975) from a diversion on the TUALATIN RIVER in Sec. 14, T2S, R1W, W.M. for Irrigation in Sec. 14, T2S, R1W, W.M. The applicant proposes to create an instream use in the Tualatin River (from the diversion to the mouth of the Tualatin River) at a maximum of 0.04 cfs. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-5000, and OAR 690-077-0075.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Water Resources Department

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

June 9, 2008

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

SUBJECT: Application T-10332

Enclosed please find a draft of our Preliminary Determination regarding transfer application T-10332. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action. We are specifically seeking your concurrence with Findings of Fact #15 and #16.

In addition, the following information or application materials are needed to complete the review of the transfer application:

- Original affidavits of publication (with original signatures) from Peter Guillozet and Jeff James need to be submitted to the Department.
- Reports of ownership and lien information do not need to be submitted when the applicant is a municipality and when the water right proposed for transfer is in the name of a municipality or a predecessor. However, the water right to be transferred to instream use, Certificate 48491, is a water right in the name of John M. Thomas (not a predecessor to Clean Water Services). At this time, you must submit a report of ownership and lien information for the lands to which the water right is appurtenant (the FROM lands) that has been prepared within the last three months by a title company. You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.
- Within the proposed instream reach are several existing instream water rights created for the purpose
 of supporting aquatic life and minimizing pollution. The application requests the protection of
 instream flows for fish and wildlife purposes. To support the need for additional instream flows, the
 Department would recommend amending the instream use to include the use of water for pollution
 abatement.

Because of the change in character of use (instream use), the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by July 8, 2008, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0884 or Laura.K.Snedaker@wrd.state.or.us if I may be of assistance.

Sincerely,

Field Services Division

Darrell Heldin, District 18 Watermaster Martha Pagel, Schwabe Williamson & Wyatt cc:

enc

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Time-Limited Instream Transfer Application T-10332, Washington)	DRAFT
County)	PRELIMINARY DETERMINATION
)	PROPOSING APPROVAL OF A
)	TIME-LIMITED INSTREAM
)	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

- 1. 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.
- 2. 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

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

- 3. A total of 9.0 AF of water may be beneficially used annually under the existing right.
- 4. Application T-10332 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 any other ecological values on a time limited basis.
- 5. The applicant requests that the water right described in Finding of Fact #2 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.
- 6. 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 #2) to the mouth of the Tualatin River.
- 7. 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

- 8. 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.
- 9. 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.
- 10. The application includes a Land Use Information form completed and signed by a representative of the City of Tigard planning department. Additionally, the Department has

T-10332.lks Page 2 of 6

- provided notification of the proposed action to Washington County, Clackamas County, and the cities of Tualatin, West-Linn, Durham, Rivergrove, and King City.
- 11. 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.
- 12. 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 *****, 2007. On ******, 2007, the applicant concurred with the draft Preliminary Determination and requested that the Department proceed with issuance of a Preliminary Determination.

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

- 13. 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).
- 14. A diversion structure, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 15. 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.

16. Based upon Finding of Fact #15, on ******, 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

- 17. The proposed change, as modified, would not result in enlargement of the right. The lands described in Finding of Fact #2 may continue to receive reclaimed water during the term of this time-limited instream transfer.
- 18. The proposed change, as modified, would not result in injury to other water rights.
- 19. The amount of the proposed instream flow and the timing of the proposed instream flow is allowable within the limits and use of the original water right.

- 20. 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.
- 21. 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.
- 22. 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. However, the proposed instream use may be additive to these existing instream protections.
- 23. 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.
- 24. 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.
- 25. By replacing a portion of Certificate 80000 or other junior instream rights created at 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.
- 26. 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.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10332 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 application T-10332 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-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.
- 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 #2) 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

- 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 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.
- 7. 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;
 - 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.
- 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 expiration of this transf use as described by Certificat of use upon submission of a te	e 48491. The use sha	all revert to the authorized use a	
Dated at Salem, Oregon this	day of	2008.	
DRAFT			
Phillip C. Ward, Director			

This draft Preliminary Determination was prepared by Laura Snedaker. If you have questions about the information in this document, you may reach me at 503-986-0884 or Laura.K.Snedaker@wrd.state.or.us.



Water Resources Department

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

June 9, 2008

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

SUBJECT: Application T-10332

Enclosed please find a draft of our Preliminary Determination regarding transfer application T-10332. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action. We are specifically seeking your concurrence with Findings of Fact #15 and #16.

In addition, the following information or application materials are needed to complete the review of the transfer application:

Original affidavits of publication (with original signatures) from Peter Guillozet and Jeff James need to be submitted to the Department.

Reports of ownership and lien information do not need to be submitted when the applicant is a municipality and when the water right proposed for transfer is in the name of a municipality or a predecessor. However, the water right to be transferred to instream use, Certificate 48491, is a water right in the name of John M. Thomas (not a predecessor to Clean Water Services). At this time, you must submit a report of ownership and lien information for the lands to which the water right is appurtenant (the FROM lands) that has been prepared within the last three months by a title company. You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Within the proposed instream reach are several existing instream water rights created for the purpose
of supporting aquatic life and minimizing pollution. The application requests the protection of
instream flows for fish and wildlife purposes. To support the need for additional instream flows, the
Department would recommend amending the instream use to include the use of water for pollution
abatement.

Because of the change in character of use (instream use), the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by July 8, 2008, a Preliminary Determination may be issued denying the application as incomplete.

all great

STATE OF OREGON

COUNTY OF

WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOHN M. THOMAS

of 16575 S. W. 85th Ave., Tigard , State of Oregon, 97223 , has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Tualatin River

a tributary of Willamette River irrigation of 19.3 acres

for the purpose of

under Permit No. 38215 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 August 14, 1975

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 0.24 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 NE4 SE4, Section 14, T. 2 S., R. 1 W., W. M., 1320 feet South and 30 feet West from E4 Corner, Section 14.

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-eightiethof 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 $2^{1/2}$ acre 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:

19.3 acres NE¼ SE¼ Section 14 T. 2 S., R. 1 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date.

August 23, 1979

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume

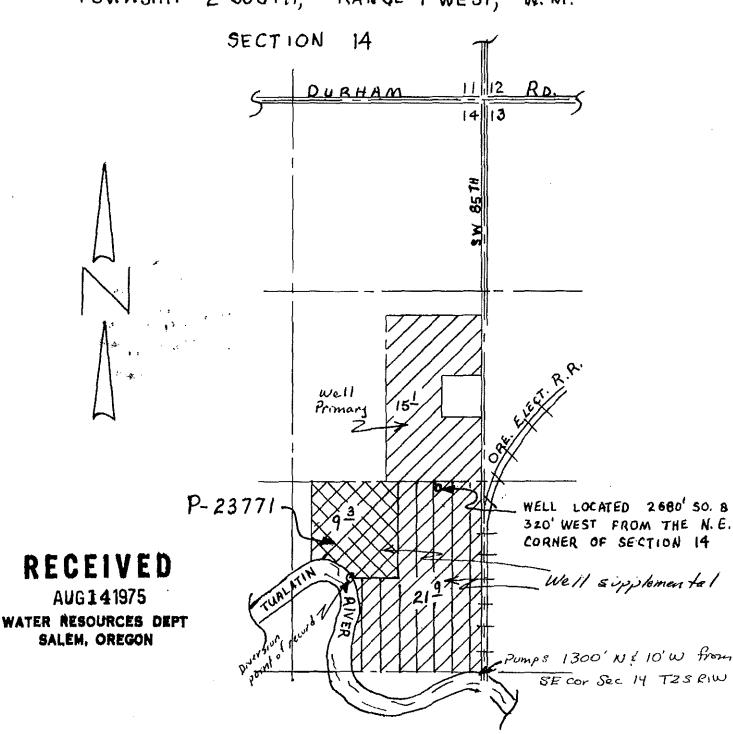
42 , page

48491

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

JOHN THOMAS 16575 SW 85TH TIGARD, OREGON

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



T-10332 TLT A - me al original affidavites Fresh Somes - need so final apple Like for Cert 48,491 (file 5-53537) tofind file - seen note cittached to ciert Who is Bill Gaffi - Greeneral Managrey DE L'Signature ou application those march of W/Clean letter Services-the applicant? * Notice of application to: July Cocal Gov't =

Tigard, Tvalarin, Wash Co,

Crack annes Co West Linn

Ouran (?), Rivergrove (?) 30 days e-mail to WM-make Surre got 5-16 all of Covvect (503) 846-7780 V-look up ors 540610(2)(k) - Will mered to forible ROLI - water right in name of John Thomas-hor a monit





Social Services

County Home > Social Services > Community Resource Guide > Clean Water Services

Social Services Home

Community Resource Guide Low-Cost Housing **Assisted Living Facilities** Supportive Living **Residential Care Facilities Nursing Homes** Adult Care Homes

Adult Day Services Programs Adult Placement Agencies Prescription Drug Assistance Guide

Community Resources Poster Hoja De Recursos En La Comunidad ВЫВЕСКА ОБЩЕСТВЕННЫХ

РЕСУРСОВ

Senior Sites

Clean Water Services

Location: Clean Water Services 2550 SW Hillsboro Highway Hillsboro, OR 97123-9379

Mailing Address: ATTENTION: BILL GAFFI **CLEAN WATER SERVICES** 2550 SW HILLSBORO HIGHWAY HILLSBORO, OR 97123-9379

Telephone Numbers and Contact information

Phone #: (503) 681-3600 Main phone

Fax Number: (503) 681-3603

Web Page:

http://www.cleanwaterservices.org

E-mail to:

askus@CleanWaterServices.org

Program Details:

Operating Agency: Clean Water Services (Governmental)

Person In Charge: General Manager: Bill Gaffi

Hours: Monday-Friday 8am-5pm

Fees: None

Intake Process: Call for information

Service Area: Urban Washington County, Multnomah County and

Clackamas County

Handicap Accessibility: Wheelchair access

Public None Listed

Transportation:

Program/Service Notes:

Clean Water Services is a public utility committed to protecting water resources in

IS WR'S existing MF 175 pridate 4/19/1975 Which is senior to proposed ilest regue 050 professed væ commen replense a portion et this væ since it is atronog junior to the MF. MF 174 pridate 4/15/1970 Storion to proposed instructure Proposed commot replace - woold mered Semion pri Corr 59692 (min Flow conversion) Dridate 5-25-1966 Same Sitvations as MF 175 AMF 174. Curi 80000 (agency process) Pri 8/5/14937 Process High pri Wah July -> Stept requested IS president is June 22 -> Stept

1-10332

Ev of use is reclaimed werter flas kends insulf morre to a fluding of hor subject to for feighture Sie T-7012 for similar WAB id # 30201006 7 ENAF flows not exceeded by proposed transfer Several ISWR'S Win proposed reach all restabished Via agency process or Min, Flow [LT] term indieninitie if 3red propor veclaimed Water becomes varader able

- (a) The department finds that the transfer is causing injury to any existing water right; or
- (b) The person fails to comply with the requirements prescribed by the department pursuant to subsection (3) of this section.
- (7) The department shall provide notice, in the manner provided in ORS 540.520 (5), that the department received an application for a temporary transfer under this section.
 - (8) The department may:
- (a) Prescribe the duration of the temporary transfer period allowed under this section, up to 25 years;
- (b) Impose conditions in the terms of the temporary transfer, including revocation of the transfer for noncompliance with applicable state, local or federal laws; and
- (c) Determine the parties that may participate in the review of applications submitted under this section. [2003 c.705 §6]

Note: Section 11, chapter 705, Oregon Laws 2003, provides:

Sec. 11. The Water Resources Department shall submit a report, in the manner provided in ORS 192.245, that shall include a detailed description of the features of the process employed by the Water Resources Commission to implement section 6 of this 2003 Act [540.585], including any recommendation for further legislation. The report shall be submitted to the Legislative Assembly no later than January 31, 2009. [2003 c.705 §11]

540.587 Report on implementation of temporary transfer provisions. The Water Resources Department shall submit a report, in the manner provided in ORS 192.245, that shall include a summary of the features of the process employed by the Water Resources Commission to implement ORS 540.585. The report shall be submitted no later than January 31 of each year to the Legislative Assembly or to an interim committee related to natural resources, as appropriate. [2003 c.705 §10]

Note: 540.587 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 540 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

FORFEITURE OF WATER RIGHTS

540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; 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 in-stream 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]
- 540.612 Exemption from forfeiture for right subject to petition filed under ORS 540.574. If a district, as defined in ORS 540.505, petitions for a transfer as provided in ORS 540.574 no later than the end of the calendar year of the fifth year of nonuse under ORS 540.610 (1), the forfeiture provisions of ORS 540.610 shall not apply to the lands from which the water right is sought to be transferred pending approval of the district's petition. The time required for the processing of the petition, including any time required for hearings, appeals and completion of an authorized change, shall not be included when computing a five-year period of nonuse under the provisions of ORS 540.610 (1). [1991 c.957 §11]

 $\bf 540.615$ [1961 c.140 §1; 1987 c.339 §5; repealed by 1989 c.699 §4]

540.620 [Repealed by 1955 c.671 §1]

540.621 Cancellation of abandoned water right upon request of owner. Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right. Effective upon the date of the entering of such order, the water which was the subject of use under the water right shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities. [1955 c.670 §1; 1979 c.67 §5; 1985 c.673 §96]

540.630 [Repealed by 1955 c.671 §1]

Commission of initiation of proceedings to cancel forfeited water right. Whenever it appears to the satisfaction of the Water Resources Commission upon the commission's own determination or upon evidence submitted to the commission by any person that a perfected and developed water right has been forfeited as provided in ORS 540.610 (1), and would not be rebutted under ORS 540.610 (2), the commission shall initiate proceedings for the cancellation of such water right by causing written notice of such initiation of proceedings to be given by registered or certified mail, return receipt requested, to the legal owner of the lands to which the water right is appurtenant and to the occupant of such lands. The notice to the

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 Ca	lculator	
Application number	Certificate #	Priority Date	
	48491		
Enter # of Acres			1 10 5000
3.60		V.	1
Enter rate/acre (ie 1/80)		Max Instream Rate in C	FS
0.0125		0.05	Rate A: Based on rate per acre
Enter Full Rate Allowed by Certificate in CFS	Enter total # acres allowed by Certificate		
0.240	19.30	0.04	Rate B: Proportional pased on full certificate
Enter duty/acre			/
2.50	9.00		
	Lesser of Rate A or B in CFS		
	0.04		
Optional =	Enter alternative rate (cannot be	greater than the lessor	of Rate A or B)
:			number days instream
	Based on Less	or of Rate A or B above	101
	Ba	ased on Alternative Rate	ERR

(u	Period Water Proposed to be Protected Instream at Maximum Rate (uses number of days instream from above table) Period may not exceed the season of use or extend outside the season of use (ie irrigation season)									
Based	Based on Lessor of Rate A or B above Based on Alternative Rate									
	Enter proposed begin date									
begin date	6/22/2008	begin date								
end date	9/30/2008	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										
begin date	####################################	begin date	ERR							

Optional - for alternative instrear	n periods including the full irrigat	ion season
Enter Proposed begin and end dates		
begin date	Number of Days in Identified	Period
end date	1 Day	'S
	CFS rate	
	4.538	

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 Ca	lculator	
Application number	Certificate #	Priority Date	1
	48491		and the
Enter # of Acres			(ever
15.70			1
Enter rate/acre (ie 1/80)		Max Instream Rate in C	FS
0.0125	9	0.20	Rate A: Based on rate per acre
Enter Full Rate Allowed by Certificate in CFS	Enter total # acres allowed by Certificate		
0.240	19.30	0.20	Rate B: Proportional pased on full certificate
Enter duty/acre			7
2.50	39.25		
	Lesser of Rate A or B in CFS		
	0.20		
Optional =	Enter alternative rate (cannot be	greater than the lessor	of Rate A or B)
			number days instream
	Based on Less	or of Rate A or B above	101
	Ba	ased on Alternative Rate	ERR

(u	Period Water Proposed to be Protected Instream at Maximum Rate (uses number of days instream from above table) Period may not exceed the season of use or extend outside the season of use (ie irrigation season)									
Based	on Lessor of Rate A or B above		Based on Alternative Rate							
	Enter proposed begin date									
begin date		begin date								
end date	4/9/1900	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										
begin date	#######################################	begin date	ERR							

Optional - for alternative instrear	n periods including the full irrigation season	
Enter Proposed begin and end dates		
begin date	Number of Days in Identified Period	
end date	1 Days	
	CFS rate	
	19.789	

11

12

Stor

175

30201006

YES

YES

54.6

2280.0

YES 611000.0

WATER AVAILABILITY TABLE

Water Availability as of 5/1/2008 for TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Watershed ID #: 30201006 Basin: WILLAMETTE Exceedance Level: 50 Time: 19:38

7 ±111C •	19.50										рате	9: (72/OT	/2008
Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
									······································					
1	181	YES	YES	YES	YES	YES	YES							
2	175	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES
3	30201006												_	YES

STREAM NAMES

Water Availability as of $\ 5/\ 1/2008$ for TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Watershed ID #: 30201006 Basin: WILLAMETTE Exceedance Level: 50

Item Watershed ID Stream Name

1	181	WILLAMETTE	R	> COLUMBIA	R	_	AT	MOUTH	
2	175	TUALATIN R	>	WILLAMETTE	R		AT	MOUTH	
3	30201006	TUALATIN R	>	WILLAMETTE	R		ΑТ	GAGE 142	0.7

3 3UZULUU6 TUALATIN R > WILLAMETTE R - AT GAGE 14207500

30201006 TUALATIN R > WILLAMETTE R - AT GAGE 14207500

TUALATIN R > WILLAMETTE R - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 5/1/2008 for TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Water Time:	shed ID #:		Basin: WILLAMETTE	Exceedance	Level: 50 5/01/2008
Mnth	Limiting Watershed	Stream Name			Net Water Available
1	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	YES	2630.0
2	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	YES	2550.0
3	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	YES	1720.0
4	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	YES	851.0
5	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	YES	117.0
6	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	NO	-129.0
7	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	NO	-286.0
8	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	NO	-322.0
9	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	ИО	-245.0
10	175	TUALATIN R >	WILLAMETTE R - AT MOUTH	NO	-81.9

TUALATIN R > WILLAMETTE R - AT GAGE 14207500

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION Water Availability as of 5/1/2008 for WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: Time: 19:38 181 Basin: WILLAMETTE

Exceedance Level: 50 Date: 05/01/2008

N€	Instream	Reserved	Expected!	nsumptiv	Natural Co	l	Month
	Require-	Stream	Stream	Use and	Stream	-	
Availab	ments	Flow	Flow	Storage	Flow	1_	
46900.(1500.00	0.001	48400.00	2720.00	51100.00	1	1
39600.0	1500.001	0.001	41100.00	8000.00	49100.00		2
33300.0	1500.001	0.001	34800.00	7580.00	42400.00		3
27700.0	1500.001	0.001	29200.00	7200.00	36400.00		4
22300.0	1500.00	0.00	23800.00	4460.00	28300.00	1	5
11700.0	1500.001	0.00	13200.00	2610.00	15800.00		6
3930.0	1500.001	0.00	5430.00	2560.00	7980.00		7
1710.0	1500.00	0.001	3210.00	2330.00	5530.00		8
2290.0	1500.00	0.00	3790.00	1950.00	5740.00		9
6140.0	1500.00	0.00	7640.00	746.00	8390.00	1	10
21900.0	1500.00	0.00	23400.00	1030.00	24400.00	1	11
49900.0	1500.00	0.00	51400.00	1380.00	52800.00		12
1610000	10900001	0	17200000	25500001	19700000	5	cor-50%

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES Water Availability as of 5/ 1/2008 for WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: Time: 19:38 181

Basin: WILLAMETTE

Exceedance Level: 50

Date: 05/01/2008 l ------|Mo|Storage | Irrig | Munic |Ind/Man|Commer |Domest |Agricul| Other | Total | 1| 1930.00| 0.001 485.00| 99.601 23.80 | 131.00 | 43.701 2720.001 9.491 | 2| 7210.00| 9.49 0.001 485.001 99.601 23.80 | 131.00 | 43.70| 8000.00| | 3| 6770.00| 6.43| 485.00| 99.601 9.49| 23.80 | 131.00 | 46.801 7570.001 | 4| 6370.00| 42.801 485.00| 99.601 9.49| 23.80| 125.00| 46.80 | 7200.00 | | 5| 3430.00| 293.00| 481.00| 99.601 93.70| 9.34 23.801 26.20| 4460.00| | 6| 442.00 586.00| 1340.00| 99.601 9.18 23.801 82.90| 24.90| 2610.00| 171 14,001 993.00| 1340.00| 94.301 9.17123.801 54.301 24.601 2550.001 81 2.031 780.00| 1340.00| 94.301 9.17| 22.40| 52.60| 24.50| 2330.00| 9 0.751 385.00 | 1340.00 | 99.501 9.17| 22.401 68.10| 24.80| 1950.00| 1101 0.541 27.70 476.00| 99.60| 9.18| 22.40| 71.20 38.60| 745.00| 1111 261.00 0.00 23.80 | 110.00 | 42.10 | 1030.00 | 485.00| 99.601 9.48 1121 584.001 0.00| 485.00| 99.60| 23.80 | 132.00 | 43.70 | 1380.00 | 9.49

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE Water Availability as of 5/ 1/2008 for WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed Time: 19	l ID #: 9:38	181	Basin: WILLAMETTE				edance Le	vel: 50 01/2008
			Res	servations	S	·		
APP #	0	0	0	0	0	0	0	TOTAL
Status		·		 -		·		
Use		1			İ	i		
1 1	0.001	0.00	0.00	0.00	0.001	0.001	0.001	0.001
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.001	0.00	0.00	0.001	0.00	0.001	0.00i	0.001
4	0.00	0.00	0.00	0.001	0.001	0.00	0.00	0.001
5	0.00	0.00	0.001	0.00	0.001	0.00i	0.001	0.001
6 1	0.00	0.00	0.00	0.00	0.00	0.001	0.001	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.001	0.00
8	0.00	0.00	0.00	0.001	0.001	0.00	0.001	0.00
9	0.00	0.00	0.00	0.00	0.00	0.001	0.001	0.001
10	0.00	0.00	0.00	0.00	0.001	0.00	0.001	0.001
11	0.00	0.00	0.00	0.00	0.00	0.001	0.001	0.00
12	0.00	0.001	0.001	0.00	0.00	0.00	0.001	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS Water Availability as of 5/ 1/2008 for WILLAMETTE R > COLUMBIA R - AT MOUTH

Watersl Time:	hed ID #: 19:38	181	Basi	asin: WILLAMETTE Exceedance Level: 5 Date: 05/01/200				
				-ISWRs	·			1
APP #	MF 181	0	0	0	0	0	0	MAXIMUM
Status	Cert.	1	1	Affect]			ann a
1 1	1500.00	0.00	0.00	0.00	0.00	0.001	0.001	1500.00
2	1500.00	0.00	0.00	0.001	0.00	0.00	0.001	1500.00j
3	1500.00	0.00	0.001	0.00	0.001	0.001	0.001	1500.00
4	1500.00	0.00	0.00	0.00	0.00	0.00	0.001	1500.00
5	1500.00	0.00	0.00	0.00	0.00	0.001	0.00i	1500.00
1 6	1500.00	0.00	0.00	0.001	0.00	0.00	0.00i	1500.00j
7	1500.00	0.00	0.00	0.001	0.001	0.00	0.001	1500.00
8	1500.00	0.00	0.00	0.00	0.001	0.00	0.001	1500.00
9	1500.00	0.00	0.00	0.00	0.00	0.00	0.001	1500.00
10	1500.00	0.00	0.00	0.001	0.001	0.001	0.001	1500.00
11	1500.00	0.00	0.00	0.001	0.00i	0.001	0.001	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	

175

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION Water Availability as of 5/ 1/2008 for

TUALATIN R > WILLAMETTE R - AT MOUTH

Watershed ID #: Time: 19:38

Time: 19:38

Page

Basin: WILLAMETTE

Exceedance Level: 50 Date: 05/01/2008

N∈	Instream	Reserved	Expected	nsumptiv	Natural Co		Month
Wate	Require- ments	Stream Flow	Stream Flow	Use and Storage	Stream Flow		
		· — — — — — — — — — — — — — — — — — — —					
2630.0	250.00	0.00	2880.00	462.00	3340.00	İ	1
2550.0	250.00	0.00	2800.00	522.00	3320.00		2
1720.0	250.001	0.001	1970.00	382.00	2350.00		3
851.0	250.00j	0.00	1100.00	279.00	1380.00		4
117.0	250.001	0.00	367.00	231.00	597.00		5
-129.0	130.00	0.00	1.021	290.00	291.00		6
-286.0	100.00	0.00	-186.00	333.00	147.00		7
-322.0	100.00	0.00	-222.001	312.00	90.90		8
-245.0	94.50	0.001	-151.00	255.00	104.00		9
-81.9	100.00	0.00	18.10	97.90	116.00		10
54.6	250.001	0.001	305.00	208.00İ	513.00		1.1
2280.0	250.00	0.001	2530.00	443.001	2970.001	İ	12
61100	137000	0	717000	2298001	913000	응	tor-50 ⁹

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES Water Availability as of 5/ 1/2008 for

TUALATIN R > WILLAMETTE R - AT MOUTH Watershed ID #: 175 Basin: WILLAMETTE

Exceedance Level: 50 Date: 05/01/2008

Mo :	Storage	Irrig	Munic	Ind/Man C	Commer	Domest	Agricul	Other	Total
	343.00	0.001	77.80	•	0.11			12.20	462.00
2	403.00	0.00	77.80	'	0.11		•	12.20	522.00
3	264.00	0.021	77.80	1	0.11		•	12.20	382.00
5	161.00 56.10	0.53 75.10	77.80 77.80		0.11			12.20	279.00
1 61	0.001	95.201	177.00	,	0.11			11.20	230.00
j 7 j	0.00	136.00	177.00		0.10		,	11.20	333.00
8	0.001	115.00	177.00	,	0.10	2.80	2.63	11.20	312.00
9	0.001	57.20	177.00	- + 1	0.10		. ,	11.20	254.00
10	0.53	0.02	77.80	1	0.10		. ,	11.20	97.901
11 12	106.00	0.001	77.80		0.10			11.20	208.00
12	324.00 	0.00	77.80	3.51	0.11	2.81	22.70 	12.20	443.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE Water Availability as of 5/ 1/2008 for TUALATIN R > WILLAMETTE R - AT MOUTH

Watershed Time: 19	d ID #: 9:38	175	Basi	n: WILLAN	METTE		edance Le	vel: 50
			Res	servations	s -			
APP #	01	0	0	0	0	0	0	TOTAL
Status								
Use						7	İ	
1	0.00	0.00	0.00	0.00	0.001	0.001	0.001	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.001	0.001	0.001	0.00	0.00	0.001	0.001	0.00
4	0.00	0.00	0.001	0.00	0.00	0.001	0.001	0.00
5	0.00	0.00	0.00	0.00	0.001	0.001	0.00i	0.00
1 6 1	0.001	0.00	0.001	0.00	0.001	0.00i	0.001	0.00
7	0.001	0.00	0.00	0.00	0.00	0.001	0.001	0.00
8	0.001	0.00	0.00	0.001	0.001	0.001	0.00	0.00
9	0.001	0.00	0.00	0.00	0.00	0.001	0.001	0.00
10	0.00	0.001	0.00	0.00	0.001	0.001	0.001	0.00
11	0.00	0.00	0.00	0.00	0.00	0.001	0.00	0.00
12	0.001	0.001	0.00	0.001	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS Water Availability as of 5/ 1/2008 for TUALATIN R > WILLAMETTE R - AT MOUTH

Water:		d ID #: 9:38	175	•	in: WILLA		Ι		evel: 50 /01/2008
ADD -	# I T C	 3 73538 N			ISWRs		067041		
	- 		ac 1/2 tac	174 MI	F 175 S	86703 S 	86704	0	MAXIMUM
Status	s C	Cert.	Cert.	App.	App.	PFO	PFO		
1	****	100.00	30.00	30.00	250.00	2.801	10.40	0.001	250.00
2		100.00	30.00	30.00	250.00	2.80	10.40	0.001	250.00
] 3		100.00	30.00	30.00	250.00	2.80	10.40	0.001	250.00
4		100.00	30.00	30.00	250.00	2.80	10.40	0.00	250.001
5		100.00	30.00	30.001	250.00	2.80	10.40	0.00	250.00
6	1	100.00	20.00	20.00	130.00	2.80	10.40	0.00	130.00
7		100.00	20.00	20.00	40.00	2.80	10.40	0.00	100.00
8		100.00	15.00	15.00	30.00	2.80	10.40	0.00	100.00
9		94.50	15.00	15.00	25.00	2.80	10.40	0.00	94.501
10		100.00	30.00	30.00	90.00	2.80	10.40	0.00	100.00
11		100.00	30.00	30.00	250.00	2.80	10.40	0.00	250.00
12		100.00	30.001	30.00	250.00	2.80	10.40	0.00	250.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION Water Availability as of 5/ 1/2008 for TUALATIN R > WILLAMETTE R - AT GAGE 14207500

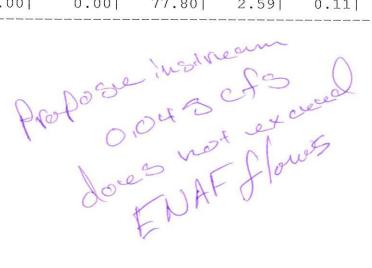
Watershed ID #: 30201006 Basin: WILLAMETTE Exceedance Level: 50 Time: 19:38 Date: 05/01/2008

et	Ne	Instream	Reserved	Expected	nsumptiv	Natural Co	Month
er	Wate Availab	Require- ments	Stream Flow	Stream Flow	Use and Storage	Stream Flow	
0.0	2630.0	250.001	0.001	2880.001	461.00	3340.00	1
	2550.0	250.001	0.001	2800.00	521.00	3320.00	2
	1720.0	250.001	0.00	1970.00	380.00	2350.00	3
	852.0	250.00	0.00	1100.001	278.00	1380.00	4
0 (117.0	250.00	0.00	367.00	229.00	596.00	5
	-129.0	130.00	0.001	1.46	290.00	291.00	6
0 (-285.0	100.00	0.001	-185.00	332.00	147.00	7
0 (-320.0	100.00	0.001	-220.00	311.00	90.901	8
0 (-244.0	94.50	0.001	-150.00	254.00	104.00	9
06	-80.9	100.00	0.001	19.10	96.901	116.00	10
50	54.6	250.00	0.00	305.00	207.00	512.00	11
	2280.0	250.00	0.00	2530.00	442.00	2970.00	12
	61100	137000	0	718000	228900	913000	or-50%

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES Water Availability as of 5/ 1/2008 for TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Watershed ID #: 30201006 Basin: WILLAMETTE Exceedance Level: 50 Time: 19:38 Date: 05/01/2008

2 40 3 26	2.00 3.00 4.00	rig I 0.00 0.00 0.02	77.80 77.80	[nd/Man C 2.59 2.59	0.11	2.65	Agricul 22.90	Other 12.20	Total 460.00
2 40 3 26	3.00	0.00	77.80	1944 III (1981 70/01 M)	440 A STATE OF		22.90	12.20	460.00
2 40	3.00	0.00	77.80	1944 III (1981 70/01 M)	440 A STATE OF		1 22.501	10.20	
1 100 0 1000	DESTRUCT SERVICES OF	0.02	77 001		0.11	2.65	22.901	12.201	521.00
1 41 16	1 001		77.80	2.591	0.11	2.65	21.30	12.20	381.00
- 1	1.00	0.53	77.80	2.591	0.11	2.65	21.30	12.20	278.00
5 5	6.10	74.70	77.80	2.591	0.11	2.64	4.00	11.20	229.00
25 Control of the Con	0.001	94.70	177.00	0.501	0.11	2.64	2.98	11.20	289.00
7	0.00 1	35.00	177.00	2.591	0.10	2.64	2.90	11.20	331.00
8	0.00 1	14.00	177.00	2.59	0.10	2.64	2.79	11.20	310.00
9	0.001	57.00	177.00	2.59	0.10	2.64	2.84	11.20	253.00
MINISTER DE LA CONTRACTOR DEL CONTRACTOR DE LA CONTRACTOR DE LA CONTRACTOR DE LA CONTRACTOR	0.52	0.02	77.801	2.591	0.10	2.64	2.08	11.20	97.00
• EL SESSE - CONTROL C	6.001	0.001	77.80	2.59	0.10	2.64	6.74	11.20	207.00
12 32	3.00	0.001	77.80	2.59	0.11	2.65	22.90	12.20	441.00



DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE Water Availability as of 5/1/2008 for TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Watershed ID #: 30201006 Basin: WILLAMETTE Exceedance Level: 50 Time: 19:38 Date: 05/01/2008 1----------Reservations-----|APP # | 0 | 0| 0| 0| TOTALI |Status| . |Use | 1 1 0.00| 0.00| 0.001 0.001 0.001 0.001 0.001 0.001 0.00|
0.00|
0.00| 2 0.00 0.00 0.001 0.001 0.00 0.001 0.001 0.001 3 0.00| 0.00| 0.001 0.00 0.001 0.001 0.001 4 0.001 0.00 0.00 0.001 0.00 0.001 5 0.001 0.00 0.00 0.00| 0.00 0.00| 0.001 6 0.00 0.001 0.001 0.001 0.001 0.001 0.001 0.00 0.00 7 0.00| 0.001 0.00 0.001 0.00 0.001 8 0.001 0.001 0.00 0.001 0.00 0.001 0.00|-0.001 9 0.001 0.00| 0.00| 0.001 0.00 0.00 0.00 0.001
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DETAILED REPORT OF INSTREAM REQUIREMENTS Water Availability as of 5/ 1/2008 for TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Water Time:		ied ID #: 19:38	30201006	Bas	in: WILLA	METTE		edance Loate: 05	evel: 50 /01/2008
					ISWRs				
APP	#	IS 73538	MF 173 MF	174 M	F 175 S	86703 S	86704	0	MAXIMUM
Statu	ıs	Cert.	Cert.	App.	App.	PFO	PFO		
1 1		100.00	30.00	30.00	250.00	2.80	10.40	0.001	250.00
2		100.00	30.00	30.00	250.00	2.80	10.40	0.001	250.00
1 3		100.00	30.00	30.00	250.00	2.80	10.40	0.001	250.00
4	1	100.00	30.00	30.00	250.00	2.80	10.40	0.001	250.00
5		100.00	30.00	30.00	250.00	2.801	10.40	0.001	250.001
6		100.00	20.00	20.00	130.00	2.80	10.401	0.001	130.00
7		100.00	20.00	20.00	40.001	2.80	10.40	0.00	100.00
8		100.00	15.00	15.00	30.00	2.80	10.40	0.001	100.00
9		94.50	15.00	15.00	25.00	2.80	10.40	0.001	94.501
10		100.00	30.00	30.001	90.00	2.80	10.40	0.001	100.00i
11		100.00	30.00	30.00	250.00j	2.80	10.40	0.001	250.00
12		100.00	30.00	30.00	250.00	2.80	10.40	0.001	250.00
1					ŕ	·	•	•	:

NF 175

	ENAF	senior MF		proposed
1/1 - 1/15	3340	250	~ 309	0
1/15 - 1/31	3340	250	309	0
2/1/ - 2/15	3320	250	307	0
2/16 - 2/29	3320	250	307	0
3/1 - 3/15	2350	250	210	0
3/16 - 3/31	2350	250	210	0
4/1 - 4/15	1380	250	113	0
4/16 - 4/30	1380	250	113	0
5/1 - 5/15	596	250	34	6
5/16 - 5/31	596	250	34	6
6/1 - 6/15	291	130	16	1 ENAF not exceeded by proposed transfer
6/16/ - 6/30	291	130	16	1 0.045 160.955 if additive to senior MF
7/1 - 7/15	147	40	10	7 0.045 106.955
7/16 - 7/31	147	30	11	7 0.045 116.955
8/1 - 8/15	90.9	30	60.	9 ~ 0.045 \(\sigma \) 60.855
8/16 - 8/30	90.9	30	60.9	9 0.045 60.855
9/1 - 9/15	104	25	7	9 0.045 78.955
9/16 - 9/30	104		79	9 0.045 78.955
10/1 - 10/15	116		26	6
10/16 - 10/31	116		26	6
11/1 - 11/15	512	250	262	2
11/16 - 11/'31	512	250	262	2
12/1 - 12/15	2970		2720	0
12/16 - 12/31	2970	250	2720	0

Wate	r Right Information Query Results
Contact Information	Documents View all scanned documents
▼ Current contact information	▼ Application: MF 175 digital map
OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	Þ Received: n/a
Water Right Information	
Status: Non-Cancelled	
County: Clackamas	
File Folder Location: Salem	a a constant of the constant o
Watermaster District: 18	
Point(s) of Diversion	
▼ POD 1 - TUALATIN RIVER > WILLAMETTE RIVER	
➤ Description Description Description Description Description: In THE TUALATIN RIVER AND ITS TRIBUTARIES ABOVE POD Rate	E USGS GAGENO. 14-2075, AT WEST LINN, (SW1/4, SEC. 34, T 2S, R 1E, WM),MEASURED AT THE GAGE AND MA
Max Rate (cfs) Rate (cfs) Max Volume (af) Volume (af)	
250.0 250.0 75.0 75.0(est)	

250.0 250.0 SUPPORTING ADUATO

75.0(est)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
4/19/1975	250.0	250.0					1/1	1/15	
4/19/1975	250.0	250.0					1/15	1/31	
4/19/1975	250.0	250.0					2/1	2/15	
4/19/1975	250.0	250.0					2/16	2/29	
4/19/1975	250.0	250.0					3/1	3/15	
4/19/1975	250.0	250.0					3/16	3/31	
4/19/1975	250.0	250.0					4/1	4/15	
4/19/1975	250.0	250.0					4/16	4/30	
4/19/1975	250.0	250.0					5/1	5/15	
4/19/1975	250.0	250.0					5/16	5/31	
4/19/1975	130.0	130.0					6/1	6/15	
4/19/1975	130.0	130.0					6/16	6/30	
4/19/1975	40.0	40.0					7/1	7/15	
4/19/1975	30.0	30.0					7/16	7/31	
4/19/1975	30.0	30.0					8/1	8/15	
4/19/1975	30.0	30.0					8/16	8/30	
4/19/1975	25.0	25.0					9/1	9/15	
4/19/1975	25.0	25.0					9/16	9/30	
4/19/1975	90.0	90.0					10/1	10/15	
4/19/1975	90.0	90.0					10/16	10/31	
4/19/1975	250.0	250.0					11/1	11/15	
4/19/1975	250.0	250.0					11/16	11/30	
4/19/1975	250.0	250.0					12/1	12/15	
4/19/1975	250.0	250.0					12/16	12/31	

Service de la se

▼ Remarks ▶ TORAGE

Place(s) of Use Add TRS grouping

▼ Use - SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION (Primary); Priority Date: 4/19/1975

D N/A

Water Right Genealogy

No genealogy records available for this water right, try the family link below instead.

View Water Rights in same Family

Help understanding and working with the Water Rights Information System

Report Errors with Water Right Data

Return to WRIS Query

Lies solves solviers

Wate	er Right Information Query Results
Contact Information	Documents View all scanned documents
▼ Current contact information OWNER: OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM, OR 97301-1271	• Application: MF 174 digital map
Water Right Information	
Status: Non-Cancelled	
County: Clackamas	
File Folder Location: Salem	
Watermaster District: 18	
Point(s) of Diversion	
▼ POD 1 - TUALATIN RIVER > WILLAMETTE RIVER	

- - Upper Reach T-R-S-QQ/Q: 2.00S-1.00E-34-Lower Reach T-R-S-QQ/Q: 0.00-0.00-0-; River mile: 0.00
- Location Description: IN THE TUALATIN RIVER AND ITS TRIBUTARIES ABOVE USGS GAGE NO.14-2075, AT WEST LINN (SE1/4, SEC. 34, T 25, R 1E, WM), MEASUREDAT THE GAGE AND MAIN

POD Rate Max Rate (cfs) Rate (cfs) Max Volume (af) Volume (af) D

30.0 30.0 110.0 110.0(est)

SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION (Primary)

	Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
	4/15/1970	30.0	30.0					1/1	1/15	
	4/15/1970	30.0	30.0					1/15	1/31	
	4/15/1970	30.0	30.0					2/1	2/15	
	4/15/1970	30.0	30.0					2/16	2/29	
	4/15/1970	30.0	30.0					3/1	3/15	
	4/15/1970	30.0	30.0					3/16	3/31	
	4/15/1970	30.0	30.0					4/1	4/15	
	4/15/1970	30.0	30.0					4/16	4/30	
	4/15/1970	30.0	30.0					5/1	5/15	
	4/15/1970	30.0	30.0					5/16	5/31	
	4/15/1970	20.0	20.0					6/1	6/15	
D	4/15/1970	20.0	20.0					6/16	6/30	
	4/15/1970	20.0	20.0					7/1	7/15	
	4/15/1970	15.0	15.0					7/16	7/31	
	4/15/1970	15.0	15.0					8/1	8/15	
	4/15/1970	15.0	15.0					8/16	8/30	
	4/15/1970	15.0	15.0					9/1	9/15	
	4/15/1970	15.0	15.0					9/16	9/30	
	4/15/1970	30.0	30.0					10/1	10/15	
	4/15/1970	30.0	30.0					10/16	10/31	
	4/15/1970	30.0	30.0					11/1	11/15	
	4/15/1970	30.0	30.0					11/16	11/30	
	4/15/1970	30.0	30.0					12/1	12/15	
	4/15/1970	30.0	30.0					12/16	12/31	

Gentra De Sacr

▼ Remarks

DED BY STORAGE Place(s) of Use Add TRS grouping

> Use - SUPPORTING AQUATIC LIFE AND MINIMIZING POLLUTION (Primary); Priority Date: 4/15/1970

Water Right Genealogy

-No genealogy records available for this water right, try the family link below instead.

View Water Rights in same Family

Help understanding and working with the Water Rights Information System

Report Errors with Water Right Data

Return to WRIS Query

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON WATER RESOURCES DEPARTMENT SALEM, OREGON 97310

<u>Period</u>

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:

OCT 1 - MAY JUN 1 - JUI JUL 16- SER	. 15	30 20 15	
		Composition of	Solve Solve

Flows (cubic feet per second)

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

STATE OF OREGON

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 himited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN FEB MAR APR MAY JUN JUNTUAGE SEP OCT NOV DEC 100 100 100 100 100 100 100 100 94.55 100 100 100

2. The water right holder small measure and report the instream flow along the math 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.

IS 73538COR.SB

Certificate Number 80000

- 3. 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.
- 5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE LOCATION OF THE REACH OF THE WATER RIGHT AND SUPERSEDES CERTIFICATE 72959.

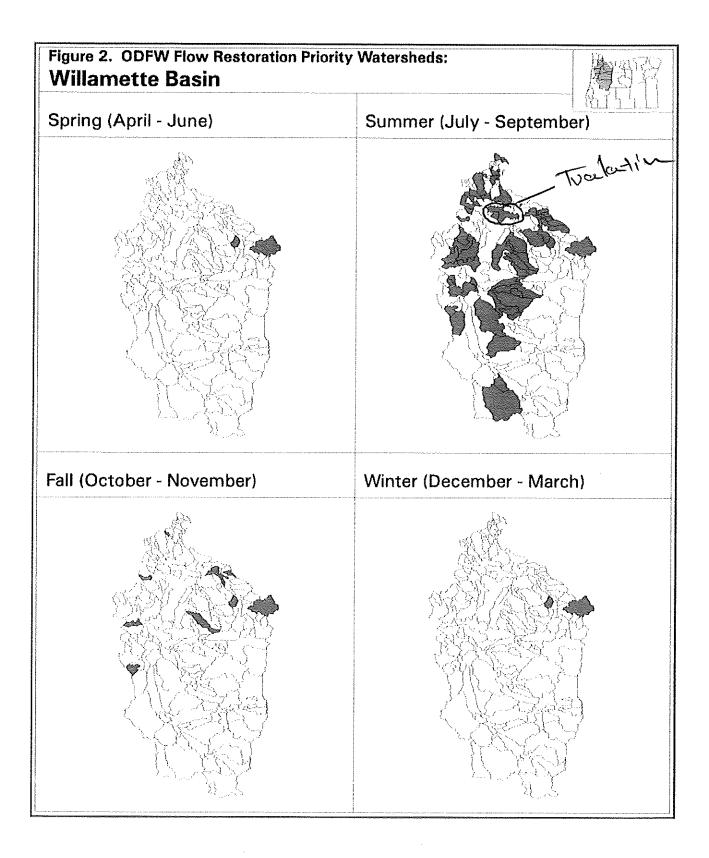
Witness the signature of the Water Resources Director, affixed APRIL 25, 2003.

Dwylf Form
FAUL R. CLEARY

ON THE STATE OF T

Recorded in State Record of Water Right Certificate Number 80000.

IS 73538COR.SB



Water Rights Platcard Report

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC Gov't	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE N	w s	SW SE	NE	NW	SW	SE	Unko
Select	Cert:47553 OR *	Aleis	8/26/1975	AESTHETICS	Status	Lot	Q(160):	NE	NE	NE	NE	NW	NW	NW	NW	SW S	SW S	SW SV	*	SE	SE	SE	QC
	Additional Info: TUALATIN COUNTRY CLUB App: 553784 Permit: \$440385 Cert: 47553																						
elect	Cert:43700 OR *		2/24/1966	FIRE PROTECTION		44			*	*										+			
	Additional Info: ROBERT GORDON SCOTT App: S41915 Permit: S31259 Cert: 43700																						
elect	Permit:S 49240 *	T10477	6/19/1973	INDUSTRIAL/MANUFACTURING	3			*	*	*	*	*	*	*	*	*	*	* *	*	*	*	*	
	Additional Info: TUALATIN VALLLEY WATER DISTRICT App: S50693 Permit: S49240			USES .																			
elect	Cert:81021 OR *		7/8/1971	INSTREAM USES										*	*	*			*	*	*	*	
	Additional Info: CITY OF HILLSBORO App: \$48420 Permit: \$35782 Cert: 81021										16												
elect	Claim:GR 1795 *		12/31/1952	RRIGATION													1	4					
	Additional Info: GEORGE L HANSEN Claim: GR1795																						
elect	Claim:GR 2832 *		4/30/1952	IRRIGATION	12			10	10														
	Additional Info: WASHINGTON COUNTY UNION HIGH SCHOOL 2 JT Claim: GR2832																						
elect	Cert:15430 OR *		6/12/1940	IRRIGATION		44									4.3								
	Additional Info: HENRY FRISON App: 518780 Permit: 514425 Cert: 15430																						
elect	Cert:15580 OR CN	T8047	5/20/1939	IRRIGATION	CN									1	T								
	Additional Info: NORA A SCHENCK App: S18095 Permit: S13755 Cert: 15580																						
elect	Cert:22735 OR *		8/29/1946	IRRIGATION		44			6														
	Additional Info: DONALD F DAVIS App: S21918 Permit: S17254 Cert: 22735																						

Select	Cert:23566 OR *	8/24/1951	IRRIGATION	3				1	0.4				1	1 1	
	Additional Info: HENRY FRISON App: S26364 Permit: S20690 Cert: 23566														
Select	Cert:23566 OR *	8/24/1951	IRRIGATION	44			17.3		8			1	1		
	Additional Info: HENRY FRISON App: S26364 Permit: S20690 Cert: 23566														
Select	Cert:27189 OR *	6/28/1956	IRRIGATION	4				0.9							
	Additional Info: CLARENCE L SMITH App: S30900 Permit: S24331 Cert: 27189														
Select	Cert:28498 OR CN	7/7/1955	IRRIGATION CN								9.	3	T		
	Additional Info: HENRY S MEARS App: S30117 Permit: S23771 Cert: 28498														
Select	Cert:31018 OR *	2/8/1960	IRRIGATION	4				2							
	Additional Info: VINCENT M RIFE App: S33606 Permit: S26572 Cert: 31018														
Select	Cert:31019 OR *	10/13/196	1 IRRIGATION	4				2							
	Additional Info: VINCENT M RIFE App: S37127 Permit: S27662 Cert: 31019														
Select	Cert:33126 OR *	4/6/1964	IRRIGATION								1.	5 1.5	16	12.4	
81	Additional Info: TUALATIN COUNTRY CLUB App: S39710 Permit: S29544 Cert: 33126	NC other	deritu												
Select	Cert:40615 OR *	6/3/1966	IRRIGATION											7.4	
	Additional Info: HARLOW/PATRICIA HICKOX App: \$42302 Permit: \$31633 Cert: 40615														
Select	Cert:40617 OR *	8/10/1967	IRRIGATION								2.	27.	5		
ā	Additional Info: CITY OF TIGARD App: S43923 Permit: S32306 Cert: 40617	PC	Λ.												
Select	Cert:40861 CF *	4/6/1964	IRRIGATION	^							1.	1.5	16	12.4	
	Additional Info: TUALATIN COUNTRY CLUB App: S39710 Permit: S29544 Cert: 40861	DC of	IRRIGATION SIDE												
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Select	Cert:43700 OR * Additional Info:	2/24/1966	IRRIGATION	44		0.9	0.7														
	ROBERT GORDON SCOTT App: S41915																				
	Permit: S31259 Cert: 43700																				
Select	Cert:48414 CF *	7/7/1955	IRRIGATION		+			H			+	+					9.3		-		
	Additional Info:	. \ [0																		
	JOHN M THOMAS App: S30117 Permit: S23771	NI																			
	Cert: 48414	1 1																			
Select	Cert:48489 OR *	8/14/1975	IRRIGATION	1				8.3													
	Additional Info: JOHN N THOMAS																				
	App: G7070 Permit: G5823																				
Select	Cert: 48489 Cert:48489 OR *	8/14/1975	IRRIGATION	44	+-	┝		5.6			-	-	-	-	-	_					
23,000	Additional Info:	2,2.,127,3		77				5.0													
	JOHN N THOMAS App: G7070																				
	Permit: G5823 Cert: 48489																				
Select	Cert:48491 OR * T10332	8/14/1975	IRRIGATION														19.3				
	Additional Info: JOHN M THOMAS	11																			
	App: S53537 Permit: S38215	NO																			
-	Cert: 48491 Cert:67239 CF *	7/21/1046	IRRIGATION		+	-						_	4	_	4						
(T, 100)	Additional Info:	7/31/1940	IRRIGATION	44							3										
	CALVIN KRAHMER App: S21837																				
	Permit: S17175 Cert: 67239															1					
Select	App:S 71651 *	6/3/1991	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	Additional Info: TUALATIN VALLEY WATER DISTRICT															1					
-	App: S71651																				
	App:S 80342 *	5/18/1995	MUNICIPAL USES																		*
	Additional Info: CITY OF TIGARD App: S80342																				
	Inchoate: T 7505 CF (REG) *	3/14/1952	MUNICIPAL USES		+						(*) (*) (*)	(*)	(*)	/*\	(*)	(*)	(*\	(*)	
	Additional Info:		nercountry and strong to the Co. T. T.								'	1		'	` /	,	()		()	()	
	PAUL HENNON App: S26961		741																		
_	Permit: S21180 Permit:G 8755 *	11/12/1976	MUNICIPAL USES		*	*	*	*	*	*		*	*	+	-	_					
	Additional Info:	// 15/0			770	(55.4)	0.T		5865			188				•			*	*	
	CITY OF PORTLAND; BUREAU OF PARKS App: G7578																				
	Permit: G8755	2/25/1000	MUNICIPAL LICES								\perp				4						
-	Permit:G 10124 *	3/25/1983	MUNICIPAL USES		*	*	*	*	*	*		*	*			*	*	*	*	*	
	Additional Info: CITY OF PORTLAND; PUBLIC WORKS App: G10906															A					
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	Permit: G10124						I	ĺ		Ĭ				İ		1						ľ
Select	Permit:G 10455 * Additional Info: CITY OF PORTLAND; PUBLIC WORKS		8/17/1984 M	MUNICIPAL USES		*	*	*	*	*	*		*	*			*	•	*	*	*	
	App: G11306 Permit: G10455																					
	Permit:G 10479 * Additional Info: CITY OF PORTLAND; BUREAU OF PARKS App: G11354		3/1/1985 M	MUNICIPAL USES		*	*	*	*	*	*	*	*	*			*					
Select	Permit: G10479 Permit:S 37839 *		7/5/1973 M	MUNICIPAL USES		 *	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	Additional Info: JOEL KOMAREK App: S50819 Permit: S37839		.,.,													100			535%			
Select	Permit:S 43246 *		3/24/1977 M	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	Additional Info: CITY OF LAKE OSWEGO App: S55550 Permit: S43246																					
Select	Permit:S 44731 CN		9/27/1979 M	MUNICIPAL USES	CN	ж	ж	ж	*	×	ж	*	*	*	*	*	*	*	*	*	ж	
	Additional Info: TIGARD WATER DISTRICT App: S59372 Permit: S44731										8											
Select	Permit:S 49240 *	T10477	6/19/1973 M	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	Additional Info: TUALATIN VALLEY WATER DISTRICT App: S50693 Permit: 549240																					
Select	Cert:46638 OR CN	T9865	11/19/1965 M	MUNICIPAL USES	CN	*	*					\neg				1						
	Additional Info: TIGARD WATER DISTRICT App: G3301 Permit: G2999 Cert: 46638																					
Select	Cert:46639 OR CN	T9234	4/25/1966 M	MUNICIPAL USES	CN	*	*							+	+	+					-	
	Additional Info: TIGARD WATER DISTRICT App: G3466 Permit: G3270 Cert: 46639																					
Select	Cert:78332 OR *		3/14/1967 M	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	Additional Info: CITY OF LAKE OSWEGO App: S43365 Cert: 78332																					
Select	Inchoate: T 8047 CF (REG) *	-	5/20/1939 M	IUNICIPAL USES								(*)	(*)	(*)	*) (*) ((*)	(*)	(*)	(*)	(*)	
	Additional Info: CARL SWITZER. App: S18095 Permit: S13755																					
Select	Inchoate: T 9234 CR (REG) CN		4/25/1966 M	IUNICIPAL USES	CN	(*)	(*)							1		+						
	Additional Info: CITY OF TIGARD App: G3466 Permit: G3270																					

Select Cer	t:81020 OR *	6/26/1958	MUNICIPAL USES		*	*	*	*	*	*	*	*	, E	T	1	í			1 1	1	i
Addi CIT App Perr	litional Info: Y OF HILLSBORO :: 532421 mit: S32139 t: 81020	3,23,233	, 10,1141 / 12 0525								350										
Select Cer	t:81022 OR *	6/26/1958	MUNICIPAL USES		*	*	*	*	*	*	*	*					*	*			
CITY App Perr	litional Info: Y OF FOREST GROVE 0: S48359 mit: S37837 t: 81022																				
Select Per	mit:S 32410 *	3/14/1967	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
JOE! App	lltional Info: EL KOMAREK D: S43365 mit: S32410																				
Select Incl	hoate: T 9865 CF (REG) *	11/19/1965	MUNICIPAL USES		(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*) ((*)	(*)	(*)	(*)	(*)	
CITY	litional Info: Y OF TIGARD :: G3301 mit: G2999																				
Select Incl	hoate: T 9864 CF (REG) *	4/25/1966	MUNICIPAL USES		(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	\neg	_		(*)	(*)	(*)	(*)	
CITY	ltional Info: Y OF TIGARD v: G3466 mit: G3270											No.									
Select Clai	im:SW 390 *	8/6/1886	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
CITY	itional Info: Y OF PORTLAND; BUREAU OF WATER WORKS m: SW390																				
Select Clai	im:SW 391 *	6/17/1892	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	-
CITY	itional Info: Y OF PORTLAND; BUREAU OF WATER WORKS m: SW391																				
Select Clai	im:SW 392 *	12/31/1883	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
CITY	<u>itional Info:</u> Y OF PORTLAND; BUREAU OF WATER WORKS m: SW392																				
Select App	o:LL 1082 *	7/9/2007	MUNICIPAL USES		*	*	*	*	*	*		*	*	7		*	*	*	*	*	
POR	itional Info: TLAND WATER BUREAU : LL1082																				
Select Perr	mit:R 12874 *	5/21/1999	WILDLIFE								+	\top	+	*	+	1					
PAUL App:	itional Info: L HENNON : R84157 nit: R12874																				
Acreage Leg	gend: 12.25 Regular 12.25 Acreage is on a acreage canceled right	(12.25) Acreage has not (inchoa	e is part of a transfer and been proven up on yet te)	[12.25] Acreage has been * suspended	Acre		s not														

STATE OF OREGON

COUNTY OF

WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOHN M. THOMAS

of 16575 S.W. 85th Ave., Tigard , State of Oregon, 97223 , has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Tualatin River

a tributary of Willamette River irrigation of 9.3 acres

for the purpose of

under Permit No. 23771 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 July 7 1955

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 0.12 cubic foot per second, if available at the original point of diversion; NE4 SE4, Section 14, T. 2 S., R. 1 W., W. M., 1940 feet North and 950 feet West from the SE Corner, Section 14

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NEW SEW, Section 14, T. 2 S., R. 1 W., W. M., 1320 feet South and 30 feet West from the EW Corner, Section 14

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 2½ acre 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:

9.3 acres NE4 SE4 Section 14 T. 2 S., R. 1 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered May 10, 1976 and together with certificate of water right recorded at Page 43617, Volume 35, State Record of Water Right Certificates supersedes certificate of water right recorded at Page 28498, Volume 20, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date.

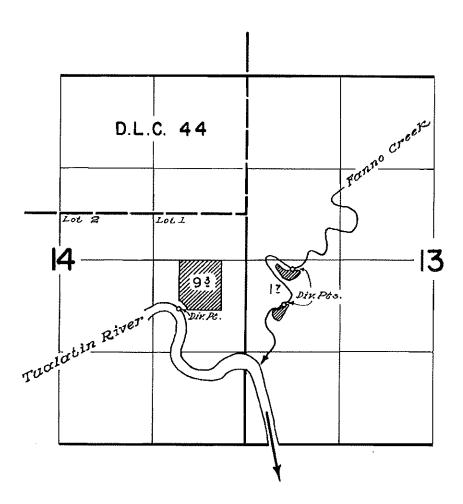
July 23, 1979

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41

page 48414

T.2 S. R. I W.W.M.



FINAL PROOF SURVEY

Application No. 30.117 Permit No. 23.7.71 IN NAME OF	
HENRY S. MEARS	
Surveyed May 23. 19.60, by Alfredox	

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF TIGARD

97223

of 12420 SW Main Street, Tigard , 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 Tualatin River

a tributary of Willamette River irrigation of 30-1 acres

for the purpose of

under Permit No. 32306 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 August 10, 1967

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 0.38 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 NWX SEX, Section 14, T. 2 S., R. 1 W., W. M., 1000 feet South and 2520 feet West from SE Corner, Richardson DLG 44.

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-eightleth 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 acre 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:

2.5 acres NEW SEW 27.6 acres NWW SEW Section 14 T. 2 S., R. 1 W., W. M.

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

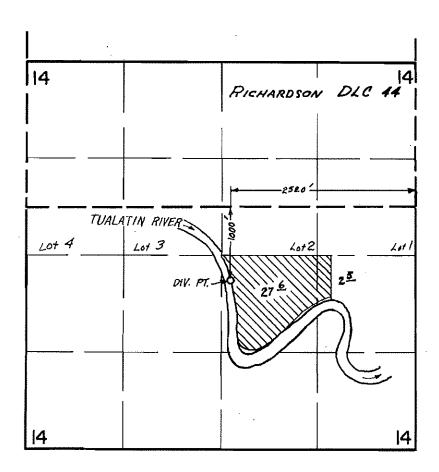
this date. June 28, 1974

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 32 , page 4061

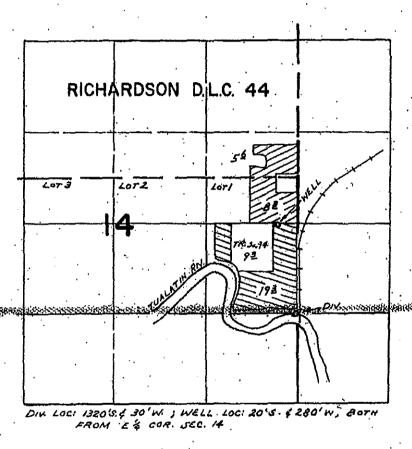
T. 2 S.R.IW. W.M.



FINAL PROOF SURVEY

Application No.	43923 INI NIAN	Permit N	lo. 32306
	IIA IAWN	AE OF	
CIT'	/ OF	TIGARE)
Surveyed OCT	3 19 7	'2 by L.G01	JLD

T.2S.R.IW.W.M.



RECEIVED

FINAL PROOF SURVEY

AUG 0 7 2007 WATER RESOURCES DEPT SALEM OREGON

TRANSFER NO. 3294 G-7070 G-5023 Application No. 53537 Permit No. 38265. IN NAME OF	>
JOHN M. THOMAS	

Surveyed . JUNE. 2019 78., by S. P. APPLEGATE







Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1271 (503) 986-0900 www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Tra	nsfer Appl	ication:	T- <u>10332</u>		Rev	iew Due Date:	<u>3/26/2007</u>
Ap	plicant Nar	ne: <u>C</u>	<u>lean Water S</u>	<u>ervices</u>			
Pro	posed Cha	nges:	⊠ POU	POD	☐ POA	⊠ USE	OTHER
Rev	viewer(s):	D. Hee	<u>lin</u>	•	Date	of Review:	Mar. 26, 2007
1.	Yes Yes	⊠ No on affic	If "Yes",	describe the in	formation and i	ay be subject to ndicate if you i mine if a cance	
2.	has involv	ved the	right and dov	vnstream water	rights? 🗌 Ye	right proposed s ⊠ No (regulation has	•
3.	from the c	current	use of the rig	ht? 🔲 If you	check the box,	t from return fl generally chara ter rights that b	acterize the
4.	Are there Yes most affect	No No	_		•	e proposed cha be affected and	_
5.	old and no	ew POI	s or within t		stream reach?	are channel lo	sses between the k the box,
6.			that would r			change result in existing right v	n regulation of vas maximized?
7.	For POU source?			original place o ☐ N/A		o receive water	r from the same
8.		of more	water than c			"full face value ithout waste? [e," result in the Yes 🔀 No
9.	Are there "Yes", exp			tified through t	he above quest	ions?	No If
10.	What alter	matives	may he ayai	lable for addres	ssing any issues	s identified abo	ve:

11. Have headgate notices been issued for the source that serves the right?

Yes 12. What water control and measurement conditions should be included in the transfer: Should be May be required Present and Measurement should be required prior to in the future. **Devices** diverting water. maintained. ☐ Should be May be required Present and should be required prior to in the future. Headgates

maintained.

diverting water.

Watermaster Review Form

Transfer Application: T-10332

Laura Snedaker

From: Laura Snedaker

Sent: Friday, July 25, 2008 9:48 AM

To: 'Pagel, Martha'

Subject: RE: Time-limited Instream Transfer T-10332 - additional materials

No problem Martha. I'll put this e-mail in the file and set the file up for an additional 30 days.

Thanks, Laura

Laura Snedaker Senior Water Resources Coordinator Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271 Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

From: Pagel, Martha [mailto:MPagel@SCHWABE.com]

Sent: Friday, July 25, 2008 9:46 AM

To: Laura Snedaker

Subject: RE: Time-limited Instream Transfer T-10332 - additional materials

Hi Laura:

Thank you for checking on the affidavit -- as well as for the reminder re the timeline. Could we please have up to another 30 days to respond? We are getting a new affidavit signed, and will probably be ready to respond within a couple of weeks, but given summer schedules, it would be good to have a little cushion.

Thank you, Martha

Martha O. Pagel

SCHWABE, WILLIAMSON & WYATT

Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com

From: Laura Snedaker [mailto:snedaklk@wrd.state.or.us]

Sent: Friday, July 25, 2008 9:28 AM

To: Pagel, Martha

Subject: Time-limited Instream Transfer T-10332 - additional materials

Martha:

I checked back through the application file and the only affidavits in the file are indeed copies. I also checked with Dorothy Pedersen this morning and she confirmed that we do need originals for the application file.

In reviewing the file, I also noted that the deadline for submitting the additional materials requested in the June 9, 2008, letter has passed (July 8, 2008). Do you know how much additional time the applicant might need to submit all the items identified in the June 9th letter?

Thanks much! Laura

Laura Snedaker Senior Water Resources Coordinator Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271 Phone: (503) 986-0884 Web: www.oregon.gov/OWRD

Laura Snedaker

From:

Laura Snedaker

Sent:

Monday, April 14, 2008 10:49 AM

To:

Darrell Hedin

Subject:

T-10332 - Instream transfer - question

Importance: High

Hi Darrell!

I'm working on the time-limited instream transfer filed by Clean Water Services for a portion of certificate 48491.

As part of the transfer review process, I need to send notice to all of the local governments (counties and incorporated cities) with jurisdiction along the route of the new instream use. I wanted to check with you and make sure I got the list right. Some of the cities I'm not sure if I got the right ones or missed any.

From the POD to the mouth of the Tualatin - here's the list of local governments that I came up with.

Washington County Clackamas County

Tigard Tualatin West Linn

Duram - Di Rivergrove

Would you please let me know whether the above list is correct or what the right list should be of all of the local governments (incorporated cities and counties) with jurisdiction along the route of the new instream use (POD to mouth of Tualatin River).

Thanks, Laura

Laura Snedaker Senior Water Resources Coordinator Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

Phone: (503) 986-0884 Web: www.oregon.gov/OWRD



STATE OF OREGON WATER RESOURCES DEPARTMENT INTEROFFICE MEMO

DATE:

April 15, 2008

TO:

Application File T-10332

FROM:

Laura Snedaker, Field Services

SUBJECT:

Land Use Compatibility - Affected Local Government Notice

On April 16, 2008, the Department mailed notice of the instream transfer application to:

Washington County Clackamas County Tigard Tualatin West-Linn Durhan Rivergrove 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 City of Tigard.

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 Instream Transfer 04/16/2008

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. Comments should be sent to the Transfers Section at the Department's Salem office.

County:

WASHINGTON

Transfer:

10332

Water Right:

CERT 48491

Priority Date:

AUGUST 14, 1975

Name:

CLEAN WATER SERVICES / STEVE KEBBE

Address:

2550 SW HILLSBORO HWY; HILLSBORO OR 97123

Change:

USE/POU

Authorized USE:

IRRIGATION

Proposed USE:

INSTREAM

Source:

TUALATIN RIVER

Authorized POU:

T2S R1W 14

Proposed POU:

REACH FROM POD (T2S R1W 14) TO MOUTH OF

TUALATIN R.

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.

Due 4-19-07

four

Oregon Department of Fish and Wildlife Water Right and Diversion Transfer Comment Form

(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Ref	Terence Transfer #: 10332						
A	Please check box if you believe there is a potential for injury to an instream water right.						
	The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on						
	, tributary to Because,						
	(Please attach any available supporting information.)						
	Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)						
	Please check <u>one</u> of the following four boxes related to requiring a fish screen and/or by- s device pursuant to ORS 540.525 or 540.532;						
	1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.						
	Note: This option will yield the following:						
	Finding of Fact; The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by- pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.						
	Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.						
	2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.						
	Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is						

Please return all 4 pages to: Transfers Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: http://www1.wrd.state.or.us/msword/ODFWScreen.doc.

ODFW/WRD Screening Comment Form 1/3/2007

F

Page l

T-10332

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds,

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device.
However, the diversion may be used for up to two years pending a determination of whether
cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

Condition; Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

T-10332

	-4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-
J	pass device, however, the permittee may be required in the future to install, maintain, and
	operate fish screening and/or by-pass devices. Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or bypass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Day	netto	Cah	leil)	
Signatur	re Wltte	し. モ	h(er	3	
Drinted	Name			Biolo	1114
Title		3-601			<u> </u>
Phone					

Oregon Department of Fish and Wildlife Additional Fish Screening and Passage Information for the Applicant (To be completed by ODFW for WRD to provide to the applicant.)

Transfer # 10332

	applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.
ish s	creening and/or fish by-pass devices are required as a condition of this transfer.

Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.

ODFW staff name:
Address:
City/State/Zip:
Phone: ()
This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.
ODFW staff name:
Address:
City/State/Zip:
Phone: ()

ODFW/WRD POD Transfer Comment Form 1/3/2007



July 29, 2008

Laura Snedaker Field Services Division Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1271

Subject: Application T-10332

This letter is written in response to your letter to me dated June 9, 2008. I have reviewed the draft Preliminary Determination regarding transfer application T-10332 and concur with the findings, including specifically those associated with Findings of Fact #15 and #16.

In response to the three bulleted items in your letter, following are responses:

- Original affidavits from Peter Guillozet and Jeff Jones are enclosed.
- Results of a title search of the property conducted by First American Title Insurance Company of Oregon are enclosed.
- Please amend the application to include the use of water for pollution abatement.

Please contact me if you have further comments or questions.

Sincerely,

Steve Kebbe, P.E.

Steve Zebbe

Project Manager

cc: Martha Pagel, Schwabe Williamson & Wyatt

Enclosures



Water Right Transfer Supplemental Form B AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon) ss				
County of Washington)				
I, Peter Guillozet, in my capacity as Project Coordinator,				
mailing address 2550 SW Hillsboro Highway, Hillsboro, Oregon, 97123,				
telephone number (<u>503</u>) <u>681-4470</u> , being first duly sworn depose and say:				
1. I attest that:				
Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or				
The water right was leased instream at some time within the last five years. The instream lease number is as follows: N/A ; or				
☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.				
2. My knowledge of the exercise or status of the water right is based on (check one):				
✓ Personal observation ☐ Professional expertise				
2.36.11.1				

3. My knowledge is specific to the use of water at the following locations:

Cownshi	nip Ra	ange	Mer	Sec	1/4 1/4 Section		Gov't Lot or DLC	Acres (if applicable)
2 S	S 1 W			14	NE	SE		3.6
							F	REC

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Water right used to irrigate planted trees, native grasses and shrubs.
5. The water delivery system used to apply water as authorized by the right is described below:
Irrigation system within the subject 3.6 acre portion of the water right consists of a network of 1-inch to 2-inch diameter PVC piping with 13 Rainbird sprinklers, each sprinkler having a capacity of approximately 4 gallons per minute (gpm) at the approximate system pressure of 80 pounds per square inch (psi). The irrigation system is supplied reclaimed (reuse) water from the Clean Water Service's reuse pump station located at the Durham Advanced Wastewater Treatment Facility (DAWTF) via approximately 3,000 linear feet of 24-inch/18-inch/then 6-inch diameter PVC pressure main. The reuse pumps at the pump station consist of two 125 horse power (hp) and one 50 hp pumps.
6. One or more of the following documentation supporting the above statements is attached:
☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
☑ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
☐ Dedicated power usage records or receipts,
☐ Instream lease number <u>N/A</u> ,
☐ Dedicated power usage records or receipts, ☐ Instream lease number N/A , ☐ Other: Annual Recycled Wastewater Reports. ☐ JUL 3 1 2008 WATER HESOURCES DEPT.
O I I I I
Signature of Affiant Date
Signed and sworn to (or affirmed) before me this 28^{-11} day of 300 , 2008 .
OFFICIAL SEAL JANE L NISHIZAKI NOTARY PUBLIC - OREGON COMMISSION NO. 420701 MY COMMISSION EXPIRES AUGUST 8, 2011 My Commission Expires: August 8, 2011

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

AFFIDAVIT ATTESTING TO THE USE OF WATER - CERTIFICATE NO. 48491

State of Oregon)	
)	SS
County of Washington)	

- I, <u>Jeff S. Jones</u>, in my capacity as <u>Certified Water Right Examiner (450 WRE)</u>, mailing address: <u>Murray, Smith & Associates, Inc., 121 SW Salmon Suite 900, Portland, OR 97204</u>, telephone number (503) 225-9010, being first duly sworn depose and say:
- 1. I attest that that reclaimed water was applied to the easterly 16.1 acre portion of the place of use as authorized under **Certificate # 48491** that falls within Tax Lot 2S 1 14 DA 100.
- 2. My knowledge of the exercise or status of the water right is based on personal observation made during site visits of the subject property on September 12 and 19, 2006.
- 3. My knowledge is specific to the use of water on approximately 16.1 acres on the subject water right located within Tax Lot 2S 1 14 DA 100, NE ¼, SE ¼, Section 14, Township 1 S., Range 1 W., W.M., and as shown on the attached copy of the original final proof survey map.
- 4. The water right was exercised to irrigate oat grass, planted trees and shrubs.
- 5. The water delivery system used to apply water as authorized by the right consisted of a single traveling gun ("big gun") sprinkler with a 0.9-inch diameter nozzle and 4-inch diameter flexible hose. With an estimated pressure of 80 psi at the sprinkler nozzle, the sprinkler applied reclaimed water at a rate approximately 220 gpm. The irrigation system within the southerly 3.6 acre portion of the water right also consists of a network of 1-inch to 2-inch diameter PVC piping with 13 Rainbird sprinklers, each sprinkler having a capacity of approximately 4 gallons per minute (gpm) at the approximate system pressure of 80 pounds per square inch (psi). The reclaimed (reuse) water was supplied from the Clean Water Service's reuse pump station located at the Durham Advanced Wastewater Treatment Facility (DAWTF) via approximately 3,000 linear feet of 24-inch/18-inch/then 6-inch diameter PVC pressure main. The reuse pumps at the pump station consist of two 125 horse power (hp) and one 50 hp pumps.



6. The following documentation supporting the above statements is attached:

☑ Dated photographs of the subject lands being irrigated with area shown on a copy of the original final proof survey map

✓ Irrigation equipment rental invoices

Signature of Affiant

11-30-2006

Date

Signed and sworn to (or affirmed) before me this day of November, 2006.

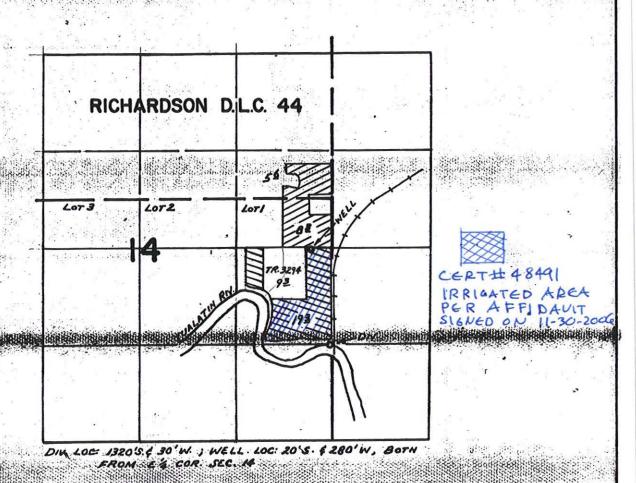
OFFICIAL SEAL
SARAH E LAUDIG
NOTARY PUBLIC-OREGON
COMMISSION NO. 365415
MY COMMISSION EXPIRES FEB. 6, 2007

Notary Public for Oregon

My Commission Expires: 166. 6, 2007



T.2S.R.IW. W.M.



FINAL PROOF SURVEY

TRANSFER NO.	G-7070		G-5823
Application No	. 53.537 IN NAMI	Permit No. OF	.38215
	4		

Surveyed JUNE 2019 78 by S.P. APPLEGATE

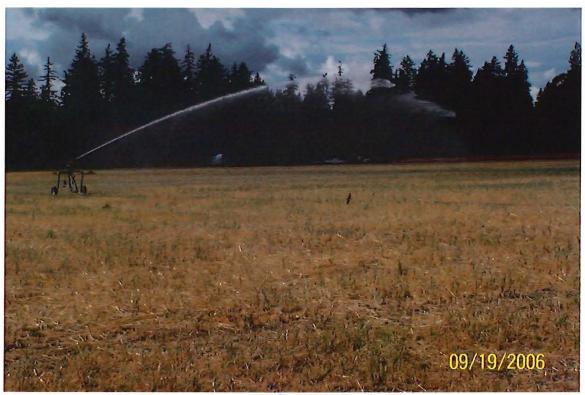
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WAYES REPUBLICES DEPT.

P.G. M.





RECEIVED

JUL 3 1 2000

WATER RESOURCES DEPT.
SALEM, OREGON







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P.02/02

SHER IMPLEMENT CO.

FISHER-ERNST
GROUP

LENON IMPLEMENT COMPANY

ERNST HARDWARE CO.



JOHN DEERRE Rental Invoice

PAGE 2 CLEANWATER SERVICES CLEANWATER SERVICES 0 3235 SE RIVER RD. l. CASH CHG. OTHER HILLSBORO OR 97124 T T ACCT, NO 0 816290 SALESMAN ORDER NO. RO. NO. PHONE INVOICE DATE INVOICE NO. 58 11790 503-681-3600 26SEP06 14:36 LOC: 8 8246 CONTRACT NO: 00008168 18SEP06 INVOICE PERIOD: 18SEP06 TO 24SEP06 ***************** * This purchase is subject to the terms of the Farm Plan * * Credit agreement.* I grant Farm Plan a purchase money * * security interest, except as limited in that * agreement, in the goods described. Farm Plan # XXXXXX9816 AUTHORIZATION # 774998 PRODUCT CODE # 00180 RENTAL FINANCE PLAN # 00249 * PURCHASE ***************** 01 EHCO 110-950 IR207201 06-48495-71 1.575.00 EHCO MEDIUM TRAVELER RENTAL RATES: D: W: 787.50 M: 2,362,50 1 DAY = 9 HRS, 1 WEEK = 33 HRS, 1 MONTH = 100 HRS LIABILITY INSURANCE 1 DAY = 9 HRS, 1 WEEK /= 33 HRS, 1 MONTH = 100HRS LIABILITY INSRUANCE TOTAL NON-TAXABLE 1,575.00 hva wao it 1,575.00

4	DESCRIPTION	ACCOUNT	AMOUNT
SHIP VIA	PARTS		
NECEIVED			
JUL 3 1 2008			
WATER RESOURCES DEPT. SALEM, OREGON	SALES TAX		
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F.119706 Mr 110E207

REGEIVED BY -

TOTAL P.02

ER IMPLEMENT CO.

THE FISHER-ERNST **GROUP**

LENON IMPLEMENT COMPANY

ERNST HARDWARE CO.

PO Box 38 St. Paul, OR 97137 503-633-4111



Rental Invoice

PAGE S CLEANWATER SERVICES CLEANWATER SERVICES 0 H 3235 SE RIVER RD. 1 L CASH CHG. OTHER P D HILLSBORO OR 97124 T T ACCT. NO 0 0 816290 SALESMAN ORDER NO. RO. NO. PHONE INVOICE DATE TIME INVOICE NO. 110CT06 9:59 5986 94 11790 503-681-3600 LOC: 5 CONTRACT NO: 00005781 19SEP06 INVOICE PERIOD: 19SEP06 TO 25SEP06 *********************** * This purchase is subject to the terms of the Farm Plan * * Credit agreement.* I grant Farm Plan a purchase money * * security interest, except as limited in that * agreement, in the goods described. Farm Plan # XXXXXX9816 AUTHORIZATION # 275959 PRODUCT CODE # 00183 RENTAL TRACTOR FINANCE PLAN # 00249 * PURCHASE ********************** 726.00 01 6420 SP354330 L06420D480116 6420 2-POST (DPFR) RENTAL RATES: D: 242.00 W: 726.00 M: 2,200.00 1 DAY = 9 HRS, 1 WEEK =/33\ HRS, 1 MONTH = 100 HRS LIABILITY INSURANCE 33 HRS, 1 MONTH = 100HRS 1 DAY = 9 HRS, 1 WEEKLIABILITY INSRUANCE A SERVICE AND CLEANING DEPOSIT OF \$200.00 IS DUE AT THE TIME OF RENTALING WITH IT AT CONCLUSION OF RENTAL ANY HOURS OF USE OVER THE MINIMUM RENTAL PERIOD WILL BE CHARGED AT AN ACCOUNT **AMOUNT** DESCRIPTION SHIP VIA **PARTS** RECEIVED

LF-1137RF Ver.1105287

RECEIVED BY -

ORIGINAL COPY

SALES TAX

PLEASE PAY THIS TOTAL

FISHER IMPLEMENT CO.

THE **FISHER-ERNST GROUP**

LENON IMPLEMENT COMPANY

ERNST HARDWARE CO.

PO Box 38 St. Paul, OR 97137 503-633-4111

JOHN DEERE

Rental Invoice

S CLEANWATER SERVICES 0 3235 SE RIVER RD. L D

T

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HILLSBORO OR 97124

PAGE CASH CHG. OTHER ACCT. NO 816290

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CLEANWATER SERVICES

5986

SALESMAN ORDER NO. INVOICE DATE TIME INVOICE NO. RO. NO. 94 11790 503-681-3600 110CT06 9:59 LOC: 5

CONTRACT NO: 00005781 19SEP06

INVOICE PERIOD: 19SEP06 TO 25SEP06

HOURLY RATE PLUS OTHER UNBILLED CHARGES THAT

WOULD APPLY.

RENTAL PAYMENTS: FIRST RENTAL PAYMENT IS DUE IN SUBSEQUENT RENTAL PAYMENTS ARE ADVANCE OF RENTAL. DUE AT THE BEGINNING OF EACH REOCCURING RENTAL PERIOD.

ALL RENTALS ARE BILLED FOR A MINIMUM RENTAL PERIOD OR HOURS OF USE. WHICHEVER IS GREATER.



AG DEL/PU CHARGE

570.00

TOTAL NON-TAXABLE

296.00

SHIP VIA

ACCOUNT DESCRIPTION **AMOUNT PARTS** 1,296.00 **SALES TAX**

PLEASE PAY THIS TOTAL

LF-1137RF Ver. 1105287

RECEIVED BY -

ORIGINAL COPY



First American Title Insurance Company of Oregon 222 SW Columbia Street, Suite 400 Portland, OR 97201

Phn - (503)222-3651 (800)929-3651

Fax - (503)790-7858

MULTNOMAH COUNTY TITLE UNIT

FAX (503)790-7858

Title Officer: Lauren Finbraaten (503)222-3651 Ifinbraaten@firstam.com

LOT BOOK SERVICE

Murray, Smith & Associates, Inc 121 SW Salmon, Ste 900 Portland, OR 97204 Order No.: 7019-1250153

June 23, 2008

Attn:

Phone No.: (503)225-9010 - Fax No.: (503)225-9022

Email: garlandb@msa-ep.com

Re:

Fee: \$275.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of June 12, 2008 at 8:00 a.m.

We find that the last deed of record runs to

Clean Water Services, formerly Unified Sewerage Agency of Washington County, Oregon, a county service district

We also find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

- 1. Subject property is under public ownership and is tax exempt. Any change in ownership before delivery of assessment roll may result in tax liability. Account No. R519576.
- 2. City liens, if any, of the City of Tigard.
- Statutory powers and assessments of Clean Water Services.
- 4. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

JUL 3 1 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Guarantee No.: 7019-1250153

Page 2 of 4

NOTE: This Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering crops and fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

- 5. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of Tualatin and the ownership of the State of Oregon in that portion lying below the high water mark of Tualatin .
- 6. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Tualatin or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
- Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Tualatin.
- 8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 9. Easement, including terms and provisions contained therein:

Recording Information:

December 31, 1957 in Book 401, Page 42

In Favor of:

West Coast Telephone Company, a corporation, its successors or

assigns

For:

cable and wire for telephone and power purposes

10. Easement, including terms and provisions contained therein:

Recording Information:

January 07, 1998 as Fee No. 98001400

In Favor of:

City of Tigard, an Oregon municipal corporation

For:

access, bikeway, pedestrian way and trail

Affects:

The Southwesterly portion

11. State of Oregon Well Information Form (File with County Clerk's Office), including terms and provisions thereof.

Recorded:

October 29, 2004 as Fee No. 2004 125452

12. Easement, including terms and provisions contained therein:

Recording Information:

December 09, 2004 as Fee No. 2004 140173

In Favor of:

City of Tigard, an Oregon municipal corporation

For:

access, ingress, egress and construction and maintenance of a

trail, bicycle way and pedestrian way

Modification and/or amendment by instrument:

Recording Information:

February 22, 2006 as Fee No. 2006 020495

Modification and/or amendment by instrument:

Recording Information:

October 04, 2006 as Fee No. 2006 118363

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SALEM, OREGON

Lot Book Service

Guarantee No.: **7019-1250153** Page 3 of 4

- 13. Lack of a right of access to and from the land.
- 14. Unrecorded leases or periodic tenancies, if any.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens:

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.



Exhibit "A"

Real property in the County of Washington, State of Oregon, described as follows:

A PART OF THAT TRACT OF LAND IN SECTIONS 13 AND 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, CONVEYED TO MELVILLE EASTHAM, ET UX, BY DEED RECORDED IN BOOK 176, PAGE 287, DEED RECORDS OF WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER CORNER OF THE EAST LINE OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN; AND RUNNING THENCE WEST ALONG THE NORTH LINE OF THE SOUTH ONE- HALF OF SAID SECTION 14, A DISTANCE OF 1175.0 FEET TO AN IRON, WHICH IRON IS THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO WASHINGTON COUNTY, BY DEED RECORDED APRIL 09, 1962 IN BOOK 460, PAGE 414, DEED RECORDS OF WASHINGTON COUNTY, OREGON; THENCE SOUTH AT RIGHT ANGLES TO SAID NORTH LINE AND ALONG SAID WASHINGTON COUNTY TRACT, 548.8 FEET TO AN IRON; THENCE CONTINUING SOUTH 75 FEET, MORE OR LESS, TO THE CENTER OF THE TUALATIN RIVER; THENCE DOWNSTREAM IN THE CENTER OF SAID RIVER, 800 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE EAST ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, 980 FEET, MORE OR LESS, TO THE WEST BOUNDARY OF THE S.P. & S.R.R. RIGHT OF WAY; THENCE NORTHERLY ALONG SAID R.R. BOUNDARY, 1330 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN; THENCE WEST, 75 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TIGARD BY DEED RECORDED OCTOBER 30, 1998 AS FEE NO. 98122505, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF TIGARD, COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "KAMPE ASSOC. INC." BEING THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 460, PAGE 414, DEED RECORDS OF WASHINGTON COUNTY, OREGON, ALSO BEING THE NORTHWEST CORNER OF PARCEL II AS DESCRIBED IN FEE NO. 96080099, DEED RECORDS OF WASHINGTON COUNTY, OREGON; THENCE SOUTH 88° 37' 46" EAST, ALONG THE NORTH LINE OF SAID PARCEL II, AND THE SOUTH LINE OF PARCEL 2, PARTITION PLAT NO. 93-078, AS RECORDED IN THE WASHINGTON COUNTY RECORDS, A DISTANCE OF 514.88 FEET TO THE SOUTHEAST CORNER OF SAID PARTITION PLAT; THENCE SOUTH 1º 35'43" WEST, ALONG THE EXTENSION OF THE EAST LINE OF SAID PARTITION PLAT, A DISTANCE OF 525.00 FEET; THENCE SOUTH 67° 39' 13" WEST, A DISTANCE OF 283.63 FEET TO THE TOP OF THE HIGH BANK OF THE TUALATIN RIVER; THENCE ALONG THE TOP OF THE HIGH RIVER BANK THE FOLLOWING FIVE COURSES; THENCE NORTH 49° 27' 18" WEST, A DISTANCE OF 17.85 FEET; THENCE NORTH 57º 14' 11" WEST A DISTANCE OF 43.39 FEET; THENCE NORTH 64º 07' 23" WEST A DISTANCE OF 99.06 FEET; THENCE NORTH 84° 34' 28" WEST A DISTANCE OF 85.39 FEET; THENCE NORTH 82° 45' 23" WEST A DISTANCE OF 27.12 FEET TO THE WEST LINE OF PARCEL II AS DESCRIBED IN FEE NO. 96080099; THENCE NORTH 01° 22' 18" EAST, ALONG THE WEST LINE OF SAID PARCEL II, A DISTANCE OF 550.30 FEET TO THE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

Tax Parcel Number: R519576

JUL 3 1 2008
WATER RESOURCES DEPT.
SALEM, OREGON

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County of Washington

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AFTER RECORDING RETURN TO:

Attn: Dominic G. Colletta
O'Donnell Ramis Crew
Corrigan & Bachrach LLP
Attorneys at Law
1727 NW Hoyt Street
Portland, OR 97209

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

No change in tax statements.

EASEMENT FOR ACCESS, BIKEWAY, PEDESTRIAN WAY AND TRAIL EASEMENT

Unified Sewerage Agency of Washington County, Oregon, a county service district formed under ORS Chapter 451, hereinafter called the Grantor, grants and conveys unto the City of Tigard, an Oregon municipal corporation, hereinafter called the Grantee, a perpetual nonexclusive easement over, across, and under the land and real property described in the attached Exhibit "A" for access, ingress, egress and construction and maintenance of a trail, bicycle way and pedestrian way, which may be used by pedestrians and non-motorized mechanical means of transportation, such as bicycles, and for no other purposes. The Grantee shall have the right to place, construct, operate, replace, maintain, inspect, reconstruct, install necessary improvements, and in connection therewith may remove any trees, shrubs, or brush necessary or convenient to accomplish said purpose.

THE TRUE CONSIDERATION for this conveyance is \$1,300.00.

IT IS EXPRESSLY UNDERSTOOD that this easement does not convey any right, title or interest except those expressly stated herein, nor otherwise prevent Grantor from the full use and dominion thereover; provided, however, that such use shall not interfere with the uses and purposes of the intent of the easement.

IN CONSIDERATION of the premises, Grantee agrees that if said Grantee, its successors or assigns should cause said easement to be vacated, the right of the Grantee in the above-described easement will be forfeited and the easement shall immediately revert to the Grantor, its successors, and assigns in the case of such event.

Page - 1 BASEMENT

2



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ATER, RESOURCES DEPT.

This Basement is subject to the following terms and conditions:

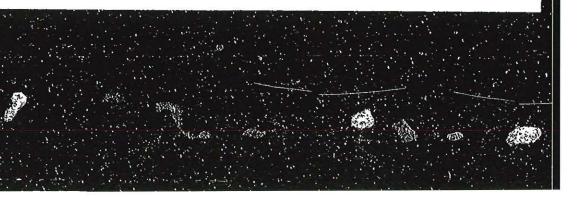
- Purpose of the Easement. Grantor hereby grants to Grantee a perpetual, nonexclusive
 easement across the property of Grantor in the location described in Exhibit A ("Trail
 Basement"). The purpose of this Trail Basement is to provide Grantee access over and
 across the property of Grantor in order to construct and maintain a trail providing
 pedestrian and nonmotorized bicycle access connecting Grantee's Cook Park to Durham
 City Park and the Fanno Creek Trail System.
- Scope of Grantee's Use. Grantee shall have the right to use the Trail Basement for
 ingress and egress and to perform routine and emergency maintenance and repairs to the
 trail. Grantee shall also have the right to use the Basement for construction,
 reconstruction, maintenance and repair of the trail and Grantee may use equipment and
 vehicles deemed appropriate by Grantee for such purposes.
- Scope of Grantor's Use. The Grantor shall have the right to use the Trail Basement for all purposes consistent with the Grantee's easement rights granted herein. No permanent or temporary structures shall be built or erected within the Trail Basement without written consent of Grantee, which shall not be unreasonably withheld.
- 4. Maintenance and Repair. Grantee and Grantor shall share the cost to maintain and repair the trail in proportion to their respective uses of the Trail Basement. At the time of execution of this easement and maintenance agreement, the parties anticipate that Grantor will account for 10% of the use of the Trail Basement and Grantee for 90%. Upon written request by one of the parties, this formula shall be re-examined and adjusted as needed to reflect the actual levels of use by each party. Also, upon written request by one of the parties, the parties will meet, confer and agree upon the nature, scope and cost of maintenance and repair work. Grantor and Grantee shall maintain the Trail Basement in a manner that is continuously safe for trail use. If either party fails or refuses to make repairs which are required by this section, the other party may make the repairs and charge the actual cost of the repair or maintenance work to the defaulting party, together with interest at the rate of 9% per annum.

Reimbursement, plus interest, of repair or maintenance costs shall not constitute a waiver of any other right or remedy possessed by the nondefaulting party. Except in an emergency creating an immediate risk of personal injury or property damage, the parties must give at lease ten (10) days notice, in writing, before commencing maintenance or repair work in order to maintain the right to collect reimbursement plus interest for such work.

5. <u>Indemnity.</u> Within applicable limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, Grantor and Grantee each agree to indemnify and hold the other harmless for their respective acts or failure to act, to include their respective officers, employees, agents, contractors and representatives from and against all claims, demand and causes of actions or suits of any kind or nature arising from use of the Trail Basement.

Page - 2 BASEMENT

3





- 6. Duration of the Rasement. Upon approval by the Board of Directors of the Unified Sewerage Agency ("Agency Board") in a regularly scheduled public meeting, the Grantee's easement rights under the terms of this agreement shall become effective subject to the terms of a lease between Grantor and John and Sally Thomas ("Thomas Lease"). This Basement shall remain in effect perpetually.
- 7. Hezardous Materials. Subject to applicable limits of the Oregon Tort Claims Act, Grantee agrees to indemnify, defend and hold harmless Granter, its employees, representatives, contractors, subcontractors, agents, lessees, successors and assigns from any loss, claim or liability arising from the release of hazardous substances onto or from the property caused by the Grantee, its officers, agents, contractors or employees. It is understood and agreed that Grantee, by accepting this Trali Basement, is not accepting any liability for release of hazardous substances onto or from the property which occurred prior to or did not arise from Grantee's use of the easement, and that the Grantor is not attempting to convey any such liability to Grantee.

In the event of contamination of the property by hazardous materials caused by Grantee, Grantee shall take all remedial actions necessary to bring the affected property into compliance with all applicable state, federal and local laws. The term"Hazardous Material" shall include any hazardous or toxic substance, material or waste identified as such by applicable local, state or federal law or regulation including petroleum products.

- Breach of Obligation. In the event either party engages in any conduct inconsistent with
 its rights or obligations under this instrument, the other party shall be entitled to all
 remedies provided by Oregon law, including specific performance and injunctive relief.
- Attorney Fees. In the event of any litigation arising under this instrument, the prevailing
 party shall be entitled to recover from the nonprevailing party the prevailing party's
 reasonable costs and attorney fees at trial or on appeal as adjudged by the trial or
 appellate court.
- Effect of the Easement. Subject to the Thomas Lease and all prior easements or encumbrances of record, the rights, convenants and obligations contained in this Easement shall bind, burden and benefit each party's successors, assigns, invitees and lesses.

Unified Sewerage Agency Public Services Building 155 N. First Avenue, Room 270 Hillsboro, OR 97124

UNIFIED SEWERAGE AGENCY

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Page - 3 BASEMENT

4

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SALEM, OREGON DEPT.

By: Anisher I Stawes Agency Legal Counsel	By: Sally Thomas By Sally Thomas			
STATE OF OREGON) 88. County of Washington This instrument was acknowledged before 1997, by	Mas and By use Notary Public for Oregon My Commission Expires: 10-2-96			
Accepted on behalf of the City of Tigard this 20 day of Wovember, 1997.				
CITY OF TIGARD				
By: agust P. Quenas City Engineer				

Page - 4 BASEMENT

5



LEGAL DESCRIPTION FOR ACCESS AND TRAIL EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED KAMPE ASSOC, INC., BEING THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 460 PAGE 414 OF THE WASHINGTON COUNTY DEED RECORDS, ALSO BEING THE NORTHWEST CORNER OF PARCEL II AS DESCRIBED IN DOCUMENT NUMBER 96080099 OF THE WASHINGTON COUNTY DEED RECORDS; THENCE S 88° 37' 46" E, ALONG THE NORTH LINE OF DOCUMENT NUMBER 96080099 AND THE SOUTH LINE OF PARCEL 2 OF PARTITION PLAT 93-078 AS RECORDED IN THE WASHINGTON COUNTY RECORDS, A DISTANCE OF 514.88 FEET TO THE SOUTHEAST CORNER OF SAID PARTITION PLAT; THENCE S 1° 35' 43" W, ALONG THE EXTENSION OF THE EAST LINE OF SAID PARTITION PLAT, A DISTANCE OF 525.00 FEET; THENCE S 67° 39' 13" W A DISTANCE 166.70 FEET TO A POINT 105.00 FEET FROM THE TOP OF THE HIGH BANK OF THE TUALATIN RIVER(WHEN MEASURED AT RIGHT ANGLES) AND THE TRUE POINT OF BEGINNING; THENCE 105.00 FEET FROM AND PARALLEL TO THE OF TOP OF THE HIGH RIVER BANK THE FOLLOWING TWELVE COURSES; THENCE S 30° 23' 44" E A DISTANCE OF 49.89 FEET; THENCE S 21° 14' 53" E A DISTANCE OF 36.49 FEET; THENCE S 07° 25' 50" E A DISTANCE OF 14.02 FEET; THENCE S 36° 19' 23" E A DISTANCE OF 40.88 FEET; THENCE S 08° 10' 39" E A DISTANCE OF 39.33 FEET; THENCE S 16° 08' 34" E A DISTANCE OF 101.09 FEET; THENCE S 01° 28' 27" W A DISTANCE OF 102.65 FEET; THENCE S 14° 41' 57" W A DISTANCE OF 95.54 FEET; THENCE S 13° 32' 50" W A DISTANCE OF 77.53 FEET; THENCE S 21° 18' 16" W A DISTANCE OF 83.13 FEET; THENCE S 12° 10' 49" W A DISTANCE OF 75.69 FEET; THENCE S 17° 33'30" W A DISTANCE OF 44.16 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST WILLAMETTE MERIDIAN, ALSO BEING THE NORTH LINE OF THE TUALATIN COUNTRY CLUB PROPERTY AS DESCRIBED IN BOOK 105 PAGE 445 OF THE WASHINGTON COUNTY DEED RECORDS; THENCE N 88° 38' 48" W, ALONG SAID NORTH LINE, A DISTANCE OF 31.25 FEET TO A POINT 75.00 FEET FROM THE TOP OF THE HIGH BANK OF THE TUALATIN RIVER; THENCE 75.00 FEET FORM AND PARALLEL WITH THE TOP OF SAID HIGH







BANK THE FOLLOWING TWELVE COURSES; THENCE N 17° 33' 30" E A
DISTANCE OF 51.47 FEET; THENCE N 12° 10'49" E A DISTANCE OF 76.68 FEET;
THENCE N 21° 18' 16" E A DISTANCE OF 83.49 FEET; THENCE N 13° 32' 50" E A
DISTANCE OF 75.80 FEET; THENCE N 14° 41' 57" E A DISTANCE OF 92.36
FEET; THENCE N 01° 28' 27" E A DISTANCE OF 94.52 FEET; THENCE N 16° 08'
34" W A DISTANCE OF 98.53 FEET; THENCE N 08° 10' 39" W A DISTANCE OF
33.90 FEET; THENCE N 36° 19' 23" W A DISTANCE OF 41.09 FEET; THENCE N
07° 25' 50" W A DISTANCE OF 18.12 FEET; THENCE N21° 14' 53" W A
DISTANCE OF 30.46 FEET; THENCE N 30° 23' 44" W A DISTANCE OF 51.73
FEET; THENCE N 67° 39' 13" E A DISTANCE OF 30.30 FEET TO THE TRUE
POINT OF BEGINNING.

CONTAINING 22633 SQUARE FEET.

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Return to: Clean Water Services 2550 SW Hillsboro Hwy Hillshoro, OR 97123-9379 MS-10

Washington County, Oregon 10/29/2004 03:23:00 PM

2004-125452

D-WOI Cnt=1 Stn=11 CWHITE \$5.00 \$6.00 \$11.00 - Total = \$22.00



and Ex-Officio County Clark for Yearing will be designed and Ex-Officio County Clark for Yearing was a solid and a county withing was received and race orded in the book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clark

STATE OF OREGON WELL INFORMATION FORM (FILE WITH COUNTY CLERK'S OFFICE)

Pursuant to ORS 537.788, owners of property on which a well is located shall, within 60 days following the construction and/or alteration of a new well or upon property transfer, record the following information in the property deed records at the appropriate County Clerks Office. Either the deed recording number or legal description of the property may be used to identify the property.

CONTROL MARKET TO STATE AND
Property Owner Name(s):Clean Water Services
Mailing Address: 2550 SW Hillsboro Highway, Hillsboro, Oregon 97123-9379
Deed Recording Number (or legal description): 96-80099
Well Identification Number(s): L68151
Rights and Responsibilities: Oregon law finds that ownership and the rights to reasonable control of water within this state belongs to the public to be managed by the Water Resources Department. Most uses of water require a water right issued by the Water Resources Department. However, state law allows some uses of groundwater without benefit of a water right. Contact the Department for more information. The Water Resources Department cannot guarantee the presence of water in the desired amount on a specific property. In addition to the above, owners of properties on which a well is located are responsible for maintaining that well in a proper manner. Some basic requirements are listed below: 1. All wells shall be maintained in a condition where they are not a threat to public health or safety, a source of contamination, or a waste of the groundwater resource. 2. All wells shall be securely covered to prevent any foreign substance from entering the well. 3. All wells shall be equipped with an access port or airline so that static water level information can be determined at any time. 4. Well casing must be protected from damage and meet minimum extension requirements. 5. Wells may only be permanently abandoned by a licensed and bonded well constructor or a landowner with a valid permit and bond. Well abandonment must be carried out in accordance with state rules. If you would like further information about water rights, maintaining / abandoning your well, or wish to receive a copy of the administrative rules concerning well construction, please contact the Oregon Water Resources Department by phone at (503) 378-8455, or by mail at 158 12th Street NE, Salem, OR 97301-4172.
I have read the above describing my basic rights and responsibilities related to well ownership.
Signature of Property Owner(s): Rom J.M. C. Nauf
State of OR , County of WASTINGSTON
This instrument was acknowledged before me on OCT 27, 2004 (date) by RANDALL C. NASE
(name of person(s)) as PRINCIPAL ENGINEER type of authority - if applicable) of CLEAN WOFFIL SERVICES (name of party on behalf of whom instrument was executed - if applicable) Before Me: Notary Public for CRESON NOTARY Public for CRESON MY COMMISSION EXPIRES MARCH 12, 2008

Recording Office Use Only

My commission expires MANCH 12, 2008

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MER RESOURCES DEPT.

SALEM, OREGON DEPT.

Washington County, Oregon 12/09/2004 10:26:04 AM

2004-140173

E Cnt=1 Stn=21 RECORDS1

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

Jerry R. Hanson, Director of Assessment and Taxation,

Ex-Officio County Clerk

AFTER RECORDING RETURN TO:

Attn: Dominic Colletta Attorney at Law 1727 NW Hoyt Street Portland, OR 97209

TRAIL EASEMENT

Clean Water Services, formerly Unified Sewerage Agency of Washington County, Oregon, a county service district formed under ORS Chapter 451, hereinafter called the Grantor hereby grants and conveys unto the City of Tigard, an Oregon municipal corporation, hereinafter called the Grantee, a perpetual nonexclusive easement over, across, and under the land and real property described in the attached Exhibit "A" (Trail Easement) for access, ingress, egress and construction and maintenance of a trail, bicycle way and pedestrian way, which may be used by pedestrians and non-motorized mechanical means of transportation, such as bicycles, and for no other purposes. Grantee shall have the right to place, construct, operate, replace, maintain, inspect, reconstruct, install necessary improvements, and in connection therewith may remove any trees, shrubs, or brush necessary or convenient to accomplish said purpose subject to Grantor's approval.

THE TRUE CONSIDERATION for this conveyance is \$00.

IT IS EXPRESSLY UNDERSTOOD that the Trail Easement does not convey any right, title or interest except those expressly stated herein, nor otherwise prevent Grantor from the full use and dominion thereover, provided, however, that such use shall not interfere with the uses and purposes of the intent of the Trail Easement.

IN CONSIDERATION of the premises, Grantee agrees that if said Grantee, its successors or assigns should cause said easement to be vacated, the right of the Grantee in the above-described easement will be forfeited and the easement shall immediately revert to the Grantor, its successors, and assigns in the case of such event.

This Easement is subject to the following terms and conditions:

Purpose of the Easement. The purpose of this Trail Easement is to provide Grantee access over and across the property of Grantor in order to construct and maintain a trail providing pedestrian and non-motorized bicycle access connecting Grantee's Cook Park to Durham City Park and the Fanno Creek Trail System.

Page 1- TRAIL EASEMENT

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- 2. Scope of Grantee's Use. Grantee shall have the right to use the Trail Easement for ingress and egress and to perform routine and emergency maintenance and repairs to the trail. Grantee shall also have the right to use the Trail Easement for construction, reconstruction, maintenance and repair of the trail and Grantee may use equipment and vehicles deemed appropriate by Grantee for such purposes, provided Grantee restores existing landscaping to original condition.
- 3. <u>Maintenance and Repair.</u> Grantee at it's sole cost and expense shall be responsible for maintaining the Trail Easement in good condition and repair and in a manner that is continuously safe for trail use. If Grantee fails or refuses to make repairs which are required by this section, Grantor may make the repairs and charge the actual cost of the repair or maintenance work to Grantee, together with interest at the rate of 9% per annum.
- 4. <u>Indemnity.</u> Within applicable limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, Grantor and Grantee each agree to indemnify and hold the other harmless for their respective acts or failure to act, to include their respective officers, employees, agents, contractors and representatives from and against all claims, demand and causes of actions or suits of any kind or nature arising from use of the Trail Easement.
- 5. <u>Duration of the Easement.</u> The Trail Easement shall remain in effect perpetually.
- 6. <u>Hazardous Materials.</u> Subject to applicable limits of the Oregon Tort Claims Act, Grantee agrees to indemnity, defend and hold harmless Grantor, its employees, representatives, contractors, subcontractors, agents, lessees, successors and assigns from any loss, claim or liability arising from the release of hazardous substances onto or from the property caused by the Grantee, its officers, agents, contractors or employees. It is understood and agreed that Grantee, by accepting this Trail Easement, is not accepting any liability for release of hazardous substances onto or from the property which occurred prior to or did not arise from Grantee's use of the easement, and that the Grantor is not attempting to convey any such liability to Grantee.

In the event of contamination of the property by hazardous materials caused by Grantee, Grantee shall take all remedial actions necessary to bring the affected property into compliance with all applicable state, federal and local laws. The term "Hazardous Material" shall include any hazardous or toxic substance, material or waste identified as such by applicable local, state or federal law or regulation including petroleum products.

7. <u>Breach of Obligation.</u> In the event either party engages in any conduct inconsistent with its rights or obligations under this instrument, the other part shall be entitled to all remedies provided by Oregon law, including specific performance and injunctive relief.

Page 2- TRAIL EASEMENT

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- 8. <u>Attorney Fees.</u> In the event of any litigation arising under this instrument, the prevailing party shall be entitled to recover from the non-prevailing party the prevailing party's reasonable costs and attorney fees at trial or on appeal as adjudged by the trial or appellate court.
- 9. <u>Effect of the Easement.</u> Subject to all prior easements or encumbrances of record, the rights, covenants and obligations contained in this Trail Easement shall bind, burden and benefit each party's successors, assigns, invitees and lessees.

Clean Water Services 2550 Southwest Hillsboro Highway Hillsboro, OR 97123	CLEAN WATER SERVICES By: Its:
APPROVED AS TO FORM: By:	
the district.	re me on this 9 day of Nov, 2004, by , of Clean Water Services, on behalf of
OFFICIAL SEAL TRUDY A. HULL NOTARY PUBLIC-OREGON COMMISSION NO. 378960 MY COMMISSION EXPIRES MAY 9, 2008	NOTARY PUBLIC, STATE OF OREGON My Commission Expires:

Page 3- TRAIL EASEMENT

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THE

CITY OF TIGARD, an Oregon municipal

Corporation, accepts and agrees to the terms of the Trail Easement

By Amary Manage

STATE OF OREGON

COUNTY OF MASHINGTON

OFFICIAL SEAL

J BENGTSON

NOTARY PUBLIC-OREGON
COMMISSION NO. 368086
MY COMMISSION EXPIRES APR. 27, 2007

This instrument was acknowledged before me on this 15 day of November 2004, by NILLIAM A. MONAHAW, the CITY MANAGER, of the City of Tigard, an Oregon municipal corporation, on behalf of the City.

NOTARY PUBLIC, STATE OF OREGON My Commission Expires: 4-27-07

Page 4- TRAIL EASEMENT

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DESCRIPTION FOR 25.00 FOOT WIDE PATHWAY EASEMENT

Located on a tract of land situated in the SE one-quarter of Section 14, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon. The pathway is described as follows:

Beginning at the 1/4 Section corner on the East Section line of Section 14, 41" W, along the center of section as shown on Survey Number 27602, as recorded in the Washington County Survey Records, a distance of 659.94 feet to a 5/8" iron rod and yellow plastic cap stamped Chase, Jones Assoc.; thence S 01° 35' 43" W a distance of 525.00 feet to a 5/8" iron rod with yellow plastic cap stamped City of Tigard; thence S 67° 39' 13" W a distance of 246.14 feet to the true point of beginning and a point on a curve to the left; thence along said curve to the left with a radius of 6.05 feet a central angle of 28° 06' 50" (a chord which bears S 72° 02' 44" E, 2.94 feet) and a length of 2.97 feet; thence S 86° 06' 09" E a distance of 86.52 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 102.50 feet, a central angle of 77° 46' 24" (a chord which bears S 47° 12' 57" E. 128.70 feet) and a length of 139.13 feet to a point of tangency; thence S 08° 19' 45" E a distance of 98.93 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 107.50 feet, a central angle of 12° 10' 34" (a chord which bears S 14° 25' 02" B, 22.80 feet) and a length of 22.85 feet to a point of tangency; thence S 20° 30' 19" E a distance of 69.15 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 132.50 feet, a central angle of 43° 05' 17" (a chord which bears S 01° 02'19" W, 97.31 feet) and a length of 99.64 feet to a point tangency; thence S 22° 34' 58" W a distance of 3.42 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 68.23 feet, a central angle of 100° 06' 34" (a chord which bears S 27° 28' 19" E, 104.62) and a length of 119.21 feet to a point of reversing curve to the right; thence along said curve to the right with a radius of 93.04 feet, a central angle of 73° 27' 14" (a chord which bears S 40° 47' 59" E, 111.28 feet) and a length of 119.28 feet to a point of reversing curve to the left; thence along said curve to the left with a radius of 44.50 feet, a central angle of 83° 05' 59" (a chord which bears S 45° 37' 22" E, 59.03 feet) and a length of 64.54 feet to a point of compound curve to the left; thence along said curve to the left with a radius of 92.50 feet, a central angle of 46° 22' 56" (a chord which bears N 69° 38' 11" E, 72.85 feet and a length of 74.88 feet to a point of tangency; thence N 46° 26' 43" B a distance of 15.26 feet to a point of curve of a curve to the right: thence along said curve to the right with a radius of 92.50 feet, a central angle of 75° 49' 37" (a chord which bears N 84° 21'31" E, 113.68 feet) and a length of 122.42 feet to a point of tangency; thence S 57° 43' 40" E a distance of 36.51 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 255.37 feet, a central angle of 32° 32' 09" (a chord which bears S73° 59' 45" E, 143.07 feet) and a length of 145.01 feet to a point of tangency; thence N 89° 44' 11" E a distance of 19.36 feet to a point of a curve to the right; thence along said curve to the right with a radius of 212.50 feet, a central angle of 12° 29' 57" (a chord which bears S 84° 00' 51" E, 46.27 feet) and a length of 46.36 feet to a point of tangency; thence S 77° 45' 52" E a distance of 57.85 feet to the Section line between Sections 13 and 14: thence S 01° 27' 29" W, along said section line, a distance of 25.45 feet; thence N 77° 45' 52"W



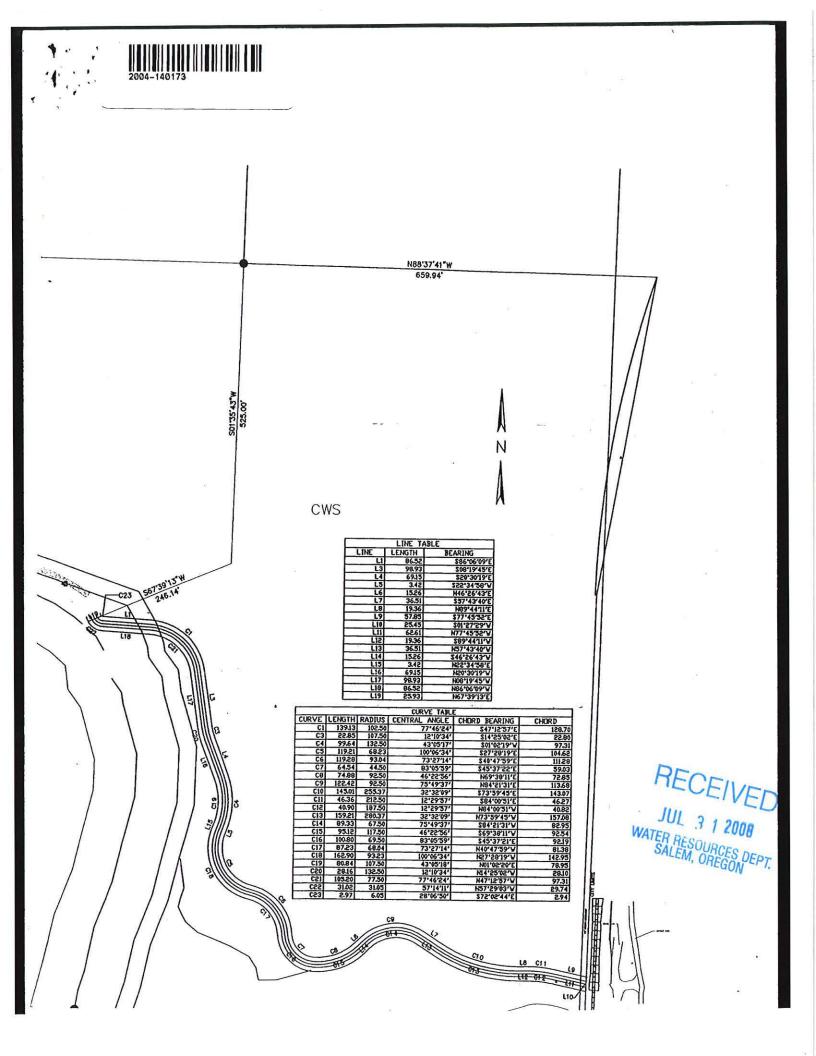


a distance of 62.61 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 187.50 feet, a central angle of 12° 29' 57" (a chord which bears N 84° 00' 51 W. 40.82 feet) and a length of 40.90 feet to a point of tangency; thence S 89° 44' 11" W. 19.36 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 280.37 feet, a central angle of 32° 32' 09" (a chord which bears N 73° 59' 45" W, 157.08 feet) and a length of 159.21 feet to a point of tangency; thence N 57° 43' 40" W a distance of 36.51 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 67.50 feet, a central angle of 75° 49' 37" (a chord which bears S 84° 21'31" W, 82.95 feet) and a length of 89.33 feet to a point of tangency; thence S 46° 26' 43" W a distance of 15.26 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 117.50 feet, a central angle of 46° 22' 56" (a chord which bears S 69° 38' 11" W, 92.54 feet and a length of 95.12 feet to a point of compound curve to the right; thence along said curve to the right with a radius of 69.50 feet, a central angle of 83° 05' 59" (a chord which bears S 45° 37' 21" E. 92.19 feet) and a length of 100.80 feet to a point of reversing curve to the left: thence along said curve to the left with a radius of 68.04 feet, a central angle of 73° 27' 14" (a chord which bears N 40° 47' 59" W, 81.38 feet) and a length of 87.23 feet to a point of reversing of a curve to right; thence along said curve to the right with a radius of 93,23 feet, a central angle of 100° 06' 34" (a chord which bears N 27° 28' 19" W, 142.95) and a length of 162.90 feet to a point of tangency; thence N 22° 34' 58" E a distance of 3.42 feet to a point of curve of a curve to the left: thence along said curve to the left with a radius of 107.50 feet, a central angle of 43° 05' 18" (a chord which bears N 01° 02'20" E, 78.95 feet) and a length of 80.84 feet to a point tangency; thence N 20° 30' 19" W a distance of 69.15 feet to a point of curve of a curve to the right: thence along said curve to the right with a radius of 132.50 feet, a central angle of 12° 10' 34" (a chord which bears N 14° 25' 02" W, 28.10 feet) and a length of 28.16 feet to a point of tangency: thence N 08° 19' 45" W a distance of 98.93 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 77.50 feet, a central angle of 77° 46' 24" (a chord which bears N 47° 12' 57" W, 97.31 feet) and a length of 105.20 feet to a point of tangency: thence N 86° 06' 09" W a distance of 86.52 feet to a point of curve of a curve to the right: thence along said curve to the right with a radius of 31.05 feet a central angle of 57° 14' 11" (a chord which bears N 57° 29' 03" W, 29.74 feet) and a length of 31.02 feet; thence N 67° 39' 13" E a distance of 25.93 feet to the true point of beginning.

Containing 33951 square feet.



JUL 3 1 2008



Washington County, Oregon 02/22/2006 11:41:51 AM

2006-020495

D-E Cnt=1 Stn=13 I CASTILLO \$20.00 \$6.00 \$11.00 - Total = \$37.00

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

records of said county.

Jerry R. Hanson, Director of Assessment and Taxation,
Ex-Officio County Clerk

AFTER RECORDING RETURN TO:

Attn: City Recorder

City of Tigard

13125 SW Hall Blvd. Tigard, OR 97223

EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEMENT PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173

Clean Water Services (Grantor) and the City of Tigard (Grantee) are parties to a Trail Easement dated November 9, 2004 recorded as Instrument Number 2004-140173 in the Washington County real property records (Trail Easement Agreement). The Trail Easement Agreement is hereby amended this Advanced day of Jan., 2006 as follows:

1. Additional Pathway Area

Grantor hereby grants and conveys an additional 103 square feet (Additional Pathway Area) to the area of the Trail Easement described in Exhibit A to the Trail Easement Agreement as more particularly described in Exhibit 1 attached hereto and incorporated herein.

Replacement Drawing

The drawing of the pathway contained on the last page of the Trail Easement Agreement is hereby deleted and the drawing attached hereto as Exhibit 2 and incorporated herein is substituted therefore.

No Other Modifications

The parties agree that except as modified by this instrument, all of the terms and provisions of the Trail Easement Agreement shall remain in full force and effect. Grantee's use of the Additional Pathway Area shall be subject to all of the terms and conditions of the Trail Easement Agreement.



EXHIBIT 1

DESCRIPTION FOR PATHWAY EASEMENT

Located on a tract of land situated in the Southeast one-quarter of Section 14, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon. The easement is being added to the pathway easement recorded in Document No. 2004-140173 of the Washington County deed records. The added pathway easement is described as follows:

Beginning at the Southeast corner of the pathway easement recorded in Document No. 2004-140173 of the Washington County deed records being on the line between Section 13 and 14; thence S 01° 27' 29" W, said along Section line, a distance of 3.36 feet; thence N 74° 46' 37" W a distance of 63.32 feet to the southerly line of said easement; thence S 77° 45' 52" E 62.61 feet to the point of beginning.

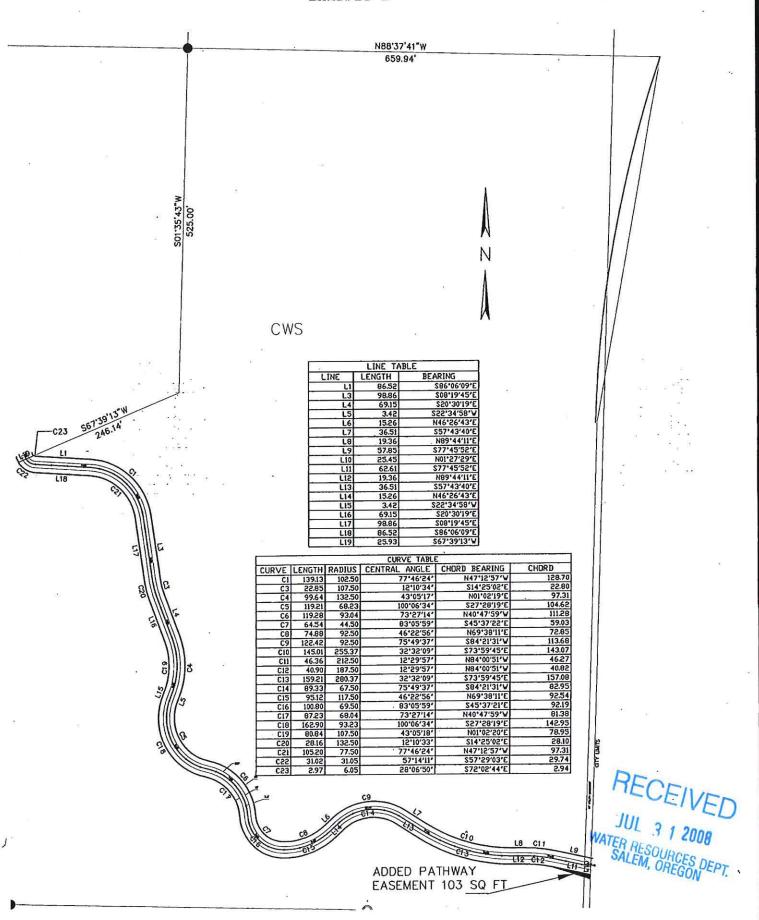
Containing 103 square feet.

JUL 3 1 2008
WATER RESOURCES DEPT

I:leng\ohnrh\cook path-ease2.doc

IN WITNESS WHEREOF, the parties hereto have executed this Easement Modification Agreement on 24, 24, 2006.
Clean Water Services 2550 SW Hillsboro Highway Hillsboro, OR 97123 CLEAN WATER SERVICES By: Its:
STATE OF OREGON)
COUNTY OF WASHINGTON)
This instrument was acknowledged before me on this
THE CITY OF TIGARD, an Oregon municipal Corporation, accepts and agrees to the terms of the Easement Modification Agreement to Trail Easement Previously Recorded as Document Number 2004-140173.
By: aqueli P. Quenas
Its: City Engineer
STATE OF OREGON) COUNTY OF Washington)
This instrument was acknowledged before me on this 10 day of February, 2006, by Gustup. Dienas, the City Engineer, of the City of Tigard, an Oregon municipal corporation, on behalf of the City.
OFFICIAL SEAL DIANE M JELDERKS NOTARY PUBLIC-OREGON COMMISSION NO. 373021 MY COMMISSION EXPIRES SEPT. 25, 2007 JUL 3 1 2008 WATER RESOURCES DEPT. SALEM, OREGON

Page 2 – EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEEMENT PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173



Washington County, Oregon 10/04/2006 11:56:24 AM

2006-118363

D-E Cnt=1 Stn=21 RECORDS1 \$25.00 \$6.00 \$11.00 - Total = \$42.00

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of second

book of records of said county.

Citical V. Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk

AFTER RECORDING RETURN TO:

Attn: City Recorder

City of Tigard

13125 SW Hall Blvd. Tigard, OR 97223

SECOND EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEMENT PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173 AND EASEMENT MODIFICATION AGREEMENT PREVIOUSLY RECORDED AS 2006-020495

1. Additional Pathway Area

Grantor hereby grants and conveys an additional 10,442 square feet (Additional Pathway Area) to the area of the Trail Easement described in Exhibit A to the Trail Easement Agreement. The area to be added is more particularly described in Exhibit 1 attached hereto and incorporated herein.

2. Replacement Drawing

The drawing of the pathway contained on the last page of the Trail Easement Agreement is hereby deleted and the drawing attached hereto as Exhibit 2 and incorporated herein is substituted therefore.

3. No Other Modifications

The parties agree that except as modified by this instrument, all of the terms and provisions of the Trail Easement Agreement shall remain in full force and effect. Grantee's use of the Additional Pathway Area shall be subject to all of the terms and conditions of the Trail Easement Agreement.

Page 1 – SECOND EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEEMENT
PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173 AND EASMENT
MODIFICATION AGREEMENT PREVIOUSLY RECORDED AS 2006-020495

IN WITNESS WHEREOF, the parties hereto have executed this Second Easement Modification
Agreement on August 10, 2006.
Clean Water Services CLEAN WATER SERVICES 2550 SW Hillsboro Highway
Hillsboro, OR 97123 By: Its: DEM
STATE OF OREGON)
COUNTY OF WASHINGTON)
This instrument was acknowledged before me on this 10 day of 2006, by Kobert C. Cruz, the, of Clean Water Services, on
behalf of the District.
OFFICIAL SEAL TRUDY A HULL NOTARY PUBLIC-OREGON COMMISSION NO. B378960 Notary Public, State of Oregon
MY COMMISSION EXPIRES MAY 9, 2008
THE CITY OF TIGARD, an Oregon municipal Corporation, accepts and agrees to the terms of the Second Easement Modification Agreement to Trail Easement Previously Recorded as Document
Number 2004 140173.
By: Craig Thosan
Its: CITY MANAGER
STATE OF OREGON)
COUNTY OF WASHINGTON)
This instrument was acknowledged before me on this 29 day of AVGUST, 2006, by LRAIG PROSSER, the LITY MANAGER, of the City of Tigard, an Oregon municipal corporation, on behalf of the City.
Men of the
ALSOVIEVOU
OFFICIAL SEAL Notary Public State of Oregon NOTARY PUBLIC OREGON NOTARY PUBLIC OREGON
COMMISSION NO. 368086 MY COMMISSION EXPIRES APR. 27, 2007
J BENGTSON NOTARY PUBLIC-OREGON COMMISSION NO. 368086 MY COMMISSION EXPIRES APR. 27, 2007 WATER RESOURCES
SAMESOURCE

Page 2 – SECOND EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEMENT FGON PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173 AND EASMENT MODIFICATION AGREEMENT PREVIOUSLY RECORDED AS 2006-020495

EXHIBIT 1

DESCRIPTION FOR 25.00 FOOT WIDE PATHWAY EASEMENT

Located on a tract of land situated in the SE one-quarter of Section 14, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon. The pathway is described as follows:

Beginning at the 1/4 Section corner on the East Section line of Section 14, thence N 88° 37' 41" W. along the center of section as shown on Survey Number 27602, as recorded in the Washington County Survey Records, a distance of 659.94 feet to a 5/8" iron rod and yellow plastic cap stamped Chase, Jones Assoc.; thence S 01° 35' 43" W a distance of 525.00 feet to a 5/8" iron rod with vellow plastic cap stamped City of Tigard; thence S 67° 39' 13" W a distance of 246.14 feet to a point on a curve to the left; thence along said curve to the left with a radius of 6.05 feet a central angle of 28° 06' 50" (a chord which bears S 72° 02' 44" E, 2.94 feet) and a length of 2.97 feet; thence S 86° 06' 09" E a distance of 86.52 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 102.50 feet, a central angle of 77° 46' 24" (a chord which bears S 47° 12' 57" E, 128.70 feet) and a length of 139.13 feet to a point of tangency; thence S 08° 19' 45" E a distance of 98.93 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 107.50 feet, a central angle of 12° 10' 34" (a chord which bears S 14° 25' 02" E, 22.80 feet) and a length of 22.85 feet to a point of tangency: thence S 20° 30' 19" E a distance of 69.15 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 132.50 feet, a central angle of 43° 05' 17" (a chord which bears S 01° 02'19" W. 97.31 feet) and a length of 99.64 feet to a point tangency; thence S 22° 34' 58" W a distance of 3.42 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 68.23 feet, a central angle of 100° 06' 34" (a chord which bears S 27° 28' 19" E, 104.62) and a length of 119.21 feet to a point of reversing curve to the right; thence along said curve to the right with a radius of 93.04 feet, a central angle of 73° 27' 14" (a chord which bears S 40° 47' 59" E, 111.28 feet) and a length of 119.28 feet to a point of reversing curve to the left; thence along said curve to the left with a radius of 44.50 feet, a central angle of 83° 05' 59" (a chord which bears S 45° 37' 22" E, 59.03 feet) and a length of 64.54 feet to a point of compound curve to the left; thence along said curve to the left with a radius of 92.50 feet, a central angle of 46° 22' 56" (a chord which bears N 69° 38' 11" E, 72.85 feet and a length of 74.88 feet to a point of tangency; thence N 46° 26' 43" E a distance of 15.26 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 92.50 feet, a central angle of 75° 49' 37" (a chord which bears N 84° 21'31" E, 113.68 feet) and a length of 122.42 feet to a point of tangency; thence S 57° 43' 40" E a distance of 36.51 feet and the true point of beginning; thence S 57° 43' 40" E a distance of 15.80 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 67.50 feet, a central angle of 95° 25' 43" (a chord which bears N 74° 33' 28" E, 99.87 feet) and a length of 112.42 feet to a point of tangency; thence N 26° 50' 37" E a distance of 204.96 feet to a point of curve of a curve to the right; thence along said



curve to the right with a radius of 62.50 feet a central angle of 63° 41' 17" (a chord which bears N 58° 41' 15" E, 65.95 feet) and a length of 69.47 feet to appoint of tangency; thence S 89° 28' 06" E a distance of 8.33 feet the line between Sections 13 and 14; thence S 01° 27' 29" W, along said line, a distance of 25.00 feet; thence N 89° 28' 06" W a distance of 7.93 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 37.50 feet a central angle of 63° 41' 17" (a chord which bears S 58° 41' 15" W, 39.57 feet) and a length of 41.68 feet to appoint of tangency; thence S 26° 50' 37" W a distance of 204.96 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 92.50 feet, a central angle of 95° 25' 43" (a chord which bears S 74° 33' 28" W, 136.86 feet) and a length of 154.06 feet to a point of tangency; thence N 54° 43' 40" W a distance of 15.80 feet; thence N 32° 16' 20" E a distance of 25.00 feet to the point of beginning.

Containing 10442 square feet.



EXHIBIT 2

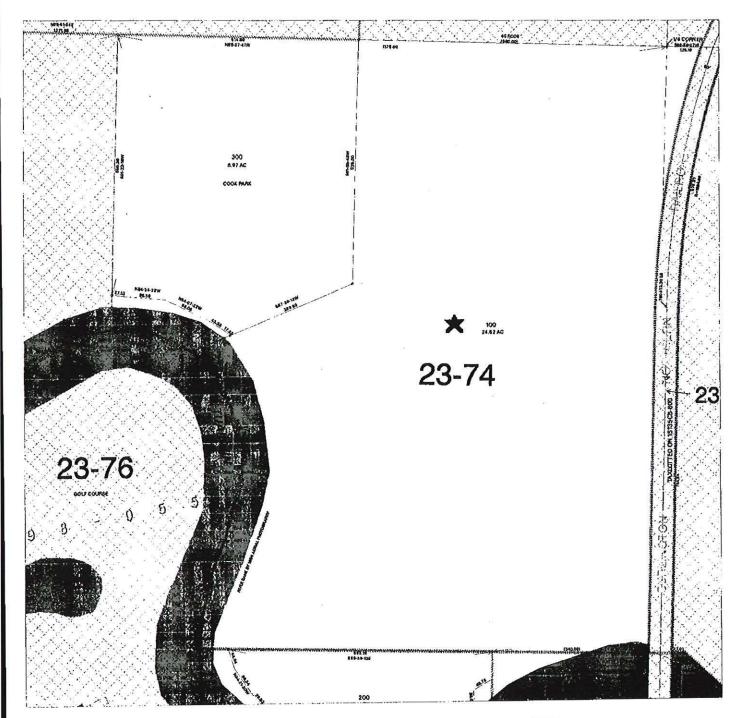


First American Title Insurance Company of Oregon An assumed business name of TITLE INSURANCE COMPANY OF OREGON

This map is provided as a convenience in locating property

First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

Reference Parcel Number 2S114DA 00100



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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

RECEIVED OVER THE COUNTER

August 6, 2008

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AUG 0 6 2008

WATER RESOURCES DEPT SALEM, OREGON

BY HAND DELIVERY

Laura K. Snedaker Oregon Water Resources Department 725 Summer St NE Ste A Salem, OR 97301-1271

Re:

Application T-10332/Clean Water Services

Our File No.: 091418/140785

Dear Laura:

I am forwarding a packet of information compiled by Steve Kebbe, P.E., of Clean Water Services, providing additional information you requested in connection with the above-referenced transfer application.

Please note that the cover letter from Mr. Kebbe includes confirmation of Clean Water Services' request to amend the application to include the use of water for pollution abatement as suggested in your letter dated June 9, 2008. The packet also includes affidavits of use and ownership reports for the property involved in the transfer.

Thank you for your on-going assistance with this application. If you have questions or need any additional information, please feel free to contact Mr. Kebbe or me.

Sincerely,

Martha O. Pagel

MOP:kdo Enclosure

cc: Steve Kebbe (w/encl.)



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JUL 3 1 2008

Schwabe, Williamson & Wyatt

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AUG 0 6 2008

WATER RESOURCES DEPT SALEM, OREGON

July 29, 2008

Laura Snedaker Field Services Division Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1271

Subject: Application T-10332

This letter is written in response to your letter to me dated June 9, 2008. I have reviewed the draft Preliminary Determination regarding transfer application T-10332 and concur with the findings, including specifically those associated with Findings of Fact #15 and #16.

In response to the three bulleted items in your letter, following are responses:

- Original affidavits from Peter Guillozet and Jeff Jones are enclosed.
- Results of a title search of the property conducted by First American Title Insurance Company of Oregon are enclosed.
- Please amend the application to include the use of water for pollution abatement.

Please contact me if you have further comments or questions.

Sincerely,

Steve Kebbe, P.E.

Steve Zebbe

Project Manager

cc: Martha Pagel, Schwabe Williamson & Wyatt

Enclosures

Water Right Transfer Supplemental Form B AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
County of Washington) ss)
I, Peter Guillozet, in my capacity as Project Coordinator,
mailing address 2550 SW Hillsboro Highway, Hillsboro, Oregon, 97123,
telephone number (503) 681-4470, being first duly sworn depose and say:
1. I attest that:
☑ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; o
The water right was leased instream at some time within the last five years. The instream lease number is as follows: N/A; or
☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
2. My knowledge of the exercise or status of the water right is based on (check one):
✓ Personal observation ☐ Professional expertise
3. My knowledge is specific to the use of water at the following locations:

Town	ship	Rai	nge	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)	
2	S	1	W		14	NE SE		3.6	
									RECEIVED AUG 0 6 2008
								WATE	R RESOURCES

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

4.	The water right was exercised for the authorized purpose described below (e.g	., crops grown):						
Wa	Water right used to irrigate planted trees, native grasses and shrubs.							
	The water delivery system used to apply water as authorized by the right is de							
of a per War	gation system within the subject 3.6 acre portion of the water right consists of h to 2-inch diameter PVC piping with 13 Rainbird sprinklers, each sprinkler h approximately 4 gallons per minute (gpm) at the approximate system pressure r square inch (psi). The irrigation system is supplied reclaimed (reuse) water fater Service's reuse pump station located at the Durham Advanced Wastewater cility (DAWTF) via approximately 3,000 linear feet of 24-inch/18-inch/then 6 C pressure main. The reuse pumps at the pump station consist of two 125 hord one 50 hp pumps.	aving a capacity of 80 pounds rom the Clean Treatment -inch diameter						
6.	One or more of the following documentation supporting the above statements	is attached:						
	Copy of a water right certificate that was issued within the last five years (no right certificate),							
	Copies of receipts from sales of irrigated crops or for expenditures relating to water,							
	Records such as Farm Service Agency crop reports, irrigation district record farm management plan, or records of other water suppliers,							
$ \overline{\mathbf{A}} $	Dated aerial photographs of the lands or other photographs containing sufficestablish the location and date of the photograph,							
	Dedicated power usage records or receipts,	RECEIVED						
	Instream lease number <u>N/A</u> ,	AUG 0 6 2008						
$ \sqrt{} $	Other: Annual Recycled Wastewater Reports.							
_		WATER RESOURCES DEPT SALEM, OREGON						
Sign	Policy Date 7/28	1/08						
	Signed and sworn to (or affirmed) before me this 28^{-1} day of 3	, 20 <u>08</u> .						
	OFFICIAL SEAL JANE L NISHIZAKI NOTARY PUBLIC – OREGON COMMISSION NO. 420701 MY COMMISSION EXPIRES AUGUST 8, 2011 My Commission Expires: August 8, 2011							

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

AFFIDAVIT ATTESTING TO THE USE OF WATER - CERTIFICATE NO. 48491

State of Oregon)
) ss
County of Washington)

- I, <u>Jeff S. Jones</u>, in my capacity as <u>Certified Water Right Examiner (450 WRE)</u>, mailing address: <u>Murray, Smith & Associates, Inc., 121 SW Salmon Suite 900, Portland, OR 97204</u>, telephone number (503) 225-9010, being first duly sworn depose and say:
- 1. I attest that that reclaimed water was applied to the easterly 16.1 acre portion of the place of use as authorized under Certificate # 48491 that falls within Tax Lot 2S 1 14 DA 100.
- 2. My knowledge of the exercise or status of the water right is based on personal observation made during site visits of the subject property on September 12 and 19, 2006.
- 3. My knowledge is specific to the use of water on approximately 16.1 acres on the subject water right located within Tax Lot 2S 1 14 DA 100, NE ¼, SE ¼, Section 14, Township 1 S., Range 1 W., W.M., and as shown on the attached copy of the original final proof survey map.
- 4. The water right was exercised to irrigate oat grass, planted trees and shrubs.
- 5. The water delivery system used to apply water as authorized by the right consisted of a single traveling gun ("big gun") sprinkler with a 0.9-inch diameter nozzle and 4-inch diameter flexible hose. With an estimated pressure of 80 psi at the sprinkler nozzle, the sprinkler applied reclaimed water at a rate approximately 220 gpm. The irrigation system within the southerly 3.6 acre portion of the water right also consists of a network of 1-inch to 2-inch diameter PVC piping with 13 Rainbird sprinklers, each sprinkler having a capacity of approximately 4 gallons per minute (gpm) at the approximate system pressure of 80 pounds per square inch (psi). The reclaimed (reuse) water was supplied from the Clean Water Service's reuse pump station located at the Durham Advanced Wastewater Treatment Facility (DAWTF) via approximately 3,000 linear feet of 24-inch/18-inch/then 6-inch diameter PVC pressure main. The reuse pumps at the pump station consist of two 125 horse power (hp) and one 50 hp pumps.

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- 6. The following documentation supporting the above statements is attached:
- ☑ Dated photographs of the subject lands being irrigated with area shown on a copy of the original final proof survey map
- ☑ Irrigation equipment rental invoices

Signature of Affiant

11-30-2006

Signed and sworn to (or affirmed) before me this 30 h day of November 20 0/2.

OFFICIAL SEAL
SARAH E LAUDIG
NOTARY PUBLIC-OREGON
COMMISSION NO. 365415
MY COMMISSION EXPIRES FEB. 6, 2007

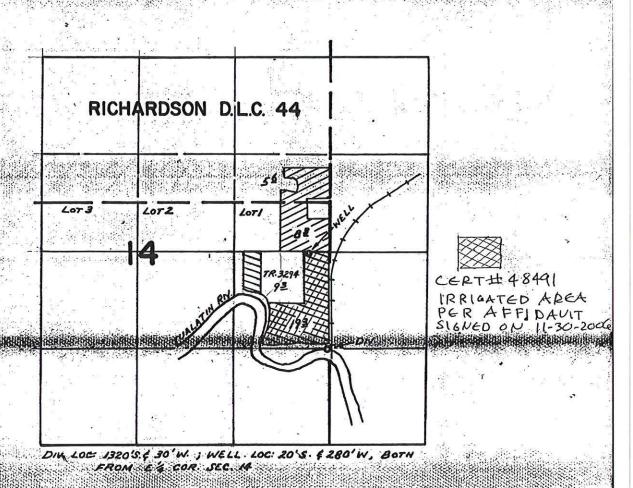
Notary Public for Oregon

My Commission Expires: 106. (0, 2007

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AUG 0 6 2008

T.2S.R.IW. W.M.



FINAL PROOF SURVEY

7RANSFER NO. 3294

G-7070

G-5623

Application No. 3337... Permit No. 38215...
IN NAME OF

JOHN M. THOMAS

Surveyed JUNE 2019 78 by S.P. APPLEGATE



AUG 0 6 2008

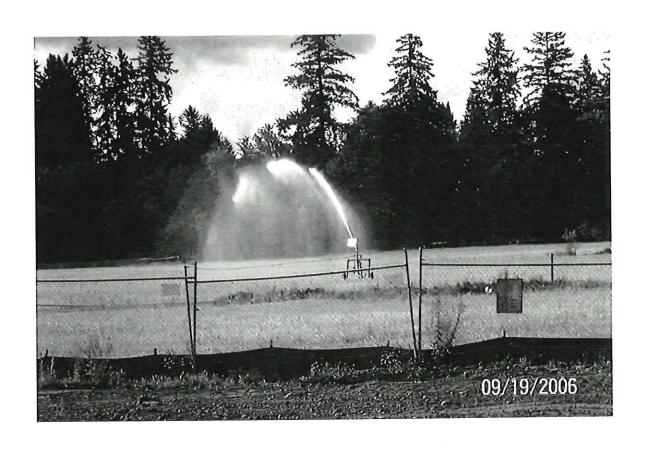
WATER RESOURCES DEPT SALEM, OREGON

R.G. M.





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AUG 0 6 2008

FISHER IMPLEMENT CO.

THE FISHER-ERNST GROUP LENON IMPLEMENT COMPANY

CERNIT HARDWARE CO.



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MER IMPLEMENT CO.

THE FISHER-ERNST **GROUP**

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LENON IMPLEMENT COMPANY

ERNST HARDWARE CO.



Rental Invoice

S CLEANWATER SERVICES 0 3235 SE RIVER RD. L D

503-633-4111

CLEANWATER SERVICES RECEIVED

AUG 0 6 2008

WATER RESOURCES DEPT SALEM, OREGON

H CASH CHG. OTHER X HILLSBORO OR 97124 T T ACCT. NO 0 0 816290 INVOICE DATE INVOICE NO. SALESMAN ORDER NO. RO. NO. PHONE 503-681-3600 LOC: 5986 94 11790 110CT06 9:59 CONTRACT NO: 00005781 19SEP06 INVOICE PERIOD: 19SEP06 TO 25SEP06 ****************** * This purchase is subject to the terms of the Farm Plan * * Credit agreement.* I grant Farm Plan a purchase money * * security interest, except as limited in that * agreement, in the goods described. AUTHORIZATION # 275959 Farm Plan # XXXXXX9816 PRODUCT CODE # 00183 RENTAL TRACTOR FINANCE PLAN # 00249 * PURCHASE ****************** 726.00 SP354330 L06420D480116 01 6420 6420 2-POST (DPFR) 242.00 W: 726.00 M: 2,200.00 RENTAL RATES: D: 1 DAY = 9 HRS, 1 WEEK = 33 HRS, 1 MONTH = 100 HRS LIABILITY INSURANCE **33** HRS, 1 MONTH = 100HRS 1 DAY = 9 HRS, 1 WEEKLIABILITY INSRUANCE A SERVICE AND CLEANING DEPOSIT OF \$200.00 IS DUE AT THE TIME OF RENTALINE WITH IT AT CONCLUSION OF RENTAL ANY HOURS OF USE OVER THE MINIMUM RENTAL PERIOD WILL BE CHARGED AT AN

		DESCRIPTION	ACCOUNT	AMOUNT	
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			<u> </u>		
DECENTED BY		PLEASE PAY THIS TO)IAL ▶		

FISMER IMPLEMENT CO.

PO Box 38 St. Paul, OR 97137 503-633-4111

CLEANWATER SERVICES

3235 SE RIVER RD.

HILLSBORO

THE FISHER-ERNST GROUP LENON IMPLEMENT COMPANY

ERNST HARDWERE CO.



JOHN DEERE

PAGE

CASH CHG. OTHER

ACCT. NO

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Rental Invoice

CLEANWATER SERVICES RECEIVED

AUG 0 6 2008

WATER RESOURCES DEPT SALEM, OREGON

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CONTRACT NO: 00005781 19SEP06

INVOICE PERIOD: 19SEP06 TO 25SEP06

HOURLY RATE PLUS OTHER UNBILLED CHARGES THAT

OR 97124

WOULD APPLY.

S

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RENTAL PAYMENTS: FIRST RENTAL PAYMENT IS DUE IN ADVANCE OF RENTAL. SUBSEQUENT RENTAL PAYMENTS ARE DUE AT THE BEGINNING OF EACH REOCCURING RENTAL PERIOD.

ALL RENTALS ARE BILLED FOR A MINIMUM RENTAL PERIOD OR HOURS OF USE. WHICHEVER IS GREATER.



AG DEL/PU CHARGE

570.00

TOTAL NON-TAXABLE 1,296.00

DESCRIPTION ACCOUNT AMOUNT

PARTS 1,296.00

SALES TAX

PLEASE PAY THIS TOTAL

ORIGINAL COPY



First American Title Insurance Company of Oregon 222 SW Columbia Street, Suite 400

Portland, OR 97201

(800)929-3651 Phn - (503)222-3651

Fax - (503)790-7858

MULTNOMAH COUNTY TITLE UNIT

FAX (503)790-7858

Title Officer: Lauren Finbraaten (503)222-3651 lfinbraaten@firstam.com

LOT BOOK SERVICE

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AUG 0 6 2008

WATER RESOURCES DEPT SALEM, OREGON

Order No.: 7019-1250153

June 23, 2008

121 SW Salmon, Ste 900 Portland, OR 97204

Murray, Smith & Associates, Inc

Attn:

Phone No.: (503)225-9010 - Fax No.: (503)225-9022

Email: garlandb@msa-ep.com

Re:

Fee: \$275.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of June 12, 2008 at 8:00 a.m.

We find that the last deed of record runs to

Clean Water Services, formerly Unified Sewerage Agency of Washington County, Oregon, a county service district

We also find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

- Subject property is under public ownership and is tax exempt. Any change in ownership before 1. delivery of assessment roll may result in tax liability. Account No. R519576.
- 2. City liens, if any, of the City of Tigard.
- Statutory powers and assessments of Clean Water Services. 3.
- The assessment roll and the tax roll disclose that the within described premises were specially 4. zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

Guarantee No.: 7019-1250153

Page 2 of 4

NOTE: This Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering crops and fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

- 5. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of Tualatin and the ownership of the State of Oregon in that portion lying below the high water mark of Tualatin .
- 6. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Tualatin or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
- 7. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Tualatin.
- 8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- Easement, including terms and provisions contained therein:

Recording Information:

December 31, 1957 in Book 401, Page 42

In Favor of:

West Coast Telephone Company, a corporation, its successors or

assigns

For:

cable and wire for telephone and power purposes

Easement, including terms and provisions contained therein:

Recording Information:

January 07, 1998 as Fee No. 98001400

In Favor of:

City of Tigard, an Oregon municipal corporation

For:

access, bikeway, pedestrian way and trail

Affects:

The Southwesterly portion

11. State of Oregon Well Information Form (File with County Clerk's Office), including terms and provisions thereof.

Recorded:

October 29

October 29, 2004 as Fee No. 2004 125452

12. Easement, including terms and provisions contained therein:

Recording Information:

December 09, 2004 as Fee No. 2004 140173

In Favor of:

City of Tigard, an Oregon municipal corporation

For:

access, ingress, egress and construction and maintenance of a

trail, bicycle way and pedestrian way

Modification and/or amendment by instrument:

Recording Information:

February 22, 2006 as Fee No. 2006 020495

Modification and/or amendment by instrument:

Recording Information:

October 04, 2006 as Fee No. 2006 118363

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Guarantee No.: 7019-1250153

Page 3 of 4

- 13. Lack of a right of access to and from the land.
- 14. Unrecorded leases or periodic tenancies, if any.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens:

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.



Guarantee No.: **7019-1250153** Page 4 of 4

Exhibit "A"

Real property in the County of Washington, State of Oregon, described as follows:

A PART OF THAT TRACT OF LAND IN SECTIONS 13 AND 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, CONVEYED TO MELVILLE EASTHAM, ET UX, BY DEED RECORDED IN BOOK 176, PAGE 287, DEED RECORDS OF WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER CORNER OF THE EAST LINE OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN; AND RUNNING THENCE WEST ALONG THE NORTH LINE OF THE SOUTH ONE- HALF OF SAID SECTION 14, A DISTANCE OF 1175.0 FEET TO AN IRON, WHICH IRON IS THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO WASHINGTON COUNTY, BY DEED RECORDED APRIL 09, 1962 IN BOOK 460, PAGE 414, DEED RECORDS OF WASHINGTON COUNTY, OREGON; THENCE SOUTH AT RIGHT ANGLES TO SAID NORTH LINE AND ALONG SAID WASHINGTON COUNTY TRACT, 548.8 FEET TO AN IRON; THENCE CONTINUING SOUTH 75 FEET, MORE OR LESS, TO THE CENTER OF THE TUALATIN RIVER; THENCE DOWNSTREAM IN THE CENTER OF SAID RIVER, 800 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE EAST ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, 980 FEET, MORE OR LESS, TO THE WEST BOUNDARY OF THE S.P. & S.R.R. RIGHT OF WAY; THENCE NORTHERLY ALONG SAID R.R. BOUNDARY, 1330 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN; THENCE WEST, 75 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TIGARD BY DEED RECORDED OCTOBER 30, 1998 AS FEE NO. 98122505, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF TIGARD, COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "KAMPE ASSOC. INC.", BEING THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 460, PAGE 414, DEED RECORDS OF WASHINGTON COUNTY, OREGON, ALSO BEING THE NORTHWEST CORNER OF PARCEL II AS DESCRIBED IN FEE NO. 96080099, DEED RECORDS OF WASHINGTON COUNTY, OREGON; THENCE SOUTH 88° 37' 46" EAST, ALONG THE NORTH LINE OF SAID PARCEL II, AND THE SOUTH LINE OF PARCEL 2, PARTITION PLAT NO. 93-078, AS RECORDED IN THE WASHINGTON COUNTY RECORDS, A DISTANCE OF 514.88 FEET TO THE SOUTHEAST CORNER OF SAID PARTITION PLAT; THENCE SOUTH 1º 35'43" WEST, ALONG THE EXTENSION OF THE EAST LINE OF SAID PARTITION PLAT, A DISTANCE OF 525.00 FEET; THENCE SOUTH 67° 39' 13" WEST, A DISTANCE OF 283.63 FEET TO THE TOP OF THE HIGH BANK OF THE TUALATIN RIVER; THENCE ALONG THE TOP OF THE HIGH RIVER BANK THE FOLLOWING FIVE COURSES; THENCE NORTH 49° 27' 18" WEST, A DISTANCE OF 17.85 FEET; THENCE NORTH 57º 14' 11" WEST A DISTANCE OF 43.39 FEET; THENCE NORTH 64º 07' 23" WEST A DISTANCE OF 99.06 FEET; THENCE NORTH 84° 34' 28" WEST A DISTANCE OF 85.39 FEET; THENCE NORTH 82° 45' 23" WEST A DISTANCE OF 27.12 FEET TO THE WEST LINE OF PARCEL II AS DESCRIBED IN FEE NO. 96080099; THENCE NORTH 01° 22' 18" EAST, ALONG THE WEST LINE OF SAID PARCEL II, A DISTANCE OF 550.30 FEET TO THE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

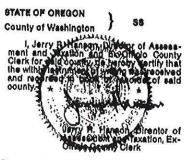
Tax Parcel Number: R519576

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	DESCRIPTION OF THE PROPERTY OF		
	RIGHT OF WAY AGREEMENT		
	RIGHT OF WAY AGREEMENT	300	
	Walvilla Raatham		
200	Jossio Easthan his wife, in consideration of		
A	the sum of One and no/100 Dollars		
	the sum of. UNA AID. NO. AND		
	PHONE COMPANY, a corporation, its successors or engines, the ORANTEE, a perpetual right-of-way and easement over and		
	across the following described property, situated in the COUNTY OF Hashington STATE		
	OP Orggon and particularly described as follows:		
	The north 3 of the SE 3 of Section 14 and the north 3 of the SW 3 of Section 13,		
	The north 1 of the SE 1 of Section 11 and the north 1 of the SW 1 of Section 13, all in Township 28 Range 1 WMM less exceptions as recorded in Records of Deeds Book 176 Page 287 for Washington County, Oregon.		
		· · · · · · · · · · · · · · · · · · ·	
	The Grantee shall have the right to place cable and wire for telephone and power purposed over and above the Granter's property as follows:		
atta	Beginning at a point on the north line of the Grantor's property in Section 13, 725, RIMAN, Washington County, Oregon, said point being east a distance of 20 feet from the 2 corner of the west line of said section and running thence S 22° 24' east for a constant of the County Ribertic Railway right of way.	- A	
T.	the 1 corner of the west line of said sectin and running thence S 22° 24' east for a distance of 106 feet to the Orogon Electric Railway right of way.	· 6	
	See Drawing R-1180.		
	See Drawing R-4100. Est. P416-8058		
		- '6	
	The removeshild durant description and a reduction of a remover encauses and remove the removed and are of the result of the removes and the r		
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	6 printings		
	The preservent and an an entering them the following them the property that the property of th		
	Employees of said grantee shall, any time when necessary, have access to said right-of-way and the poles with necessary wires, crossarms, cables, conduits and fixtures thereon, and/or thereunder for purposes of repairs, replacements, etc., provided		
	access.	in the second	
	In Witness Whereof, the sold first parties have caused this instrument to be executed thisday	- 1	
	0/		
	Signed and Sealed in presence of:		
THE PERSON NAMED IN COLUMN TO SERVICE AND ADDRESS OF THE PERSON NAMED IN COLUMN TO SE	* Melville Zashan	127	
	× Melville Eastham × Jessil Eastham		2
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			RESOURCES DEPT
			FM OREGON

720		
	STATE OF SS. 48	
	Be it remembered that on this day of 194 before me, the undersigned, a Notary Public, appeared 3 und	
Many Control of the C	to me personally known, who being duly sworn did say that he, the said.	
	is Secretary of	
	half of said corporation by authority of its Board of Directors; and the said	
	IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above in this	
	Notary Public for	
	STATE OF Massachusetts SS.	100 m
	Re it remembered that on this twentieth day of December, 194. 57	
	before me, the undersigned, a Notary Public, appeared. Waltillo Pastham and Jensie Rastham to me personally known to be the identical person described in and who executed the within and foregoing instrument.	
6.	and echnowledged to me that	
	In Witness Whereof, I have hereunto set my hand end Notary Seal the date and year last above herein within	
	Notary Public for Massachusetts	
	My Commission Expires July 11, 1965	
	SO SO OREGON. County of Washington, I. ROGER THOMSSEN, of Certify that the foregoing learner received for the record on the certify that the foregoing learner of Page 11 Law and 11 Law or the record of the county. WITHTESS my hand anglesis set this 3 Law of Short THOMSSEN, of Short THOMSSEN, con the County. WITHTESS my hand anglesis set this 3 Law of Short THOMSSEN, con ROCKER THOMSSEN, con ROCKER THOMSSEN, con ROCKER THOMSSEN, con ROCKER THOMSSEN, con ROCKER THOMSSEN, con ROCKER THOMSSEN, con ROCKER THOMSSEN, con Short THOMSSEN, con Sh	
	100 OREGON. ac et washington. ac et washington. ac trashington. ac rocket from the foregoing has a few protect for the record on the few protect of figures. These my hand angelies my hand and a few protect of figures. These my hand angelies my figures. These my hand angelies my figures. These my hand angelies my figures. These my hand angelies my figures. These my hand angelies my figures. These my hand angelies my figures. The figures is a figure of the figures. The figures is a figure of the figures of the figures. The figures is a figure of the figures of the figures of the figures of the figures. The figures of the figures o	
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AFTER RECORDING RETURN TO:

Attn: Dominic G. Colletta
O'Donnell Ramis Crew
Corrigan & Bachrach LLP
Attorneys at Law
1727 NW Hoyt Street
Portland, OR 97209

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

No change in tax statements.

EASEMENT FOR ACCESS, BIKEWAY, PEDESTRIAN WAY AND TRAIL EASEMENT

Unified Sewerage Agency of Washington County, Oregon, a county service district formed under ORS Chapter 451, hereinafter called the Grantor, grants and conveys unto the City of Tigard, an Oregon municipal corporation, hereinafter called the Grantee, a perpetual nonexclusive easement over, across, and under the land and real property described in the attached Exhibit "A" for access, ingress, egress and construction and maintenance of a trail, bicycle way and pedestrian way, which may be used by pedestrians and non-motorized mechanical means of transportation, such as bicycles, and for no other purposes. The Grantee shall have the right to place, construct, operate, replace, maintain, inspect, reconstruct, install necessary improvements, and in connection therewith may remove any trees, shrubs, or brush necessary or convenient to accomplish said purpose.

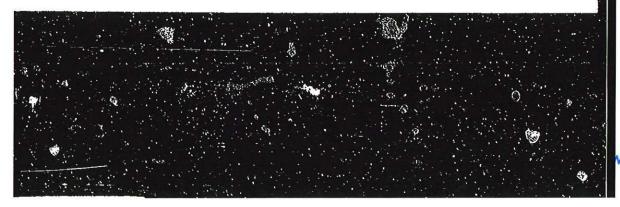
THE TRUE CONSIDERATION for this conveyance is \$1,300.00.

IT IS EXPRESSLY UNDERSTOOD that this easement does not convey any right, title or interest except those expressly stated herein, nor otherwise prevent Grantor from the full use and dominion thereover; provided, however, that such use shall not interfere with the uses and purposes of the intent of the easement.

IN CONSIDERATION of the premises, Grantee agrees that if said Grantee, its successors or assigns should cause said easement to be vacated, the right of the Grantee in the above-described easement will be forfeited and the easement shall immediately revert to the Grantor, its successors, and assigns in the case of such event.

Page - 1 BASEMENT

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This Basement is subject to the following terms and conditions:

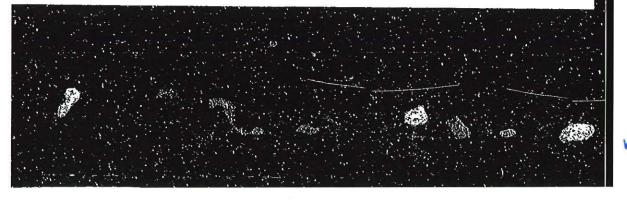
- Purpose of the Easement. Grantor hereby grants to Grantee a perpetual, nonexclusive
 easement across the property of Grantor in the location described in Exhibit A ("Trail
 Basement"). The purpose of this Trail Basement is to provide Grantee access over and
 across the property of Grantor in order to construct and maintain a trail providing
 pedestrian and nonmotorized bicycle access connecting Grantee's Cook Park to Durham
 City Park and the Fanno Creek Trail System.
- Scope of Grantee's Use. Grantee shall have the right to use the Trail Basement for
 ingress and egress and to perform routine and emergency maintenance and repairs to the
 trail. Grantee shall also have the right to use the Basement for construction,
 reconstruction, maintenance and repair of the trail and Grantee may use equipment and
 vehicles deemed appropriate by Grantee for such purposes.
- Scope of Grantor's Use. The Grantor shall have the right to use the Trail Easement for all purposes consistent with the Grantee's easement rights granted herein. No permanent or temporary structures shall be built or erected within the Trail Easement without written consent of Grantee, which shall not be unreasonably withheld.
- 4. Maintenance and Repair. Grantee and Grantor shall share the cost to maintain and repair the trail in proportion to their respective uses of the Trail Basement. At the time of execution of this easement and maintenance agreement, the parties anticipate that Grantor will account for 10% of the use of the Trail Basement and Grantee for 90%. Upon written request by one of the parties, this formula shall be re-examined and adjusted as needed to reflect the actual levels of use by each party. Also, upon written request by one of the parties, the parties will meet, confer and agree upon the nature, scope and cost of maintenance and repair work. Grantor and Grantee shall maintain the Trail Basement in a manner that is continuously safe for trail use. If either party fails or refuses to make repairs which are required by this section, the other party may make the repairs and charge the actual cost of the repair or maintenance work to the defaulting party, together with interest at the rate of 9% per annum.

Reimbursement, plus interest, of repair or maintenance costs shall not constitute a waiver of any other right or remedy possessed by the nondefaulting party. Except in an emergency creating an immediate risk of personal injury or property damage, the parties must give at lease ten (10) days notice, in writing, before commencing maintenance or repair work in order to maintain the right to collect reimbursement plus interest for such work.

5. Indemnity. Within applicable limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, Grantor and Grantee each agree to indemnify and hold the other harmless for their respective acts or failure to act, to include their respective officers, employees, agents, contractors and representatives from and against all claims, demand and causes of actions or suits of any kind or nature arising from use of the Trail Basement.

Page - 2 BASEMENT

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- 6. Duration of the Resement. Upon approval by the Board of Directors of the Unified Sewerage Agency ("Agency Board") in a regularly scheduled public meeting, the Grantee's easement rights under the terms of this agreement shall become effective subject to the terms of a lease between Granter and John and Sally Thomas ("Thomas Lease"). This Basement shall remain in effect perpetually.
- 7. Hazardous Materials. Subject to applicable limits of the Oregon Tort Claims Act, Grantee agrees to indemnify, defend and hold harmless Granter, its employees, representatives, contractors, subcontractors, agents, lessees, successors and assigns from any loss, claim or liability arising from the release of hazardous substances onto or from the property caused by the Grantee, its officers, agents, contractors or employees. It is understood and agreed that Grantee, by accepting this Trail Basement, is not accepting any liability for release of hazardous substances onto or from the property which occurred prior to or did not arise from Grantee's use of the easement, and that the Grantor is not attempting to convey any such liability to Grantee.

In the event of contamination of the property by hazardous materials caused by Grantee, Grantee shall take all remedial actions necessary to bring the affected property into compliance with all applicable state, federal and local laws. The term"Hazardous Material" shall include any hazardous or toxic substance, material or waste identified as such by applicable local, state or federal law or regulation including petroleum products.

- Breach of Obligation. In the event either party engages in any conduct inconsistent with
 its rights or obligations under this instrument, the other party shall be entitled to all
 remedies provided by Oregon law, including specific performance and injunctive relief.
- Attorney Fees. In the event of any litigation arising under this instrument, the prevailing
 party shall be entitled to recover from the nonprevailing party the prevailing party's
 reasonable costs and attorney fees at trial or on appeal as adjudged by the trial or
 appellate court.
- Effect of the Easement. Subject to the Thomas Lease and all prior easements or encumbrances of record, the rights, convenants and obligations contained in this Easement shall bind, burden and benefit each party's successors, assigns, invitees and leasees.

Unified Sewerage Agency Public Services Building 155 N. First Avenue, Room 270 Hillsboro, OR 97124 UNIFIED SEWERAGE AGENCY

4

Page - 3 EASEMENT



AUG 0 6 2008

APPROVED AS TO FORM: By: Anisher I Stawes Agency Legal Counsel	By: John Mano. John Thomas By Sally Thomas
STATE OF ORBGON) ss. County of Washington) This instrument was acknowledged before 1997, by	me on this 6 day of Nec. Sexessi Mgs. of Unified Masaset Syme Notary Public for Oregon My Commission Expires: 10-2-98
Accepted on behalf of the City of Tigard this 20 CITY OF TIGARD By: Quetter P. Quenes City Engineer PhilogonCookRuk 1038b	day of <u>November</u> , 1997.

Page - 4 BASEMENT

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Page ___ of ______ Pages

LEGAL DESCRIPTION FOR ACCESS AND TRAIL EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE I WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED KAMPE ASSOC, INC., BEING THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 460 PAGE 414 OF THE WASHINGTON COUNTY DEED RECORDS, ALSO BEING THE NORTHWEST CORNER OF PARCEL II AS DESCRIBED IN DOCUMENT NUMBER 96080099 OF THE WASHINGTON COUNTY DEED RECORDS; THENCE S 88° 37' 46" E, ALONG THE NORTH LINE OF DOCUMENT NUMBER 96080099 AND THE SOUTH LINE OF PARCEL 2 OF PARTITION PLAT 93-078 AS RECORDED IN THE WASHINGTON COUNTY RECORDS, A DISTANCE OF 514.88 FEET TO THE SOUTHEAST CORNER OF SAID PARTITION PLAT; THENCE S 1° 35' 43" W, ALONG THE EXTENSION OF THE EAST LINE OF SAID PARTITION PLAT, A DISTANCE OF 525.00 FEET; THENCE S 67° 39' 13" W A DISTANCE 166.70 FEET TO A POINT 105.00 FEET FROM THE TOP OF THE HIGH BANK OF THE TUALATIN RIVER(WHEN MEASURED AT RIGHT ANGLES) AND THE TRUE POINT OF BEGINNING; THENCE 105.00 FEET FROM AND PARALLEL TO THE OF TOP OF THE HIGH RIVER BANK THE FOLLOWING TWELVE COURSES; THENCE S 30° 23' 44" E A DISTANCE OF 49.89 FEET; THENCE S 21° 14' 53" E A DISTANCE OF 36.49 FEET; THENCE S 07° 25' 50" E A DISTANCE OF 14.02 FEET; THENCE S 36° 19' 23" E A DISTANCE OF 40.88 FEET; THENCE S 08° 10' 39" E A DISTANCE OF 39.33 FEET; THENCE S 16° 08' 34" E A DISTANCE OF 101.09 FEET; THENCE S 01° 28' 27" W A DISTANCE OF 102.65 FEET; THENCE S 14° 41' 57" W A DISTANCE OF 95.54 FEET; THENCE S 13° 32' 50" W A DISTANCE OF 77.53 FEET; THENCE S 21° 18' 16" W A DISTANCE OF 83.13 FEET; THENCE S 12° 10' 49" W A DISTANCE OF 75.69 FEET; THENCE S 17° 33'30" W A DISTANCE OF 44.16 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST WILLAMETTE MERIDIAN, ALSO BEING THE NORTH LINE OF THE TUALATIN COUNTRY CLUB PROPERTY AS DESCRIBED IN BOOK 105 PAGE 445 OF THE WASHINGTON COUNTY DEED RECORDS; THENCE N 88° 38' 48" W, ALONG SAID NORTH LINE, A DISTANCE OF 31.25 FEET TO A POINT 75.00 FEET FROM THE TOP OF THE HIGH BANK OF THE TUALATIN RIVER; THENCE 75.00 FEET FORM AND PARALLEL WITH THE TOP OF SAID HIGH



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BANK THE FOLLOWING TWELVE COURSES; THENCE N 17° 33' 30" E A DISTANCE OF 51.47 FEET; THENCE N 12° 10'49" E A DISTANCE OF 76.68 FEET; THENCE N 21° 18' 16" E A DISTANCE OF 83.49 FEET; THENCE N 13° 32' 50" E A DISTANCE OF 75.80 FEET; THENCE N 14° 41' 57" E A DISTANCE OF 92.36 FEET; THENCE N 01° 28' 27" E A DISTANCE OF 94.52 FEET; THENCE N 16° 08' 34" W A DISTANCE OF 98.53 FEET; THENCE N 08° 10' 39" W A DISTANCE OF 33.90 FEET; THENCE N 36° 19' 23" W A DISTANCE OF 41.09 FEET; THENCE N 07° 25' 50" W A DISTANCE OF 18.12 FEET; THENCE N 21° 14' 53" W A DISTANCE OF 30.46 FEET; THENCE N 30° 23' 44" W A DISTANCE OF 51.73 FEET; THENCE N 67° 39' 13" E A DISTANCE OF 30.30 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 22633 SQUARE FEET.

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Clean Water Services Return to:_ 2550 SW Hillsboro Hwy Hillshoro, OR 97123-9379 Washington County, Oregon 10/29/2004 03:23:00 PM

2004-125452

Cnt=1 Stn=11 CWHITE \$5.00 \$6.00 \$11.00 - Total = \$22.00



withing was received and recorded in the book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clark

STATE OF OREGON WELL INFORMATION FORM (FILE WITH COUNTY CLERK'S OFFICE)

Pursuant to ORS 537.788, owners of property on which a well is located shall, within 60 days following the construction and/or alteration of a new well or upon property transfer, record the following information in the property deed records at the appropriate County Clerks Office. Either the deed recording number or legal description of the property may be used to identify the property.

Property Owner N	anic(s).			Service			STATES IN A TOMASSON
Mailing Address:	2550	SW	Hillsboro	Highway,	Hillsboro,	Oregon	97123-9379
mining radii coor .							
Deed Recording No	ımber (or le	gal descriptio	n): 96-80	099		
Deca recording	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						

Rights and Responsibilities: Oregon law finds that ownership and the rights to reasonable control of water within this state belongs to the public to be managed by the Water Resources Department. Most uses of water require a water right issued by the Water Resources Department. However, state law allows some uses of groundwater without benefit of a water right. Contact the Department for more information. The Water Resources Department cannot guarantee the presence of water in the desired amount on a specific property.

In addition to the above, owners of properties on which a well is located are responsible for maintaining that well in a proper manner. Some basic requirements are listed below:

All wells shall be maintained in a condition where they are not a threat to public health or safety, a source of contamination, or a waste of the groundwater resource.

All wells shall be securely covered to prevent any foreign substance from entering the well.

All wells shall be equipped with an access port or airline so that static water level information can be determined at any time. 3.

Well casing must be protected from damage and meet minimum extension requirements. 4.

Wells may only be permanently abandoned by a licensed and bonded well constructor or a landowner with a valid permit and bond. Well abandonment must be carried out in accordance with state rules. If you would like further information about water rights, maintaining / abandoning your well, or wish to receive a copy of the administrative rules concerning

well construction, please contact the Oregon Water Resources Department by phone at (503) 378-8455, or by mail at 158 12th Street NE, Salem, OR 97301-4172.

I have read the above describing my basic rights and responsibilities related to well ownership.
Signature of Property Owner(s): Rom Jam C. Nauf
State of OR , County of WASHINGTON
This instrument was acknowledged before me on OCT 27, 2004 (date) by RANDALL C. NASE
(name of person(s)) as PRINCIPAL ENGINEER type of authority - if applicable) of CLEAN WATER SERVICES (name of party on behalf of whom instrument was executed - if applicable)
Before Me: Howard C. Mount Seal, if any: OFFICIAL SEAL HOWARD C. MOUNT NOTARY PUBLIC-OREGON COMMISSION NO. 377868
Notary Public for COMMISSION EXPIRES MARCH 12, 2008 My commission expires MARCH 12, 2008

Recording Office Use Only

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Washington County, Oregon 12/09/2004 10:26:04 AM 2004-140173

D-E Cnt=1 8tn=21 RECORD81 \$35.00 \$6.00 \$11.00 - Total = \$52.00

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

records of said county. Levery Housen

Jerry R. Hanson, Director of Assessment and Taxation,



AFTER RECORDING RETURN TO:

Attn: Dominic Colletta Attorney at Law 1727 NW Hoyt Street Portland, OR 97209

TRAIL EASEMENT

Clean Water Services, formerly Unified Sewerage Agency of Washington County, Oregon, a county service district formed under ORS Chapter 451, hereinafter called the Grantor hereby grants and conveys unto the City of Tigard, an Oregon municipal corporation, hereinafter called the Grantee, a perpetual nonexclusive easement over, across, and under the land and real property described in the attached Exhibit "A" (Trail Easement) for access, ingress, egress and construction and maintenance of a trail, bicycle way and pedestrian way, which may be used by pedestrians and non-motorized mechanical means of transportation, such as bicycles, and for no other purposes. Grantee shall have the right to place, construct, operate, replace, maintain, inspect, reconstruct, install necessary improvements, and in connection therewith may remove any trees, shrubs, or brush necessary or convenient to accomplish said purpose subject to Grantor's approval.

THE TRUE CONSIDERATION for this conveyance is \$00.

IT IS EXPRESSLY UNDERSTOOD that the Trail Easement does not convey any right, title or interest except those expressly stated herein, nor otherwise prevent Grantor from the full use and dominion thereover, provided, however, that such use shall not interfere with the uses and purposes of the intent of the Trail Easement.

IN CONSIDERATION of the premises, Grantee agrees that if said Grantee, its successors or assigns should cause said easement to be vacated, the right of the Grantee in the above-described easement will be forfeited and the easement shall immediately revert to the Grantor, its successors, and assigns in the case of such event.

This Easement is subject to the following terms and conditions:

1. <u>Purpose of the Easement.</u> The purpose of this Trail Easement is to provide Grantee access over and across the property of Grantor in order to construct and maintain a trail providing pedestrian and non-motorized bicycle access connecting Grantee's Cook Park to Durham City Park and the Fanno Creek Trail System.

Page 1- TRAIL EASEMENT

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- 2. <u>Scope of Grantee's Use.</u> Grantee shall have the right to use the Trail Easement for ingress and egress and to perform routine and emergency maintenance and repairs to the trail. Grantee shall also have the right to use the Trail Easement for construction, reconstruction, maintenance and repair of the trail and Grantee may use equipment and vehicles deemed appropriate by Grantee for such purposes, provided Grantee restores existing landscaping to original condition.
- 3. <u>Maintenance and Repair.</u> Grantee at it's sole cost and expense shall be responsible for maintaining the Trail Easement in good condition and repair and in a manner that is continuously safe for trail use. If Grantee fails or refuses to make repairs which are required by this section, Grantor may make the repairs and charge the actual cost of the repair or maintenance work to Grantee, together with interest at the rate of 9% per annum.
- 4. <u>Indemnity.</u> Within applicable limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, Grantor and Grantee each agree to indemnify and hold the other harmless for their respective acts or failure to act, to include their respective officers, employees, agents, contractors and representatives from and against all claims, demand and causes of actions or suits of any kind or nature arising from use of the Trail Easement.
- Duration of the Easement. The Trail Easement shall remain in effect perpetually.
- 6. <u>Hazardous Materials.</u> Subject to applicable limits of the Oregon Tort Claims Act, Grantee agrees to indemnity, defend and hold harmless Grantor, its employees, representatives, contractors, subcontractors, agents, lessees, successors and assigns from any loss, claim or liability arising from the release of hazardous substances onto or from the property caused by the Grantee, its officers, agents, contractors or employees. It is understood and agreed that Grantee, by accepting this Trail Easement, is not accepting any liability for release of hazardous substances onto or from the property which occurred prior to or did not arise from Grantee's use of the easement, and that the Grantor is not attempting to convey any such liability to Grantee.

In the event of contamination of the property by hazardous materials caused by Grantee, Grantee shall take all remedial actions necessary to bring the affected property into compliance with all applicable state, federal and local laws. The term "Hazardous Material" shall include any hazardous or toxic substance, material or waste identified as such by applicable local, state or federal law or regulation including petroleum products.

7. <u>Breach of Obligation.</u> In the event either party engages in any conduct inconsistent with its rights or obligations under this instrument, the other part shall be entitled to all remedies provided by Oregon law, including specific performance and injunctive relief.

Page 2- TRAIL EASEMENT

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- 8. <u>Attorney Fees.</u> In the event of any litigation arising under this instrument, the prevailing party shall be entitled to recover from the non-prevailing party the prevailing party's reasonable costs and attorney fees at trial or on appeal as adjudged by the trial or appellate court.
- 9. <u>Effect of the Easement.</u> Subject to all prior easements or encumbrances of record, the rights, covenants and obligations contained in this Trail Easement shall bind, burden and benefit each party's successors, assigns, invitees and lessees.

IN WITNESS WHEREOF, the parties hereto have executed this Trail Easement on

CLEAN WATER SERVICES

By

2550 Southwest Hillsboro Highway

Hillsboro, OR 97123

APPROVED AS TO FORM:

By: Sign Shry Its Attorney: District Counsel

STATE OF OREGON

COUNTY OF Whington

This instrument was acknowledged before me on this _______ day of _______, 2004, by _______, the _________, of Clean Water Services, on behalf of the district

OFFICIAL SEAL
TRUDY A. HULL
NOTARY PUBLIC-OREGON
COMMISSION NO. 378960
MY COMMISSION EXPIRES MAY 9, 2008

NOTARY PUBLIC, STATE OF OREGON My Commission Expires:

Page 3- TRAIL EASEMENT

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THE

CITY OF TIGARD, an Oregon municipal

Corporation, accepts and agrees to the terms of the Trail Easement

By Lowel Much Its: City Manager

STATE OF OREGON

COUNTY OF MASHINGTON

OFFICIAL SEAL

J BENGTSON

NOTARY PUBLIC-OREGON

COMMISSION NO. 368086

MY COMMISSION EXPIRES APR. 27, 2007

This instrument was acknowledged before me on this 15 day of November 2004, by WILLIAM A. MONAHAW, the CITY MANAGER, of the City of Tigard, an Oregon municipal corporation, on behalf of the City.

NOTARY PUBLIC, STATE OF OREGON My Commission Expires: 4-27-07

Page 4- TRAIL EASEMENT

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DESCRIPTION FOR 25.00 FOOT WIDE PATHWAY EASEMENT

Located on a tract of land situated in the SE one-quarter of Section 14, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon. The pathway is described as follows:

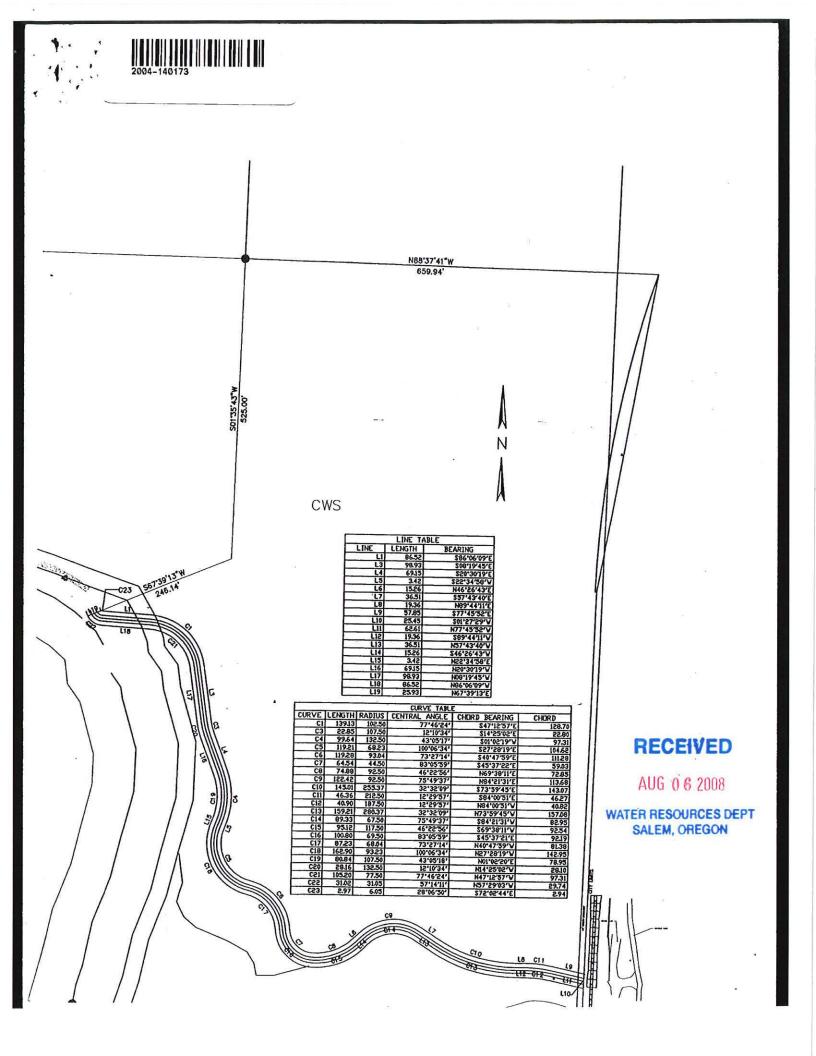
Beginning at the ¼ Section corner on the East Section line of Section 14, thence N 88° 37' 41" W, along the center of section as shown on Survey Number 27602, as recorded in the Washington County Survey Records, a distance of 659.94 feet to a 5/8" iron rod and yellow plastic cap stamped Chase, Jones Assoc.; thence S 01° 35' 43" W a distance of 525.00 feet to a 5/8" iron rod with yellow plastic cap stamped City of Tigard; thence S 67° 39' 13" W a distance of 246.14 feet to the true point of beginning and a point on a curve to the left; thence along said curve to the left with a radius of 6.05 feet a central angle of 28° 06' 50" (a chord which bears S 72° 02' 44" E, 2.94 feet) and a length of 2.97 feet; thence S 86° 06' 09" E a distance of 86.52 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 102.50 feet, a central angle of 77° 46' 24" (a chord which bears S 47° 12' 57" E. 128.70 feet) and a length of 139.13 feet to a point of tangency; thence S 08° 19' 45" E a distance of 98.93 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 107.50 feet, a central angle of 12° 10' 34" (a chord which bears S 14° 25' 02" E, 22.80 feet) and a length of 22.85 feet to a point of tangency; thence S 20° 30' 19" E a distance of 69.15 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 132.50 feet, a central angle of 43° 05' 17" (a chord which bears S 01° 02'19" W, 97.31 feet) and a length of 99.64 feet to a point tangency; thence S 22° 34' 58" W a distance of 3.42 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 68.23 feet, a central angle of 100° 06' 34" (a chord which bears S 27° 28' 19" E, 104.62) and a length of 119.21 feet to a point of reversing curve to the right; thence along said curve to the right with a radius of 93.04 feet, a central angle of 73° 27' 14" (a chord which bears S 40° 47' 59" E. 111.28 feet) and a length of 119.28 feet to a point of reversing curve to the left; thence along said curve to the left with a radius of 44.50 feet, a central angle of 83° 05' 59" (a chord which bears S 45° 37' 22" B, 59.03 feet) and a length of 64.54 feet to a point of compound curve to the left; thence along said curve to the left with a radius of 92.50 feet, a central angle of 46° 22' 56" (a chord which bears N 69° 38' 11" E, 72.85 feet and a length of 74.88 feet to a point of tangency: thence N 46° 26' 43" B a distance of 15.26 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 92.50 feet, a central angle of 75° 49' 37" (a chord which bears N 84° 21'31" E, 113.68 feet) and a length of 122.42 feet to a point of tangency: thence S 57° 43' 40" E a distance of 36.51 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 255.37 feet, a central angle of 32° 32' 09" (a chord which bears S73° 59' 45" E, 143.07 feet) and a length of 145.01 feet to a point of tangency; thence N 89° 44' 11" E a distance of 19.36 feet to a point of a curve to the right; thence along said curve to the right with a radius of 212.50 feet, a central angle of 12° 29' 57" (a chord which bears S 84° 00' 51" E, 46.27 feet) and a length of 46.36 feet to a point of tangency: thence S 77° 45' 52" E a distance of 57.85 feet to the Section line between Sections 13 and 14: thence S 01° 27' 29" W, along said section line, a distance of 25.45 feet; thence N 77° 45' 52"W RECEIVED



a distance of 62.61 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 187.50 feet, a central angle of 12° 29' 57" (a chord which bears N 84° 00' 51 W, 40.82 feet) and a length of 40.90 feet to a point of tangency; thence S 89° 44' 11" W. 19.36 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 280,37 feet, a central angle of 32° 32' 09" (a chord which bears N 73° 59' 45" W, 157.08 feet) and a length of 159.21 feet to a point of tangency; thence N 57° 43' 40" W a distance of 36.51 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 67.50 feet, a central angle of 75° 49' 37" (a chord which bears S 84° 21'31" W, 82.95 feet) and a length of 89.33 feet to a point of tangency; thence S 46° 26' 43" W a distance of 15.26 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 117.50 feet, a central angle of 46° 22' 56" (a chord which bears S 69° 38' 11" W, 92.54 feet and a length of 95.12 feet to a point of compound curve to the right; thence along said curve to the right with a radius of 69.50 feet, a central angle of 83° 05' 59" (a chord which bears S 45° 37' 21" E, 92.19 feet) and a length of 100.80 feet to a point of reversing curve to the left; thence along said curve to the left with a radius of 68.04 feet, a central angle of 73° 27' 14" (a chord which bears N 40° 47' 59" W, 81.38 feet) and a length of 87.23 feet to a point of reversing of a curve to right; thence along said curve to the right with a radius of 93.23 feet, a central angle of 100° 06' 34" (a chord which bears N 27° 28' 19" W, 142.95) and a length of 162.90 feet to a point of tangency; thence N 22° 34' 58" E a distance of 3.42 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 107.50 feet, a central angle of 43° 05' 18" (a chord which bears N 01° 02'20" E, 78.95 feet) and a length of 80.84 feet to a point tangency; thence N 20° 30' 19" W a distance of 69.15 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 132.50 feet, a central angle of 12° 10' 34" (a chord which bears N 14° 25' 02" W, 28.10 feet) and a length of 28.16 feet to a point of tangency; thence N 08° 19' 45" W a distance of 98.93 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 77.50 feet, a central angle of 77° 46' 24" (a chord which bears N 47° 12' 57" W, 97.31 feet) and a length of 105.20 feet to a point of tangency; thence N 86° 06' 09" W a distance of 86.52 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 31.05 feet a central angle of 57° 14' 11" (a chord which bears N 57° 29' 03" W, 29.74 feet) and a length of 31.02 feet; thence N 67° 39' 13" E a distance of 25.93 feet to the true point of beginning.

Containing 33951 square feet.

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AFTER RECORDING RETURN TO:

Attn:

City Recorder

City of Tigard

13125 SW Hall Blvd. Tigard, OR 97223

Washington County, Oregon

2006-020495

02/22/2006 11:41:51 AM

Cnt=1 Stn=13 | CASTILLO \$20.00 \$6.00 \$11.00 - Total = \$37.00



Ex-Officio County Clerk for Washington County

Oregon, do hereby certify that the within instrument writing was received and recorded in the book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation,

Ex-Officio County Clerk

EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEMENT PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173

Clean Water Services (Grantor) and the City of Tigard (Grantee) are parties to a Trail Easement dated November 9, 2004 recorded as Instrument Number 2004-140173 in the Washington County real property records (Trail Easement Agreement). The Trail Easement Agreement is hereby amended this 24 day of Jan., 2006 as follows:

Additional Pathway Area 1.

Grantor hereby grants and conveys an additional 103 square feet (Additional Pathway Area) to the area of the Trail Easement described in Exhibit A to the Trail Easement Agreement as more particularly described in Exhibit 1 attached hereto and incorporated herein.

2. Replacement Drawing

The drawing of the pathway contained on the last page of the Trail Easement Agreement is hereby deleted and the drawing attached hereto as Exhibit 2 and incorporated herein is substituted therefore.

No Other Modifications 3.

The parties agree that except as modified by this instrument, all of the terms and provisions of the Trail Easement Agreement shall remain in full force and effect. Grantee's use of the Additional Pathway Area shall be subject to all of the terms and conditions of the Trail Easement Agreement.

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EXHIBIT 1

DESCRIPTION FOR PATHWAY EASEMENT

Located on a tract of land situated in the Southeast one-quarter of Section 14, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon. The easement is being added to the pathway easement recorded in Document No. 2004-140173 of the Washington County deed records. The added pathway easement is described as follows:

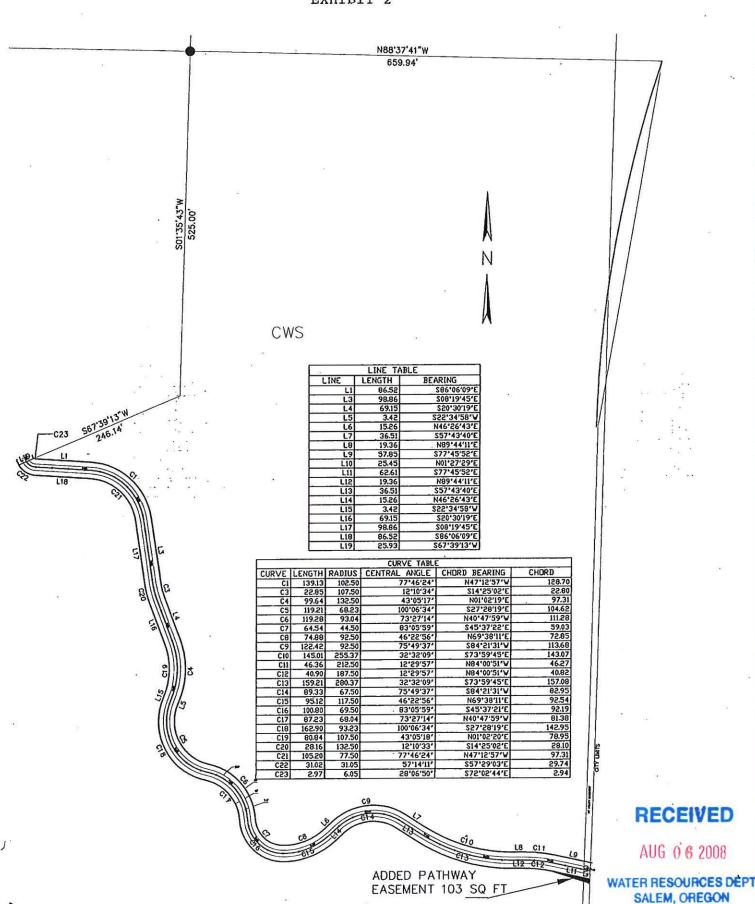
Beginning at the Southeast corner of the pathway easement recorded in Document No. 2004-140173 of the Washington County deed records being on the line between Section 13 and 14; thence S 01° 27' 29" W, said along Section line, a distance of 3.36 feet; thence N 74° 46' 37" W a distance of 63.32 feet to the southerly line of said easement; thence S 77° 45' 52" E 62.61 feet to the point of beginning.

Containing 103 square feet.

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IN WITNESS WHEREOF, the parties hereto have executed this Easement Modification Agreement on, 2006.	
Clean Water Services CLEAN WATER SERVICES	
2550 SW Hillsboro Highway	
Hillsboro, OR 97123 By: Its:	
STATE OF OREGON)	
COUNTY OF WASHINGTON)	
This instrument was acknowledged before me on this 1st day of Jebruary	
2006, by Kobert C. Cruz, the, of Clean Water Services, on	
behalf of the district.	
OFFICIAL SEAL TRUDY A. GARNTO Study (d. Klainto	
NOTARY PUBLIC-OREGON COMMISSION NO. A378960 MY COMMISSION EXPIRES MAY 9, 2008 NOTARY PUBLIC, STATE OF OREGON NOTARY PUBLIC, STATE OF OREGON	
THE CITY OF TIGARD, an Oregon municipal Corporation, accepts and agrees to the terms of the	
Easement Modification Agreement to Trail Easement Previously Recorded as Document Number 2004-140173.	
$(\alpha + \Delta) = (\alpha + \Delta)$	
By: Caush F. Deana	
Its: City Engineer	
STATE OF OREGON)	
COUNTY OF Washington)	
This instrument was acknowledged before me on this 10 day of February,	
2006, by Ogustup. Dienes, the City Engineer, of the City of Tigard, an Oregon municipal corporation, on behalf of the City.	
Viane M. Saldish	
OFFICIAL SEAL DIANE M JELDERKS NOTARY PUBLIC-OREGON RECEIVE	D
COMMISSION NO. 373021 MY COMMISSION EXPIRES SEPT 25, 2007	Campani.
AUG 0 6 200	8

Page 2 – EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEEMENT PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173



AFTER RECORDING RETURN TO:

Attn:

City Recorder

City of Tigard

13125 SW Hall Blvd. Tigard, OR 97223

Washington County, Oregon 10/04/2006 11:56:24 AM

2006-118363

Cnt=1 Stn=21 RECORDS1 \$25.00 \$6.00 \$11.00 - Total = \$42.00

I, Richard Hobernicht, Director of Assessment and Texation and Ex-Officio County Clark for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county. I Hobernist

Richard W. Hobernicht, Director of Assessment and Texation, Ex-Offici

AUG 0 6 2008

WATER RESOURCES DEPT SALEM, OREGON

SECOND EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEMENT PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173 AND EASEMENT MODIFICATION AGREEMENT PREVIOUSLY RECORDED AS 2006-020495

Clean Water Services (Grantor) and the City of Tigard (Grantee) are parties to a Trail Easement dated November 9, 2004 recorded as Instrument Number 2004-140173 in the Washington County real property records and an Easement Modification Agreement to Trail Easement dated January 24, 2006 recorded as Instrument Number 2006-020495 in the Washington County real property records (collectively, Trail Easement Agreement). The Trail Easement Agreement is hereby amended this August, 2006 as follows: 10th day of

1. Additional Pathway Area

Grantor hereby grants and conveys an additional 10,442 square feet (Additional Pathway Area) to the area of the Trail Easement described in Exhibit A to the Trail Easement Agreement. The area to be added is more particularly described in Exhibit 1 attached hereto and incorporated herein.

2. Replacement Drawing

The drawing of the pathway contained on the last page of the Trail Easement Agreement is hereby deleted and the drawing attached hereto as Exhibit 2 and incorporated herein is substituted therefore.

3. No Other Modifications

The parties agree that except as modified by this instrument, all of the terms and provisions of the Trail Easement Agreement shall remain in full force and effect. Grantee's use of the Additional Pathway Area shall be subject to all of the terms and conditions of the Trail Easement Agreement.

Page 1 – SECOND EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEEMENT PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173 AND EASMENT MODIFICATION AGREEMENT PREVIOUSLY RECORDED AS 2006-020495

IN WITNESS WHEREOF, the parties here	to have executed this Second Easement Modification
Agreement on August 10	, 2006.
Clean Water Services 2550 SW Hillsboro Highway Hillsboro, OR 97123	CLEAN WATER SERVICES By: Its: DEM The services of the serv
STATE OF OREGON) COLINITY OF WASHINGTON	
This instrument was acknowledged before in 2006, by Kobert C. Cruz, the behalf of the District. OFFICIAL SEAL TRUDY A HULL NOTARY PUBLIC-OREGON COMMISSION NO. B378960 MY COMMISSION EXPIRES MAY 9, 2008	
	cipal Corporation, accepts and agrees to the terms of the to Trail Easement Previously Recorded as Document
STATE OF OREGON) COUNTY OF WASHINGTON)	
This instrument was acknowledged before n	TY MANAGER, of the City of Tigard, an Oregon
OFFICIAL SEAL J BENGTSON NOTARY PUBLIC-OREGON COMMISSION NO. 368086 MY COMMISSION EXPIRES APR. 27, 2007	Notary Public /State of Oregon AUG 0 6 2008

WATER RESOURCES DEPT SALEM, OREGON

Page 2 – SECOND EASEMENT MODIFICATION AGREEMENT TO TRAIL EASEEMENT PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2004-140173 AND EASMENT MODIFICATION AGREEMENT PREVIOUSLY RECORDED AS 2006-020495

EXHIBIT 1

DESCRIPTION FOR 25.00 FOOT WIDE PATHWAY EASEMENT

Located on a tract of land situated in the SE one-quarter of Section 14, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon. The pathway is described as follows:

Beginning at the 1/4 Section corner on the East Section line of Section 14, thence N 88° 37' 41" W. along the center of section as shown on Survey Number 27602, as recorded in the Washington County Survey Records, a distance of 659.94 feet to a 5/8" iron rod and yellow plastic cap stamped Chase, Jones Assoc.; thence S 01° 35' 43" W a distance of 525.00 feet to a 5/8" iron rod with yellow plastic cap stamped City of Tigard; thence S 67° 39' 13" W a distance of 246.14 feet to a point on a curve to the left; thence along said curve to the left with a radius of 6.05 feet a central angle of 28° 06' 50" (a chord which bears S 72° 02' 44" E, 2.94 feet) and a length of 2.97 feet; thence S 86° 06' 09" E a distance of 86.52 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 102.50 feet, a central angle of 77° 46' 24" (a chord which bears S 47° 12' 57" E, 128.70 feet) and a length of 139.13 feet to a point of tangency; thence S 08° 19' 45" E a distance of 98.93 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 107.50 feet, a central angle of 12° 10' 34" (a chord which bears S 14° 25' 02" E, 22.80 feet) and a length of 22.85 feet to a point of tangency; thence S 20° 30' 19" E a distance of 69.15 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 132.50 feet, a central angle of 43° 05' 17" (a chord which bears S 01° 02'19" W, 97.31 feet) and a length of 99.64 feet to a point tangency; thence S 22° 34' 58" W a distance of 3.42 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 68.23 feet, a central angle of 100° 06' 34" (a chord which bears S 27° 28' 19" E, 104.62) and a length of 119.21 feet to a point of reversing curve to the right; thence along said curve to the right with a radius of 93.04 feet, a central angle of 73° 27' 14" (a chord which bears S 40° 47' 59" E, 111.28 feet) and a length of 119.28 feet to a point of reversing curve to the left; thence along said curve to the left with a radius of 44.50 feet, a central angle of 83° 05' 59" (a chord which bears S 45° 37' 22" E, 59.03 feet) and a length of 64.54 feet to a point of compound curve to the left; thence along said curve to the left with a radius of 92.50 feet, a central angle of 46° 22' 56" (a chord which bears N 69° 38' 11" E, 72.85 feet and a length of 74.88 feet to a point of tangency; thence N 46° 26' 43" E a distance of 15.26 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 92.50 feet, a central angle of 75° 49' 37" (a chord which bears N 84° 21'31" E, 113.68 feet) and a length of 122.42 feet to a point of tangency; thence S 57° 43' 40" E a distance of 36.51 feet and the true point of beginning; thence S 57° 43' 40" E a distance of 15.80 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 67.50 feet, a central angle of 95° 25' 43" (a chord which bears N 74° 33' 28" E. 99.87 feet) and a length of 112.42 feet to a point of tangency; thence N 26° 50' 37" E a distance of 204.96 feet to a point of curve of a curve to the right; thence along said

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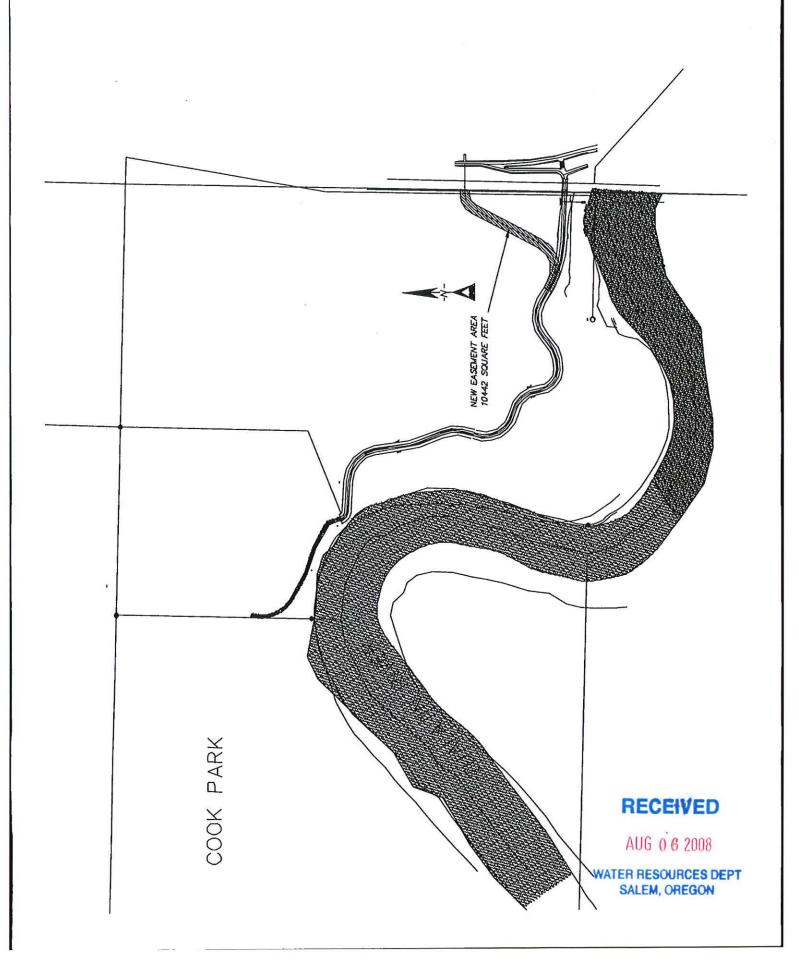
AUG 0 6 2008

curve to the right with a radius of 62.50 feet a central angle of 63° 41' 17" (a chord which bears N 58° 41' 15" E, 65.95 feet) and a length of 69.47 feet to appoint of tangency; thence S 89° 28' 06" E a distance of 8.33 feet the line between Sections 13 and 14; thence S 01° 27' 29" W, along said line, a distance of 25.00 feet; thence N 89° 28' 06" W a distance of 7.93 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 37.50 feet a central angle of 63° 41' 17" (a chord which bears S 58° 41' 15" W, 39.57 feet) and a length of 41.68 feet to appoint of tangency; thence S 26° 50' 37" W a distance of 204.96 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 92.50 feet, a central angle of 95° 25' 43" (a chord which bears S 74° 33' 28" W, 136.86 feet) and a length of 154.06 feet to a point of tangency; thence N 54° 43' 40" W a distance of 15.80 feet; thence N 32° 16' 20" E a distance of 25.00 feet to the point of beginning.

Containing 10442 square feet.

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AUG 0 6 2008



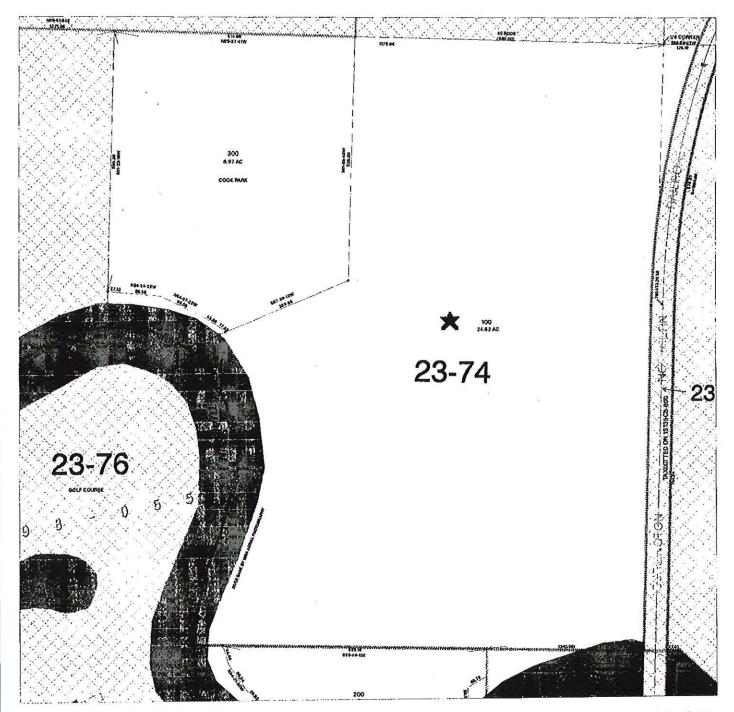


First American Title Insurance Company of Oregon An assumed business name of TITLE INSURANCE COMPANY OF OREGON

This map is provided as a convenience in locating property

First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

Reference Parcel Number 2S114DA 00100



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AUG 0 6 2008



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

March 5, 2007

BY HAND DELIVERY

Laura Snedaker Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, OR 97301

Re:

Time-Limited Instream Transfer Application on behalf of Clean Water Services

Our File No.: 091418/140785

Dear Laura:

Enclosed please find an Application for Time-Limited Instream Transfer to be filed on behalf of our client, Clean Water Services ("District"). The application package includes the transfer application form, Supplemental Forms A and B with supporting documentation, application map, land use form and Supplemental Form C. We have also included a check from the District for the application fee in the amount of \$350.

The application requests a change in the character of use and location of use for a portion of Certificate of Water Right 48491, which currently authorizes use of water from the Tualatin River for irrigation of a total of 19.3 acres of land in Washington County, at a total rate of 0.24 cubic feet per second ("cfs"), and duty of two and one-half acre-feet per acre. The proposed time-limited transfer involves 3.6 acres, with a rate of 0.045 cfs and volume of 9.0 acre-feet.

In recent years, as shown in the application materials, irrigation of the 3.6 acres has been accomplished with the use of reclaimed water from the District's waste water treatment facilities. A copy of the registration of reclaimed water use is included with the application. As you may know, the District has been a strong advocate for the use of reclaimed water as a tool for promoting instream flow restoration within the Tualatin Basin and the proposed instream transfer is consistent with that commitment.

At this point, the District expects to continue use of reclaimed water at the site indefinitely. Accordingly, the time-limited transfer is proposed to remain in effect until such time as the District determines the water is needed for other District purposes which may

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Laura Snedaker March 5, 2007 Page 2

include, but are not limited to: 1) if the District sells the land to which the water right is appurtenant and the buyer wants to restore the water right for irrigation use, or 2) if reclaimed water is no longer available for irrigation of the land. We propose including a condition that would allow the District to terminate the transfer with prior written notice to the Water Resources Department.

We trust you will find the application materials to be in order. If you have questions or need any additional information, please let me know. I will serve as the contact person for the District on the application, and I look forward to working with you.

Sincerely,

Martha O. Pagel

Mareha

MOP:kdo Enclosures

cc: Steve Kebbe

TABLE OF CONTENTS APPLICATION FOR WATER RIGHT TRANSFER INSTREAM TRANSFER OF A PORTION OF WATER RIGHT CERTIFICATE NO. 48491

Application for Water Right Transfer

Supplemental Form A -- Description of Proposed Change(s) to a Water Right

Supplemental Form B -- Evidence of Use Affidavit(s)

Affidavit by Peter Guillozet for years 1999 through 2005

Registration of Reclaimed Water Use

Annual Aerial Photographs of Property dated from 1999 through 2005

Annual Recycled Wastewater Reports dated from 1999 through 2005 indicating use of Reclaimed Water on the Property

Affidavit by Jeff S. Jones for year 2006

Water Right Transfer Map

Land Use Information Form

Supplemental Form C -- Instream Water Right Transfer

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Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TY	PE OF TRANSFE	ER APPLICAT	ION	
	Please check	cone		
Permanent Tra	ansfer	☑ Instream Tra		
☐ Temporary Tr	A CONTRACTOR OF THE PROPERTY O	☐ Permai ☑Time-L		T
	of years:	☐ Drought Tr		
)	Other	alistei	
(end year)	,	☐ Other		
2	. APPLICANT IN	FORMATION		
Name: Clean Water Servic	es in care of St	96 57	cipal Engineer	
First	T' 1	Last		
Address: <u>2550 S.W. Hillsboro F</u>	lighway			
Hillsboro, Oregon 97123				
City		State	Zip	
Phone: Main office: 503-681-	-3600 Steve	Kebbe Direct: .	503-547-8198 Other	
Home 502 547 9106	E.M			Causiaa aua
Fax: 503-547-8196	E-IVI	iaii address: <u>Kei</u>	beS@CleanWate	rservice.org
	3. AGENT INFO	RMATION		
(The agent listed is authorized to	The state of the s	The second secon	— ting to this transfer ap	oplication.)
N	1 1 1177117	0 W D.C		
Name: Martha O. Pagel of Seriest	chawbe, Williamso	n & W yatt, P.C.	. appurtenant	×
Address: 530 Center Street N	NE. Suite 400			
	,			
Salem,	Orego		97301	
City	To the second	State	Zip	
Phone: Home	503-	540-4260 Work	Other	
	т.			WDE same
Fax: 503-796-2900	E	-ivian address:_	Mpagel@SCHA	WBE.com
The accept is listed above w	lanca chaola au a a f	tha fallawina.		
■ If an agent is listed above, p	S	10T-101	andanas ta Annlisa	nt. ou
☐ Please send all corresponde☑ Please send all corresponde				
En Trease send an corresponde	nee to Applicant. Se	na copies of con		FCFIVED

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Last revised: 10/13/2006

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

	Application / Decree	Permit / Previous Transfer	Certificate					
1.	S 53537	S 38215	48491					
2.								
3.								
-								
4.								
5.								
6.								
☑ Instream Transfer ☐ Surface Water source to Ground Water source Reason(s) for change(s):								
	5. W	ATER DELIVERY SYSTE	<u>M</u>					
within used (involv	n the last 5 years. Include to divert, convey and appl wes multiple rights that ha The description must be suffice be conveyed from the authoriz applicant is ready, willing, and	very system <u>or</u> the system that information on the pumps, can be information on the pumps, can be the water at the authorized prove independent systems, described to demonstrate that the full quarted source and applied at the authority able to exercise the right. Diect 3.6 acre portion of the water	anals, pipelines and sprinkler blace of use. If the transfer ribe each system separately. Intity of water to be transferred can ized location and that the atter right consists of a netwo					
Irriga		of 1-inch to 2-inch diameter PVC piping with 13 Rainbird sprinklers, each sprinkler having capacity of approximately 4 gallons per minute (gpm) at the approximate system pressure of the sprinkler having the system of the sprinkler having the system of th						
Irriga of 1-i	nch to 2-inch diameter PV							
Irriga of 1-i capac	nch to 2-inch diameter PV ity of approximately 4 ga	llons per minute (gpm) at the	approximate system pressu					
Irriga of 1-i capac 80 po from	nch to 2-inch diameter PV ity of approximately 4 ga unds per square inch (psi) Tualatin River, in recent y	llons per minute (gpm) at the and the second the water right origing years the source has been reclaim.	approximate system pressure inally authorized use of water pursuant to ORS					
Irriga of 1-i capac 80 po from 540.6	nch to 2-inch diameter PV ity of approximately 4 ga unds per square inch (psi) Tualatin River, in recent y 10 (2)(h). A copy of the	llons per minute (gpm) at the and the angle of the the the the the the the the the the	approximate system pressure inally authorized use of water pursuant to ORS egistration form is attached for the second se					

System capacity: <u>approximately 0.10</u> cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

Facility (DAWTF) via approximately 3,000 linear feet of 24-inch/18- inch/then 6-inch diameter PVC pressure main. The reuse pumps at the pump station consist of two

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125 horse power (hp) and one 50 hp pumps.

N/A

Last revised: 10/13/2006

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ► Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ► Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has <u>not</u> been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

	Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? \square Yes \square No
•	Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? \square Yes \square No
	Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? \square Yes \square No
	If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:
	List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).
	Washington County, 155 N. First Avenue, Suite 300, Hillsboro, OR 97124
	City of Tigard, 13125 SW Hall Blvd., Tigard, OR, 97223

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8. LAND OWNERSHIP

	Does the applicant own the lands FROM which the right is being transferred? ✓ Yes ☐ No					
	If "No", provide the following information. For Temporary Transfers, also include a <u>notarized statement granting consent</u> to the transfer from <u>each</u> of the landowners:					
	Names of Current Landowner(s): First Last					
	Address:					
	City State Zip					
	Does the applicant own the lands TO which the right is being transferred?					
	☐ Yes ☐ No ☑ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS					
	If "No", provide the following information:					
	Names of Receiving Landowner(s):					
	Address:					
	City State Zip					
e?	Check <u>one</u> of the following:					
	☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.					
	☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.					
	☑ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)					

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9. ATTACHMENTS

Check each of the following attachments included with this application. The application will be returned if all required attachments are <u>not</u> included.

Supplemental Form A –		Land Use Information Form:		
	Description of Proposed Change(s) to a	☑ Enclosed; or		
☑	Water Right A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.	 Not Required if <u>all</u> of the following are met: In EFU zone or irrigation district, Change in place of use only, No structural changes needed, including 		
Supplemental Form B –		diversion works, delivery facilities, other		
☑	Evidence of Use Affidavit(s) At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and	structures, and ☐ Irrigation only. Fees: ☐ Amount enclosed: \$350 See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.		
\square	The Evidence of Use Affidavit must be accompanied by supporting documentation.	Instream Water Right Transfers, also		
Ma	np	include:		
\square	Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.	Supplemental Form C – Instream Water Right Transfer ✓ Complete this form to describe the desired nature and attributes for the proposed instream water right.		
	Temporary Transfer or Historical POD Change A map meeting the requirements of OAR 690- 380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.	Temporary Transfers, also include: Recorded Deed: ☐ The applicant must submit a copy of the current deed of record for the land from which the		
Wa	ater Well Report(s)/Well Log(s):	authorized place of use or point of		
	The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.	diversion/appropriation is being moved. Affidavit of Consent: ☐ If the applicant is NOT the owner of record for the land from which the authorized place of		
	Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.	use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.		
\square	N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)	RECEIVED		
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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.

applicant signature

Last revised: 10/13/2006

- Provided original signatures for <u>all</u> named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

			10. SIGNATURES	10. SIGNATURES				
Che	eck <u>01</u>	<u>ne</u> of the following, as appropria	ate, and sign the application in the sign	nature box below:				
	In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:							
	(a)	A report of ownership and lien the last three months;	n information that has been prepared by	a title company within				
	(b)	holders on the subject lands unle water right conveyance agreement conveyance agreement has been	of the proposed transfer provided by the less the report of ownership and lien info ent has been recorded for the subject lands a recorded for the subject lands, a copy of the lands at the time the agreement was recorded.	ormation shows that a ds. If a water right of the agreement and				
	(c) If the landowner identified in the report of ownership and lien information is <u>not</u> the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.							
	I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is <u>NOT</u> required to provide the above described report of ownership and lien information.							
	 I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.) I (we) affirm that the information contained in this application is true and accurate. 							
	applicant signature Bill Gaffi Z/8/07 date							

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date

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name (print)

Water Right Transfer Supplemental Form A DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only <u>one</u> water right per page. A <u>separate Supplemental Form A</u> must be completed for <u>each</u> certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

Certificate Number or other identifying number:	Cert # 48491	
_		-

1. TYPE OF CHANGE(S) PROPOSED

(Check all that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
□ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) □ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) □ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) □ Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.)	 All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ✓ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) 	Proposed new use: Irrigation
☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.)		☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)
☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	T 10332	MAR 0 5 2007

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

V	Contificated Dight	48491	38215
V	Certificated Right	Certificate Number	Permit Number or Decree Name
П	Adjudicated,		
_	Non-certificated Right	Name of Decree	Page Number
	Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
	Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted
-	Name on Permit, Certificate, o	r Decree: John M. Thoma	S
	County:	Washington	
	Authorized Use(s) to be Affect	ted by Transfer: <u>Irrigation</u>	
	Priority Date(s):	08/14/1975	
	If there are multiple Priority L provided on pages 3 through 6 associated with each of the aud appropriation and places of us Source(s) of Water to be Affect	of this form must identify we have and proposed points se.	which priority date is of diversion or
	Tributary to: Willamette Rive		information provided on
	If there are multiple Sources leading to the pages 3 through 6 of this form the authorized and proposed pages.	must identify which source	is associated with each of
	For applications proposing a	Change in Place of Use or C	Character of Use:
	Are there Other Water Rights with this land?	s, Permits or Ground Water F	Registrations associated
	✓ Yes □ No □ N	/A – No Change in Place of Us	se or Character of Use
	If "Yes", what are the Permit,	Registration or Certificate N	lumbers? <u>Cert # 48414</u>
	Pursuant to ORS 540.510, any a primary right proposed for the cancelled, except as provided in	<u>ansfe</u> r <mark>must be included in t</mark>	
	NOTE: Water Right Certificat Certificate # 48491, but not sup		The second secon

SALEM, OREGON

Certificate Number or other identifying number:	Cert # 48491	

The following information must be provided <u>only</u> for those points of diversion or appropriation that are involved in the transfer (i.e., <u>list only the portion of the water right you propose to transfer.</u>) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L)	Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	15.	_						
	э							

	Does the water	r right being	transferred	involve a	ground v	vater source(s)?
--	----------------	---------------	-------------	-----------	----------	---------------	-----

☐ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for <u>each</u> point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (<u>NOTE</u>: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)

or

B. If a well log is <u>not</u> available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if <u>no</u> well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown

on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
								1	
					ń.			R	ECEIVED
	g t								
								M	AR 0 5 2007
			100	4000	6.28			WATER	RESOURCES D

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•	Certificate Number or other identifying number: _	Cert # 48491	

The following information must be provided <u>only</u> for those places of use that are involved in the transfer (i.e., <u>list only the portion of the water right you propose to transfer</u>.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

		Cont.		122	. 10 20 20 20 20 20 20 20 20 20 20 20 20 20		
Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Tualatin River 08/14/1975	2 S	1 W	W	14	NE SE	2S1 14DA 100	3.6
		58					
/							
					5		,

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Surve	ribe proposed ey coordinates npanying app	described l	the wat below sl	er right ii ould acc	nvolving p urately co	point(s) o prrespond	f diversion I to the p	on and/o		ution.
(i.	ocation of Pr	(s) of diversion	or approp	riation)		$\sqrt{N}/A - In$	stream Wa			a s
Source	CE: Complete the C		Mer	Saa	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot		Survey C inates from	Coordinates a recognized s mer)	
			1 1				1			
•	If there are well(s) alreadisted above If "Yes", at well, or if w	ndy construct.	cted? [early lal] Yes bel the co	□ No	o \square	N/A - No $og(s) for$	o propos <u>each</u> pro	ed well(s) oposed	
•	well(s) alreatisted above	ndy construct. Stach and clean Stach log(s) and Stack low. (NOTE)	cted? [early lab re <u>not</u> av <u>':</u> You ma] Yes bel the co vailable,	□ No errespondi describe t	o ☑ ing well l the constr	N/A - No og(s) for suction of	o propos <u>each</u> pro f the well	ed well(s) oposed l(s) using	
•	well(s) alreadisted above If "Yes", at well, or if welle table be	ndy construct. tach and clevell log(s) and low. (<u>NOTE</u> vrd.state.or.w	cted? [early lab re <u>not</u> av <u>:</u> You ma (s)	Yes bel the covailable, by search j	□ No errespondi describe t for well log	ing well l he constr gs on the l	N/A - No og(s) for suction of Departmen	o propos <u>each</u> pro f the well nt's web p	ed well(s) oposed l(s) using oage at:	
C Well n	well(s) alreadisted above If "Yes", at well, or if well, the table be http://www.w.u.ff "No", de	ndy constructed and closell log(s) and low. (NOTE or low state.or. when the able: If Proposed sting must be	cted? [early lab re not ar You man is) nticipate Clearly tic	Yes bel the covailable, by search fed constr	□ No rrespondi describe to for well log uction for propriatio	ing well l the constr gs on the l the prop	N/A - No og(s) for cuction of Department osed well	o propos <u>each</u> pro f the well nt's web p	ed well(s) oposed l(s) using oage at:	nd

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WATER RESOURCES DEPT SALEM, OREGON

MAR 0 5 2007

ľ	Certificate Number or other identifying number: _	Cert # 48491
		COLUMN 10 17 1

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) \square N/A – Instream Water Right Transfer (NOTE: Complete this table **only** if a <u>Change in Place of Use</u> is being proposed.)

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks:	RECEIVED
	MAR 0 5 2007
	WATER RESOURCES DEPT SALEM, OREGON

Water Right Transfer Supplemental Form B AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
County of Washington) ss
I, Feter Guillozet, in my capacity as Project Coordinator mailing address 2550 SW Hillsboro Hwy, Hillsboro, OR 91123 telephone number (503) (081-4470, being first duly sworn depose and say:
1. I attest that:
Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
The water right was leased instream at some time within the last five years. The instream lease number is as follows:; or
The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
2. My knowledge of the exercise or status of the water right is based on (check one): Personal observation Professional expertise
3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	14 14 Section	Gov't Lot or DLC	Acres (if applicable)	
2	S	1	W		14	NE SE		3.6	~
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								W	MAR 0 5 2007 ATER RESOURCES DE SALEM, OREGON

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

-1-

Supplemental Form B

Affidavit Attesting to the Use of Water

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Water right used to irrigate planted trees, native grasses and shrubs.
5. The water delivery system used to apply water as authorized by the right is described below: Irrigation system within the subject 3.6 acre portion of the water right consists of a network of 1- inch to 2-inch diameter PVC piping with 13 Rainbird sprinklers, each sprinkler having a capacity of approximately 4 gallons per minute (gpm) at the approximate system pressure of 80 pounds per square inch (psi). The irrigation system is supplied reclaimed (reuse) water from the Clean Water Service's reuse pump station located at the Durham Advanced Wastewater Treatment Pacility (DAWTF) via approximately 3,000 linear feet of 24-inch/18-inch/then 6-inch diameter PVC pressure main. The reuse pumps at the pump station consist of two 125 horse power (hp) and one 50 hp pumps.
6. One or more of the following documentation supporting the above statements is attached:
Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
☐ Dedicated power usage records or receipts,
Instream lease number NH,
Annual Recycled Wastewater Reports
Signature of Affiant Date
Signed and sworn to (or affirmed) before me this <u>20</u> day of <u>Noy</u> , 20 0b.
OFFICIAL SEAL. HOWARD C. MOUNT NOTARY PUBLIC-OREGON COMMISSION NO. 377868 MY COMMISSION EXPIRES MARCH 12, 2008 MY COMMISSION EXPIRES MARCH 12, 2008 MY COMMISSION EXPIRES MARCH 12, 2008

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

Supplemental Form B

⁻²MAR 0 5 2007

Affidavit Attesting to the Use of Water

SEP 2 9 1997

received

SEP 1 8 1997

WATER RESOURCES DEPT. SALEM, OREGON

WATER RESOURCES DEF SALEM, OREGON

UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

September 17, 1997

At 2,3,4 Dairy

Oregon Water Resources Department Water Rights Division 158 12th Street N.E. Salem, Oregon 97310

SUBJECT: REGISTRATION OF RECLAIMED MUNICIPAL WATER USE

Attached is the completed form and map for the registration of Reclaimed Municipal Water Use for our property. The registration is for the protection of existing water rights on this property.

I can be reached at (503) 648-8621 if you need more information or have some questions.

Sincerely,

Tom VanderPlaat

Water Resources Program Manager

Som Vander Shat

/bk

Enclosure

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HORE ARE SOME RECLAIMED

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WATER REGISTRATIONS COULD

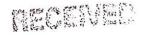
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SEP 1 & 1997

SEP 2 9 1997

WATER RESOURCES DEPT. SALEM, OREGON

WATER RESOURCES DEPT. Oregon Water Resources Department GON

Registration No. (Dept. Use Only)

Registration of Reclaimed Municipal Water Use

"Reclaimed water" means water that has ben 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."

Registrant(s):

Unified Sewerage Agency

Mailing Address: 155 North First Avenue

Hillsboro, Oregon 97124

Municipal Discharge Permit

NPDES Permit No. 10141

Effective Date: 8/25/93

Expiration Date: 6/30/98

WPCF

Permit No.

Effective Date

Expiration Date

Date use of Reclaimed Water began, or is scheduled to begin: May 1, 1979

Annual Period of Use: from: May 1

to: October 31

Supplier of the Municipal Water which Produces the Reclaimed Water

If more than one supplier is used, please provide a list in the Remarks section on page 4.

Name of Supplier: City of Tigard Water Department Address: 13125 S.W. Hall Blvd. Tigard, OR 97224

Telephone No. 503-639-4171

Fax No. 503-684-7297

Original source of Municipal Supply: City of Portland - Bull Run System

Supplier of Reclaimed Water

Name of Supplier: Unified Sewerage Agency

Name of Facility: Durham Wastewater Treatment Plant

Street Address of Facility: 16580 S.W. 85th Avenue Tigard, OR 97224

Name of Facility Owner: Unified Sewerge Agency

Address of Facility Owner: 155 North First Avenue, Suite 270, Hillsboro, OR 97124 Telephone No. of Supplier: 503-648-8621 Telephone No. of Facility: 503-684-4600

Fax No. 503-624-4880

User of Reclaimed Water

Name of Water User: John and Sally Thomas

Address: 16575 S.W. 85th Avenue, Tigard OR 97224

Telephone No. 503-639-3648

Fax No. N/A

RECEIVED

5.	Agreement/Contract Period of Agreement and Contract: Recycled Wastewater Contract	PECEIVED
	Term of Agreement: 1 Years	SED 1 0
	Special Limitations: None	SEP 1 8 1997
6	Total Amount of Reclaimed Water Enter the amount to be applied to beneficial use:	WATER RESOURCES DEPT SALEM, OREGON
86	0.4 cubic feet per second, OR 180 gallons per minute If reclaimed water is to be used from more than one treatment facility, given	ve the quantity from
	each.	SEP 2 9 1997
7.	Intended Use(s) of Reclaimed Water Pasture	SALEM, OREGON
	(If for more than one use, give the quantity of reclaimed water from each treatment facility	for each.)
	If the IRRIGATION, or other land application, state the TOTAL number reclaimed water under each use: Irrigation: 36 acres	er of acres to receive
	Other (describe: Temperature control, Mitigation, Wetland, etc.) N/A	4
8.	Description of Delivery System: Include dimensions and type of construences, length and dimensions of supply ditches or pipelines, size and type If for irrigation, describe the type of system (flood, wheel line, hand line,	of pump and motor.
	Recycled wastewater leave the Durham Facility through pressurized p equipment is basically underground PVC main lines and hand line sprinkle psi at 180gpm	ipelines, irrigation er systems pressure 80
9.	Existing Water Rights: Please provide a description of all the existing water appurtenant to the lands where the reclaimed water will be applied. Application No. 6-7070/ Certificate No. N/A Decree Vol & pg: n/a (Only one number needs to be provided. Attach a separate list if more than one water right is involved.)	5, 23771
10.	Property Ownership: Do you own the land where you propose to diverwater?	t, transport and use
	_x_Yes (Skip to section no. 11 Historic Disposal Method)	
	No (Please check the appropriate box below and, in the REMARK the names and addresses of all affected landowners.**)	
	I have a recorded easement or written authorization permaces. I do not currently have written authorization or an easemaces.	itting access. ent permitting
	** If more than 25 landowners are involved, a list is not required. Contact WRD for inst.	ructions.

		With the state of the William
1.	 Historic Disposal Method: Has the reclaimed water bei discharged into a natural watercourse of 5 or more years? No (Skip to section no. 12 "Signature") Yes (Please answer the following questions.) a) Name of receiving natural watercourse: b) Description of the location where the discha water course: 	ng registered in this process ben SEP 1 8 1997 WATER RESOURCES DEP SALEM, OREGON
	c) Does the amount of reclaimed water propose represent 50% or more of the total average dail Yes X N	o SEP 2 9 1997
2.	 Signature: We/I certify that the information provided in representation of the proposed reclaimed water use and is knowledge: 	WATER RESOURCES DEF this application is an accurate ALEM, OREGON true and correct to the best of my
	Stanton A. L. Seur 9/3/97 Stansignature of Registrant Date Supplier's Unified Sewerage Agency	Lon A. L. Sein. 9/3/97 Signature Date
	9	
	Signature of Co-Registrant Title	Date

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.

Date

DEQ

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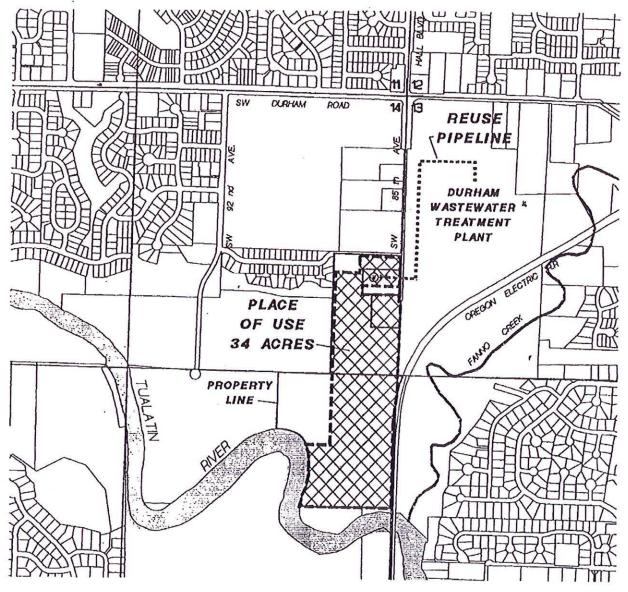
Section 14, T.25 SEP P 19 19 W

Washington County, Oregon

SEP 1 8 1997

June 1997

WATER RESOURCES DEPT. SALEM, OREGON



LEGEND

Meter

Reuse Pipeline

PLACE of USE

REGISTRATION MAP

for

RECLAIMED WATER USE

for

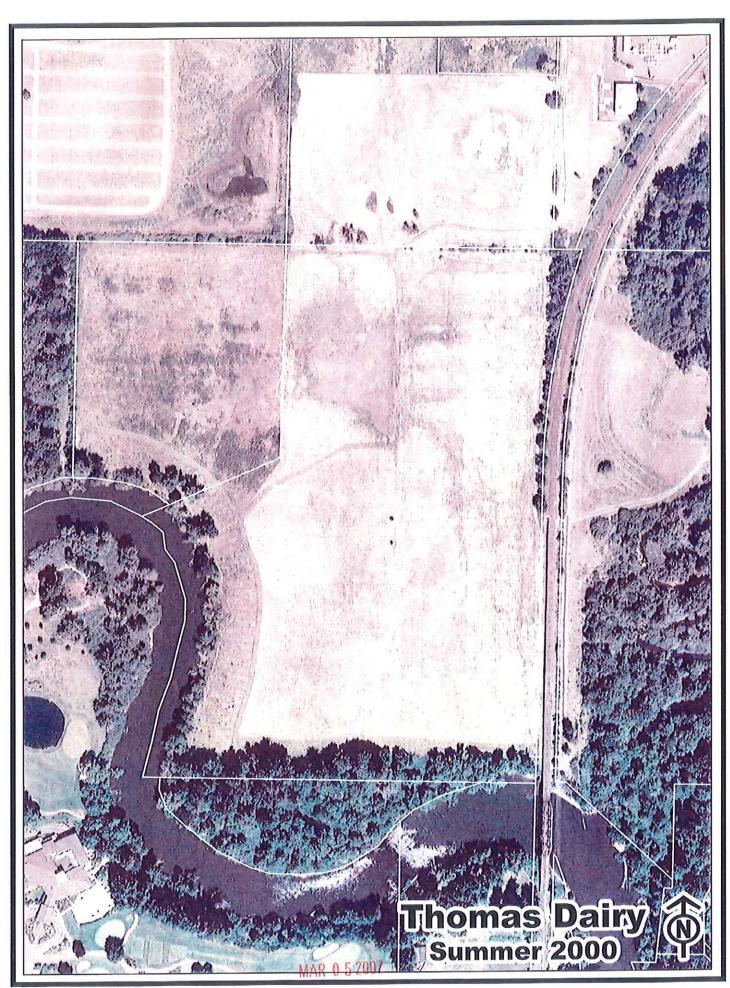
Unified Sewerage Agency

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SUPPLIER: Unified Sewerage Agency 155 N. First Ave. Suite 270 Hillsboro, Oregon 97124













UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

January 31, 2000

Mr. Lyle Christensen
Environmental Specialist
Department of Environmental Quality
2020 S.W. Fourth Avenue, Suite 950
Portland, OR 97201-4987

Subject:

Annual Recycled Wastewater Report for 1999

Unified Sewerage Agency

NPDES Permit Nos. 101141, 101142, 101143 and 101144

File Nos. 90735, 90745, 90752 and 90770

Dear Mr. Christensen:

The 1999 Annual Recycled Wastewater Report for the Unified Sewerage Agency (USA), as required in OAR 340 Division 55 and the NPDES discharge permits issued on August 25, 1993, is enclosed. USA operates four wastewater treatment facilities within Washington County, Oregon. All of the recycled wastewater distributed from these facilities is covered by this report.

This year, we have made an attempt to condense this report by not including a full description of each facility. These descriptions are on file with the DEQ and may be referred to if needed. What we have included is a brief summary of recycled wastewater production and distribution for 1999, a description of the major changes during 1999 and data tables showing the nutrient characteristics, distribution volumes and application rates.

If you need further information or have any questions, please call me at (503)681-7213.

Sincerely,

Harry Bludworth

Reuse Superintendent

Harry Bludword

Enclosure

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WATER RESOURCES DEPT SALEM, OREGON

RECYCLED WASTEWATER PROGRAM ANNUAL REPORT UNIFIED SEWERAGE AGENCY JANUARY 31, 2000

During the 1999 irrigation season (May 1 through October 31), the four treatment facilities operated by Unified Sewerage Agency (USA) processed an average 47.6 million gallons of wastewater per day. A total of 131.96 million gallons of treated effluent was distributed to private parties as recycled wastewater.

The Durham Facility supplied Level IV recycled wastewater to three golf courses, to public school athletic fields and to approximately 2,500 trees planted on USA property formerly known as Thomas Dairy.

USA's Rock Creek, Hillsboro and Forest Grove Treatment Facilities are connected via two 24-inch pipelines. This allows solids and raw sewage to be transferred from the Hillsboro and Forest Grove Facilities to the Rock Creek Facility for treatment. During the 1999 irrigation season, Hillsboro and Forest Grove were removed from operation as shown below.

Hillsboro

5-85-732-55-12

Forest Grove

May 1 - Stopped discharging to the river July 4 - Plant shut down for season	May 1 - Stopped discharging to the river June 1 - Plant shut down for season
Oct 10 - Plant restarted Nov 11 - River discharge resumed	Oct 17 - Plant restarted Nov 14 - River discharge resumed

During these shutdowns, all of the influent to these facilities was transferred to Rock Creek for treatment. One of the 24-inch pipelines was cleaned and used to transfer recycled wastewater between the three facilities. In this report, the recycled wastewater from these facilities is reported as coming from the combined system. There are two users of recycled wastewater in this system that require Level IV recycled wastewater. These are the Hillsboro High School and the City of Hillsboro's Rood Bridge Park. Neither of these utilized recycled wastewater during 1999. In the future, when these sites require water, Level IV recycled wastewater will be provided from the Rock Creek Facility and the Level II recycled wastewater from Hillsboro and Forest Grove will be used on USA properties.

RECEIVED

The Rock Creek, Hillsboro, Forest Grove system supplied Level II recycled wastewater to USA's Davis Tool property for the production of silage corn. Additional Level II recycled wastewater was used to maintain water levels in various wildlife ponds and wetlands on USA controlled properties within Jackson Bottom and adjacent to the Forest Grove Treatment Facility. Excess recycled wastewater was directed to storage ponds on USA property.

All effluent was treated, sampled and analyzed according to the parameters and frequencies specified in the respective NPDES permits for each facility. Recycled wastewater was determined to be in compliance with the specific quality requirements for each application site prior to distribution. If required quality levels were not achieved, no recycled wastewater was distributed until subsequent sampling indicated compliance.

Sites that received Level IV recycled wastewater from the Durham Facility limited their irrigation periods to late evening and early morning hours to avoid direct public exposure. All of these sites have signs posted at storage ponds and throughout the application areas informing the public that recycled wastewater is used for irrigation.

The Davis Tool site that received Level II recycled wastewater is an agricultural site with limited public access. The wildlife ponds, wetlands and storage ponds on USA properties are posted with signs to inform the public that recycled wastewater is in use.

The following changes to the Recycled Wastewater Program occurred during 1999:

- On Earth Day, approximately 2,500 trees were planted on USA property formerly known as Thomas Dairy. USA installed a drip irrigation system to supply recycled wastewater to these trees. This water is metered off of the 6 inches supply line going to the City of Tigard's Cook Park site.
- 2. The Tigard School District installed a supply line from the Durham Treatment Facility to supply recycled wastewater to soccer fields at the Durham Elementary School. No water was supplied to this site during 1999.
- The City of Hillsboro installed a supply line from the Rock Creek Treatment Facility to supply recycled wastewater to Rood Bridge Park. No water was supplied to this site during 1999.
- 4. The Jackson Bottom Wetlands Preserve Board constructed a new forested mitigation wetland on USA property within Jackson Bottom. This wetland includes approximately 10 acres of non-discharging ponds. These ponds were filled with Level II recycled wastewater from the Rock Creek/Hillsboro/Forest Grove system near the end of the 1999 season.

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The following tables cover all recycled wastewater distributed from USA facilities during the 1999 season (May 1 through October 31, 1999):

Table 1		Recycled Wastewater Distribution 1999 Durham Treatment Facility
Table 2		Recycled Wastewater Distribution 1999 Rock Creek, Hillsboro, and Forest Grove Facilities
Table 3	ee.	Recycled Wastewater Hydraulic Loading 1999 Durham Treatment Facility
Table 4		Recycled Wastewater Hydraulic Loading 1999 Rock Creek, Hillsboro, and Forest Grove Treatment Facilities
Table 5		Recycled Wastewater Characteristics for 1999 All Treatment Facilities
Table 6		Recycled Wastewater Nitrogen Loading 1999 All Treatment Facilities

If you have any questions or comments, please call Harry Bludworth at (503)681-7213.



MAR 0 5 2007

Table 1 Recycled Wastewater Distribution -- 1999 Durham Treatment Facility

WATER RESOURCES DEPT SALEM, OREGON

Irrigation Season	Summerfield 40 acres Turf Grass		King City 42 acres Turf Grass		Tualatin Country Club 74.4 acres Turf Grass		Tigard High School 48.3 acres Turf Grass		(1) Cook Park Meter ~1 acre (Trees)		Total Distribution	
	MG	Aore-fi	MG	Aore-it	MG	Acre-ff	MQ	Adre-ft	MG	Acredit	MG	Acrest
May	1.85	5.68	1.69	5.19	0.00	0,00	0.00	0.00	0.00	0.00	3.54	10.87
June	2.91	8,93	1.00	3.07	0.03	0.10	0.19	0,58	0.00	0.00	4.13	12.69
July	5.69	17.47	3.48	10.68	14.38	44.15	2.54	7.80	0.36	1.11	26.45	81.20
August	3.72	11.42	2.18	6.69	5.12	15.72	5.82	17.87	0.14	0.43	16.98	52.13
September	3.78	11.60	1.15	3.53	6.18	18,97	3.98	12.22	0.10	0.29	15.19	46.62
October	1.66	5.10	0.62	1.90	0.82	2,52	1.92	5.89	0.10	0.30	5.12	15.71
Totals	19.61	60.20	10.12	31.07	26,53	81.45	14.45	44.37	0.69	2.13	71.41	219,22

scycled Wastewater used to Irrigate 2500 trees planted on Earth Day

Table 2
Recycled Wastewater Distribution -- 1999
Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation Season	Jackson Bottom 135 acres Grass Hay		(1) Wildlife Ponds 45 acres		Davis Tool 160 acres Silage Corn		(2) Storage 60 acres		Total Distribution	
	MG	Acre-ft	MG	Acre-ft	MG	Aore-ft	MG	Acre-ft	MG	Acre-ft
May	0.00	0.00	0.00	0.00	0.00	0.00	101.84	312.65	101.84	312.65
June	0.00	0.00	0.04	0.12	8.65	26,56	38.58	118.44	47.27	145.12
July	0.00	0.00	0.00	0.00	27.46	84.30	23.85	73.22	51.31	157.52
August	0.00	0.00	0.00	0.00	23,28	71.47	29.13	89.43	52.41	160.90
September	0.00	0.00	5.29	16.24	1.86	5.71	0.00	0.00	7.15	21.95
October	0.00	0.00	9.96	30.58	0.00	0.00	17.05	52.34	27.01	82.92
Totals	0.00	0.00	15.29	46.94	61.25	188.04	210.45	646.08	286.99	881.06

⁽¹⁾ Wildlife ponds do not discharge. Water added was to maintain water level and wildlife habitat.

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⁽²⁾ Jackson Bottom and Forest Grove storage contents remaining at season's end, are discharged with plant effluents during winter, high-flow period.



Table 3 Recycled Wastewater Hydraulic Loading -- 1999 Durham Treatment Facility

MAR 0 5 2007

WATER RESOURCES DEPT SALEM, OREGON

Irrigation	Summerfield 40 acres Turf Grass		King City 42 acres Turf Grass		Tualatin Country Club 74.4 acres Turf Grass		48.3	gh School acres Frass	Cook Park Meter ~1 acre (Trees)	
Season	VACIO- Feet	inches peradre	Agre- Feet	Inches per acré	Aore. Faat	lriches per acre	Agre-Feet	Inches per acre	Acre-Feet	inches per acro
May	5.68	1.70	5.19	1.48	0.00	0.00	0.00	0.00	0.00	0.00
June	8.93	2,68	3.07	0.88	0.10	0.02	0,58	0.14	0.00	0.00
July	17.47	5.24	10.68	3,05	44.15	7.12	7.80	1.94	1.11	13.26
August	11.42	3:43	6.69	1.91	15.72	2.54	17.87	4.44	0.43	5.16
Septmeber	11.60	3.48	3.53	1.01	18,97	3.06	12.22	3.04	0.29	3.50
October	5.10	1.53	1.90	0.54	2.52	0.41	5,89	1.46	0.30	3.61
Totals	60,20	18.06	31.07	8.88	81,45	13.14	44.37	11.02	2.13	25.53

Table 4

Recycled Wastewater Hydraulic Loading -- 1999

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation Season	135	n Bottom acres is Hay	Wildlife Ponds 45 acres		160	s Tool acres e Corn	Storage 60 acres		
					Acre- Feet	iriches per aore	Apre-Feet	inches per	
May	0.00	0.00	0.00	0.00	0.00	0.00	312.65	62.53	
June	0.00	0.00	0.12	0.03	26.56	1.99	118.44	23.69	
July	0.00	0.00	0.00	0,00	84,30	6.32	73.22	14.64	
August	0.00	0.00	0.00	0.00	71.47	5.36	89.43	17.89	
September	0.00	0.00	16.24	4.33	5.71	0.43	0.00	0.00	
October	0.00	0.00	30.58	8.15	0.00	0.00	52.34	10.47	
Totals	0.00	0.00	46.94	12.52	188.04	14.10	646.08	129,22	

Table 5

Recycled Wastewater Characteristics for 1999

All Treatment Facility

Nutrient Parameters (mg/l)	Hillsboro	Forest Grove	Rock Creek	Durham
TKN	15.65	3.67	1,26	2.28
ИНЗ	14.66	2.99	0.15	1.11
NO2-NO3	0.06	1.28	6.72	6.61
SOPO4	1.00	0.10	0.02	0.04

Table 6

Recycled Wastewater Nitrogen Loading -- 1999

All Treatment Facility

Irrigation Season	(1) Summerfield 40 acres Turf Grass		Summerfield 42 acres 74.4 acres		club acres	Tigard High School 48.3 acres Turf Grass		(2) Cook Park Meter ~1 acre (Trees)		(3) Davis Tool 160 acres Sliage Corn		
	Total Ibs N	lisa N per acre	Total (bal)	liba N paragra	Total Ibs/N	lbs, Niper göre	Total (be.N	lbš, N per acre	Tata) (bs/N	lbs. N per scre	Total lbs/N	the, Niper Hère
May	119	3.0	109	2.6	0	0.0	0	0,0	0	0.0	0	0.0
June	187	4.7	64	1.5	2	0.0	12	0.3	0	0.0	1061	6.6
July	366	9.2	224	5.3	925	12.4	163	3.4	23	23.2	3369	21.1
August	239	6.0	140	3.3	329	4.4	374	7.8	9	9.0	2856	17.9
Septmeber	243	6.1	74	1.8	398	5.3	256	5.3	6	6.1	228	1.4
october	107	2.7	40	0.9	53	0.7	124	2.6	6	6.3	0	0.0
Totals	1262	31.5	651	15.5	1707	22.9	930	19.3	45	44.6	7515	47.0

⁽¹⁾ OSU's fertilizer guide recommends a nitrogen loading rate of 40 to 50 lbs. per acre for turf grass.

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⁽²⁾ OSU's fertilizer guide recommends a nitrogen loading rate of 200 lbs. per acre for nursery stock.

⁽³⁾ OSU's fertilizer guide recommends a nitrogen loading rate of 200 lbs. per acre for silage com.



UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

January 3, 2001

Mr. Lyle Christensen
Environmental Specialist
Department of Environmental Quality
2020 S.W. Fourth Avenue, Suite 950
Portland, OR 97201-4987

Subject:

Annual Recycled Wastewater Report for 2000

Unified Sewerage Agency

NPDES Permit Nos. 101141, 101142, 101143 and 101144

File Nos. 90735, 90745, 90752 and 90770

Dear Mr. Christensen:

The 2000 Annual Recycled Wastewater Report for the Unified Sewerage Agency (USA), as required in OAR 340 Division 55 and the NPDES discharge permits issued on August 25, 1993, is enclosed. USA operates four wastewater treatment facilities within Washington County, Oregon. All of the recycled wastewater distributed from these facilities is covered by this report.

A brief summary of recycled wastewater production and distribution for 2000, a description of the major changes during 2000 and data tables showing the nutrient characteristics, distribution volumes and application rates is included.

If you need further information or have any questions, please call me at (503) 846-7213.

Sincerely,

Harry Bludworth

Reuse Superintendent

Harry Bludworth

Enclosure

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MAR 0 5 2007

WATER RESOURCES DEPT SALEM, OREGON

RECYCLED WASTEWATER PROGRAM ANNUAL REPORT UNIFIED SEWERAGE AGENCY JANUARY 03, 2001

During the 2000 irrigation season (May 1 through October 31), the four treatment facilities operated by Unified Sewerage Agency (USA) processed an average 47.7 million gallons of wastewater per day. A total of 116.23 million gallons of treated effluent was distributed to private parties as recycled wastewater.

The Durham Facility supplied Level IV recycled wastewater to three golf courses, two public school athletic fields and to approximately 2,500 trees planted on USA property formerly known as Thomas Dairy.

USA's Rock Creek, Hillsboro and Forest Grove Treatment Facilities are connected via two 24-inch pipelines. This allows solids and raw sewage to be transferred from the Hillsboro and Forest Grove Facilities to the Rock Creek Facility for treatment. During the 2000 irrigation season, Hillsboro and Forest Grove were removed from operation as shown below.

<u>Hillsboro</u>

May 1 - Stopped discharging to the river June 18 - Plant shut down for season

Oct 9 - Plant restarted

Dec 3 - River discharge resumed

Forest Grove

April 13 - Stopped discharging to the river

May 1 - Plant shut down for season

Oct 25 - Plant restarted

Nov 20 - River discharge resumed

During these shutdowns, all of the influent to these facilities was transferred to Rock Creek for treatment. One of the 24-inch pipelines was cleaned and used to transfer recycled wastewater between the three facilities. In this report, the recycled wastewater from these facilities is reported as coming from the combined system. There are two users of recycled wastewater in this system that require Level IV recycled wastewater. These are the Hillsboro High School and the City of Hillsboro's Rood Bridge Park. Neither of these utilized recycled wastewater during 2000. In the future, when these sites require water, Level IV recycled wastewater will be provided from the Rock Creek Facility and the Level II recycled wastewater from Rock Creek, Hillsboro and Forest Grove will be used on USA properties.

RECEIVED

The Rock Creek, Hillsboro, Forest Grove system supplied Level II recycled wastewater to USA's Davis Tool property for the production of silage corn. Additional Level II recycled wastewater was used to maintain water levels in various wildlife ponds and wetlands on USA controlled properties within Jackson Bottom and adjacent to the Forest Grove Treatment Facility. Excess recycled wastewater was directed to storage ponds on USA property.

All effluent was treated, sampled and analyzed according to the parameters and frequencies specified in the respective NPDES permits for each facility. Recycled wastewater was determined to be in compliance with the specific quality requirements for each application site prior to distribution. If required quality levels were not achieved, no recycled wastewater was distributed until subsequent sampling indicated compliance.

Sites that received Level IV recycled wastewater from the Durham Facility limited their irrigation periods to late evening and early morning hours to avoid direct public exposure. All of these sites have signs posted at storage ponds and throughout the application areas informing the public that recycled wastewater is used for irrigation.

The Davis Tool site that received Level II recycled wastewater is an agricultural site with limited public access. The wildlife ponds, wetlands and storage ponds on USA properties are posted with signs to inform the public that recycled wastewater is in use.

The following changes to the Recycled Wastewater Program occurred during 2000:

- On Earth Day 1999, approximately 2,500 trees were planted on USA property formerly known as Thomas Dairy. At end of the 2000 irrigation season, the drip irrigation system was removed to these trees. This water is metered off of the 6 inches supply line going to the City of Tigard's Cook Park site.
- 2. The Tigard School District installed a supply line from the Durham Treatment Facility to supply recycled wastewater to soccer fields at the Durham Elementary School. Water was supplied to this site during 2000.
- 3. The City of Hillsboro installed a supply line from the Rock Creek Treatment Facility to supply recycled wastewater to Rood Bridge Park in 1999. No water was supplied to this site during 2000.



The following tables cover all recycled wastewater distributed from USA facilities during the 2000 season (May 1 through October 31, 2000):

Table 1	 Recycled Wastewater Distribution 2000 Durham Treatment Facility
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Table 5	 Recycled Wastewater Characteristics for 2000 All Treatment Facilities
Table 6	 Recycled Wastewater Nitrogen Loading 2000 All Treatment Facilities

If you have any questions or comments, please call Harry Bludworth at (503)681-7213.



MAR 0 5 2007

WATER RESOURCES DEPT SALEM, OREGON

Table 1
Recycled Wastewater Distribution -- 2000
Durham Treatment Facility

Irrigation Season	40 a	erfield cres Grass	42 2	City Icres Grass	CI · 74.4	n Country ub acres Grass	Sch 48.3	d High nool acres Grass	Cook Pa	(1) ark Meter (Trees)		Elementary Turf Grass	Total Dis	stribution
	MG	Acre-fi	- MG	Acre-II	MG	Acre ft	MG	Acre-ft	MG	Acre-ft	MG	Acre-ft	MG	Acre-ft
May	1.21	3.71	0.42	1.27	0.00	0.00	0.01	0.03	0.00	0.00	0.00	0.00	1.64	5.02
June	4.64	14.24	0.91	2.80	3.82	11.73	2.86	8.78	0.07	0.21	0.02	0.06	12.32	37.83
July	5.54	17.01	0.25	0.78	5.53	16.97	3.64	11.17	0.02	0.06	0.10	. 0.31	15.08	46.30
August	5.82	17.87	0.35	1.08	6.43	19.74	4.34	13.32	0.05	0.15	0.16	0.49	17.15	52.65
September	1.85	5.68	0.09	0.26	2.54	7.80	1.58	4.85	0.00	0.00	0.21	0.64	6.27	19.24
October	0.54	1.66	0.11	0.33	0.36	1.11	0.53	1.62	0.00	0.00	0.23	0.71	1.77	5.43
Totals	19.60	60.17	2.12	6.52	18.68	57.35	12.96	39.78	0.14	0.43	0.72	2.21	54.22	166.47

⁽¹⁾ Recycled Wastewater used to irrigate 2500 trees planted on Earth Day in 1999. Irrigation equipment was removed this year.

Table 2

Recycled Wastewater Distribution -- 2000

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation Season	Jackson 135 a Grass	cres	Wildlife	1) Ponds cres	160	s Tool acres e Corn	Stor	2) age icres	Total Dis	stribution
	MG	Acre-ft	MG	Acre-ft	MG₩	Acre-II	MG	Acre-ft	MG	Acre-ft
May	0.00	0.00	22.50	69.08	0.00	0.00	84.38	259.05	106.88	328.12
June	0.00	0.00	7.50	23.03	0.00	- 0.00	49.89	153.16	57.39	176.19
July	0.00	0.00	5.96	18.30	22.92	70.36	<i>-</i> 8.51	-26.13	20.37	62.54
August	0.00	0.00	0.00	0.00	30.41	93.36	5.44	16.70	35.85	110.06
September	0.00	0.00	0.00	0.00	8.82	27.08	-2.49	-7.64	6.33	19.43
October	0.00	0.00	0.00	0.00	0.00	0.00	27.69	85.01	27.69	85.01
Totals	0.00	0.00	35.96	110.40	62.15	190.80	156.4	480.15	254.51	781.35

⁽¹⁾ Wildlife ponds do not discharge. Water added was to maintain water level and wildlife habitat.

⁽²⁾ Jackson Bottom and Forest Grove storage contents remaining at season's end, are discharged with plant effluents during winter, high-flow period.

Table 3 Recycled Wastewater Hydraulic Loading -- 2000

Durham Treatment Facility

Irrigation Season	40 a	erfield cres Grass	King 42 a Turf (1.00	CI 74.4	Country ub acres Grass	Sch 48.3	d High lool acres Grass	1.00	ark Meter (Trees)	Elementa	rham ry 2 acres Grass
	Acre-Feet	Inches per acre	Acre-Feet	Inches per acre	Acre-Feet	Inches per acre	Acre-Feet	Inches per acre	Acre-Feet	inches per acre	Acre-Feet	Inches per acre
May	3.71	1.11	1.27	0.36	0.00	0.00	0.03	0.01	0.00	0.00	0.00	0.00
June	14.24	4.27	2.80	0.80	11.73	1.89	8.78	2.18	· 0.21	2.52	0.06	0.36
July	17.01	5.10	0.78	0.22	16.97	2.74	11.17	2.78	0.06	0.72	0.31	1.86
August	17.87	5.36	1.08	0.31	19.74	3.18	13.32	3.31	0.15	1.80	0.49	2.94
Septmeber	5.68	1.70	0.26	0.07	7.80	1.26	4.85	1.20	0.00	0.00	0.64	3.84
October	1.66	0.50	0.33	0.09	1.11	0.18	1.62	0.40	0.00	0.00	0.71	4.26
Totals	60.17	18.05	31.07	1.86	57.35	9.25	39.77	9.88	0.42	5.04	2.21	13.26

Table 4 Recycled Wastewater Hydraulic Loading -- 2000 Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation Season	Jackson 135 a Grass	ecres	Wildlife Pon acı		Davis 160 a Silage	cres	Storage 60 acres		
ē	Acre-Feet	driches per acre	Acre-Feet	Inches per	Acre-Feet	Inches per acre	Acre-Feet	Inches p	
May	0.00	0.00	69.08	18.42	0.00	0.00	259.05	51.81	
June	0.00	0.00	23.03	6.14	0.00	0.00	153.16	30.63	
July	0.00	0.00	18.30	4.88	70.36	5.28	-26.13	-5.23	
August	0.00	0.00	0.00	0.00	93.36	7.00	16.70	3.34	
September	0.00	0.00	0.00	0.00	27.08	2.03	-7.64	-1.53	
October	0.00	0.00	0.00	0.00	0.00	0.00	85.01	17.00	
Totals	0.00	0.00	110.41	29.44	190.80	14.31	480.15	96.03	

Table 5 Recycled Wastewater Characteristics for 2000 All Treatment Facility

Nutrient Parameters (mg/l)	Hillsboro	Forest Grove	Rock Creek	Durham
TKN	17.91	0.00	2.08	1.43
NH3	15.39	0.00	1.00	0.03
NO2-NO3	1.32	0.00	5.86	8.74
SOPO4	1.25	0.00	0.03	0.06

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Table 6
Recycled Wastewater Nitrogen Loading -- 2000
All Treatment Facility

Irrigation Season	Summ 40 a	l) erfield cres Grass	42 a	City cres Grass	74.4	n Country lub acres Grass	Sci 48.3	rd High nool acres Grass	Cook Pa	2) ark Meter e (Trees)	Davis 160 a	3) Tool acres Corn		Elementary Furf Grass
	3 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	lbs. N per acre	FIRST CONTRACTOR CONTRACTOR	lbs. N per	Fotal Bs.N	TO 10 TO 10		lbs. N per acre		lbs N per acre	Total Ibs N	White Committee Committee	The second secon	lbs. N pe acre
May	89	2.2	31	0.7	0	0,0	1	0.0	0	0.0	0	0.0	0	0.0
June	339	8.5	67	1.6	279	3.8	209	4.3	5	5.1	0	0.0	1	0.7
July	405	10.1	18	0.4	404	5.4	266	5.5	1	1.5	3194	20.0	7	3.7
August	426	10.6	26	0.6	470	6.3	317	6.6	4	3.7	4238	26.5	12	5.9
September	135	3.4	7	0.2	186	2.5	116	2.4	0	0.0	1229	7.7	15	7.7
October	39	1.0	8	0.2	26	0.4	39	0.8	0	0.0	0	0.0	17	8.4
Totals	1434	35.8	156	3.7	1366	18.4	948	.19.6	10	10.2	8661	54.1	53	26.3

- (1) OSU's fertilizer guide recommends a nitrogen loading rate of 40 to 50 lbs. per acre for turf grass.
- (2) OSU's fertilizer guide recommends a nitrogen loading rate of 200 lbs. per acre for nursery stock.
- (3) OSU's fertilizer guide recommends a nitrogen loading rate of 200 lbs. per acre for silage corn.



January 25, 2002

Mr. Lyle Christensen
Environmental Specialist
Department of Environmental Quality
2020 S.W. Fourth Avenue, Suite 950
Portland, OR 97201-4987

Subject:

Annual Recycled Wastewater Report for 2001

Clean Water Services

NPDES Permit Nos. 101141, 101142, 101143 and 101144

File Nos. 90735, 90745, 90752 and 90770

Dear Mr. Christensen:

The 2001 Annual Recycled Wastewater Report for Clean Water Services (District), as required in OAR 340 Division 55 and the NPDES discharge permits issued on August 25, 1993, is enclosed. District operates four wastewater treatment facilities within Washington County, Oregon. All of the recycled wastewater distributed from these facilities is covered by this report.

A brief summary of recycled wastewater production and distribution for 2001, a description of the major changes during 2001 and data tables showing the nutrient characteristics, distribution volumes and application rates is included.

If you need further information or have any questions, please call me at (503) 846-7213.

Sincerely,

Harry Bludworth

Reuse Program Manager

Harry Bludworth

C: Mark Cullington, DEQ

Enclosure

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RECYCLED WASTEWATER PROGRAM ANNUAL REPORT CLEAN WATER SERVICES JANUARY 25, 2002

During the 2001 irrigation season (May 1 through October 31), the four treatment facilities operated by Clean Water Services (District) processed an average 58.4 million gallons of wastewater per day. A total of 103.1 million gallons of treated effluent was distributed to private parties as recycled wastewater.

The Durham Facility supplied Level IV recycled wastewater to three golf courses, two public school athletic fields and to a City of Tigard wetland built on a portion of the 6.8 acres of property formerly known as Thomas Dairy.

The District's Rock Creek, Hillsboro and Forest Grove Treatment Facilities are connected via two 24-inch pipelines. This allows solids and raw sewage to be transferred from the Hillsboro and Forest Grove Facilities to the Rock Creek Facility for treatment. During the 2001 irrigation season, the Hillsboro Facility remained in operation. The Rock Creek and Forest Grove Facilities did not produce recycled wastewater, and Forest Grove was removed from operation as shown below.

Hillsboro

April 25th - Stopped discharging to the river April 25th - HB effluent to FG ponds May 10th - HB effluent to HB pond Nov. 19th - River discharge resumed

Forest Grove

April 26th - Stopped discharging to the river April 26th - FG effluent to FG ponds June 1st - Plant shut down for the season Oct 5th - Plant was put back into operation Nov 20th - River discharge resumed

During the shutdown, all of the influent to the Forest Grove facility was transferred to Rock Creek for treatment. One of the 24-inch pipelines was flushed with Level II Recycled Wastewater from the Hillsboro Plant to the Forest Grove Plant, with the flush water being discharged into the aeration basin at the Forest Grove Plant. This line was then used to transfer recycled wastewater between these two facilities. In this report, the recycled wastewater from these facilities is reported as coming from the combined system. There is one user of recycled wastewater in this system that requires Level IV recycled wastewater -- the City of Hillsboro's Rood Bridge Park. The City of Hillsboro did not utilized recycled wastewater during 2001. In the future, when the City of Hillsboro site requires water, Level IV recycled wastewater will be provided from the Rock Creek Facility and the Level II recycled wastewater from Rock Creek, Hillsboro and Forest Grove will be used on the District's properties.

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The Hillsboro system supplied Level II recycled wastewater to District's Davis Tool property for the production of wheat and silage corn. Additional Level II recycled wastewater was used to maintain water levels in various wildlife ponds and wetlands on the District's controlled properties within Jackson Bottom and adjacent to the Forest Grove Treatment Facility. Excess recycled wastewater was directed to storage ponds on the District's property.

All effluent was treated, sampled and analyzed according to the parameters and frequencies specified in the respective NPDES permits for each facility. Recycled wastewater was determined to be in compliance with the specific quality requirements for each application site prior to distribution. If required quality levels were not achieved, no recycled wastewater was distributed until subsequent sampling indicated compliance.

Sites that received Level IV recycled wastewater from the Durham Facility limited their irrigation periods to late evening and early morning hours to avoid direct public exposure. All of these sites have signs posted at storage ponds and throughout the application areas informing the public that recycled wastewater is used for irrigation.

The Davis Tool site that received Level II recycled wastewater is an agricultural site with limited public access. The wildlife ponds, wetlands and storage ponds on the District's properties are posted with signs to inform the public that recycled wastewater is in use.

The following changes to the Recycled Wastewater Program occurred during 2001:

- The City of Tigard constructed a 4.5-acre wetland on a portion of the 6.8 acres the District donated to the City. This water is metered off of the 6-inch supply line going to the City of Tigard's Cook Park site.
- 2. Approximately 2 acres of property in area 4,5,6 at the Forest Grove site was used as a nursery for plant material used in wetland construction and natural landscaping projects.
- The Hillsboro facility remained on line throughout the summer season, providing level !!
 recycled wastewater to the District's Jackson Bottom, Davis Tool and Forest Grove properties
 during 2001.



The following tables cover all recycled wastewater distributed from the District's facilities during the 2001 season (May 1 through October 31, 2001):

Table 1	Recycled Wastewater Distribution 2001
	Durham Treatment Facility

Table 2	Recycled Wastewater Distribution 2001
	Rock Creek, Hillsboro, and Forest Grove Facilities

Table 3	Recycled Wastewater Hydraulic Loading 2001
	Durham Treatment Facility

Table 6 -- Recycled Wastewater Nitrogen Loading -- 2001
All Treatment Facilities

If you have any questions or comments, please call Harry Bludworth at (503) 846-7213.



Table 1

Recycled Wastewater Distribution – 2001

Durham Treatment Facility

Irrigation	40 a	erfield cres Grass	42 a	City cres Grass	CI 74.4 :		Sch 48.3	d High nool acres Grass	Cook Pa	(1) ark Meter wetland		lementary urf Grass
Season	MG	Acre file	MG.	Acres	ğ E	Acre fi	S.	Acre-ft	MG.	Aere it	MG	Acres it
May	3.87	11.88	1.90	5.83	3.26	10.01	0.00	0.01	0.05	0.15	0.00	0.01
June	6.16	18.91	1.71	5.25	6.41	19.68	0.01	0.03	0.30	0.92	0.29	0.88
July	4.32	13.26	1.53	4.70	5.02	15.41	0.01	0.03	0.05	0.15	0.34	1.04
August	4.89	15.01	3.00	9.21	5.46	16.76	0.01	0.03	2.64	8.10	0.40	1.22
September	3.22	9.89	0.91	2.79	6.05	18.57	0.01	0.03	2.97	9.12	0.49	1.50
October	0.84	2.58	0.00	0.00	0.62	1.90	0.00	0.01	2.24	6.88	0.51	1.57
Totals	23.30	71.53	9.05	27.78	26.82	82.34	0.04	0.14	8.25	25.33	2.03	6.23

⁽¹⁾ Recycled Wastewater used to irrigate City of Tigard's Wetland.

Table 2

Recycled Wastewater Distribution – 2001

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation	U a	Bottom acres s Hay	Wildlife	Ponds	160 a	Tool acres t/Corn	Material	Plant Nursery cres	250	?) rage cres	Total Dis	tribution
Season) S	Aciest	MG	Acre-ft	MG	Aoie ii.	MG	Acre-fit	MC	Acre-ft	MG.	Acre it
May	0.00	0.00	0.00	0.00	1.44	4.42	0.00	0.00	92.95	285.36	94.39	289.78
June	0.82	2.52	5.90	18.11	6.37	19.56	0.35	1.07	63.72	195.62	77.16	236.88
July	0.00	0.00	6.20	19.03	17.27	53.02	0.60	1.84	20.06	61.58	44.13	135.48
August	0.00	0.00	0.00	0.00	8.54	26.22	0.38	1.17	10.22	31.38	19.14	58.76
September	0.00	0.00	0.00	0.00	0.00	0.00	0.37	1.14	-2.49	-7.64	-2.12	-6.51
October	0.00	0.00	0.00	0.00	0.00	0.00	0.03	0.09	27.69	85.01	27.72	85.10
Totals	0.82	2.52	12.10	37.15	33.62	103.21	1.73	5.31	212.15	651.30	260.42	799.49

⁽¹⁾ Wildlife ponds do not discharge. Water added was to maintain water level and wildlife habitat.

⁽²⁾ Jackson Bottom and Forest Grove storage contents remaining at season's end, are discharged with plant effluents during winter, high-flow period.

Table 3
Recycled Wastewater Hydraulic Loading -- 2001
Durham Treatment Facility

Irrigation Season	40 a	erfield cres Grass		City cres Grass	CI 74.4 :	Country ub acres Grass	Tigard High School 48.3 acres Turf Grass		Cook Park Meter 4.5 acre wetland		Durham Elementary 2 acres Turf Grass	
	Acre Feet	Inchesu Peracre	Acic Feet	Inones geragie	Acre Feet	Inches peracre	Acred Ceet	Inches paracie	Acre Feet	linches per aère	Aere-Eeel	inches per acre
May	11.88	3.56	5.83	1.67	10.01	1.61	0.01	0.00	0.15	1.80	0.01	0.06
June	18.91	5.67	5.25	1.50	19.68	3.17	0.03	0.01	0.92	11.04	0.88	5.28
July	13.26	3.98	4.70	1.34	15.41	2.49	0.03	0.01	0.15	1.80	1.04	6.24
August	15.01	4.50	9.21	2.63	16.76	2.70	0.03	0.01	8.10	97.20	1.22	7.32
Septmeber	9.89	2.97	2.79	0.80	18.57	3.00	0.03	0.01	9.12	109.44	1.50	9.00
October	2.58	0.77	0.00	0.00	1.90	0.31	0.01	0.00	6.88	82.56	1.57	9.42
Totals	71.53	21.46	27.78	7.94	82.33	13.28	0.14	0.03	25.32	303.84	6.22	37.32

Table 4

Recycled Wastewater Hydraulic Loading – 2001

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation Season	Jackson Bottom 135 acres Grass Hay		Wildlife Ponds 45 acres		Davis Tool 160 acres Wheat/Corn		Native Plant Material Nursery 2 acres		Storage 60 acres	
	Acre-Feet	inches peracre	Acre Eest		Acre-Feet	Inchest per acre	Acre-Leet	Unches peracre	Acres de la constant	Inches per acte
May	0.00	0.00	0.00	0.00	4.42	0.33	0.00	0.00	289.78	57.96
June	2.52	0.22	18.11	4.83	19.56	1.47	1.07	6.45	235.81	47.16
July	0.00	0.00	19.03	5.07	53.02	3.98	1.84	11.05	133.64	26.73
August	0.00	0.00	0.00	0.00	26.22	1.97	1.17	7.00	57.59	11.52
September	0.00	0.00	0.00	0.00	0.00	0.00	1.14	6.82	-7.64	-1.53
October	0.00	0.00	0.00	0.00	0.00	0.00	0.09	0.55	85.01	17.00
Totals	0.00	0.22	37.14	9.90	103.22	7.74	5.31	31.87	794.19	158.84

Table 5 Recycled Wastewater Characteristics for 2001 All Treatment Facility

Nutrient Parameters (mg/l)	Hillsboro	Forest Grove	Rock Creek	Durham
TKN	13.53	0.00	0.00	1.11
NH3	16.60	0.00	0.00	0.09
NO2-NO3	1.60	0.00	0.00	8.27
SOPO4	1.65	0.00	0.00	0.05

Table 6
Recycled Wastewater Nitrogen Loading -- 2001
All Treatment Facility

Irrigation Season	(1) Summerfield 40 acres Turf Grass		40 acres Turf Grass		40 acres		42 a	City cres Grass	CI 74.4 :		Scl 48.3	rd High nool acres Grass	CATALOGUE AND CONTROL SECTION	ark Meter wetland	Davis	2) s Tool acres t/Corn
	Totali - Ib = N	The second secon	tola IbsiN	TO A STREET WAS A STREET	DOMESTIC TO STATE OF THE PARTY	THE PARTY OF THE P	ACTUAL PROPERTY AND ADDRESS.		《 10 10 10 10 10 10 10 10 10 10 10 10 10 	9 (5) (9) (5) (9) (5)	THE REPORT OF THE PARTY OF THE	_acre				
May	270	6.7	132	3.2	227	3.1	0	0.0	3	0.8	219	1.4				
June	429	10.7	119	2.8	447	6.0	1	0.0	21	4.6	967	6.0				
July	301	7.5	107	2.5	350	4.7	1	0.0	3	0.8	2621	16.4				
August	341	8.5	209	5.0	381	5.1	1	0.0	184	40.9	1296	8.1				
Septmeber	225	5.6	63	1.5	422	5.7	1	0.0	207	46.0	559	3.5				
October	59	1.5	0	0.0	43	0.6	0	0.0	156	34.7	0	0.0				
Totals	1624	40.6	631	15.0	1870	25.1	3	0.1	575	127.8	5661	35.4				

⁽¹⁾ OSU's fertilizer guide recommends a nitrogen loading rate of 40 to 50 lbs. per acre for turf grass.

⁽²⁾ OSU's fertilizer guide recommends a nitrogen loading rate of 140 lbs. per acre for wheat.



UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

January 15, 2003

Mr. Lyle Christensen Environmental Specialist Department of Environmental Quality 2020 S.W. Fourth Avenue, Suite 950 Portland, OR 97201-4987

Subject:

Annual Recycled Wastewater Report for 2002

Clean Water Services

NPDES Permit Nos. 101141, 101142, 101143 and 101144

File Nos. 90735, 90745, 90752 and 90770

Dear Mr. Christensen:

The 2002 Annual Recycled Wastewater Report for Clean Water Services (District), as required in OAR 340 Division 55 and the NPDES discharge permits issued on August 25, 1993, was mailed to you on January 14, 2003. However, when we proceeded to file our copies, we discovered that Tables 2 and 3 were missing. Since I am unsure if this was the case with the copy you received, I am sending the report again with the tables included.

Please accept my apologies for this oversight.

If you need further information or have any questions, please call me at (503) 846-7213.

Sincerely,

Harry Bludworth

Reuse Program Manager

C: Mark Cullington, DEQ

Enclosure

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WATER RESOURCES DEPT SALEM, OREGON



January 13, 2003

Mr. Lyle Christensen
Environmental Specialist
Department of Environmental Quality
2020 S.W. Fourth Avenue, Suite 950
Portland, OR 97201-4987

Subject:

Annual Recycled Wastewater Report for 2002

Clean Water Services

NPDES Permit Nos. 101141, 101142, 101143 and 101144

File Nos. 90735, 90745, 90752 and 90770

Dear Mr. Christensen:

The 2002 Annual Recycled Wastewater Report for Clean Water Services (District), as required in OAR 340 Division 55 and the NPDES discharge permits issued on August 25, 1993, is enclosed. District operates four wastewater treatment facilities within Washington County, Oregon. All of the recycled wastewater distributed from these facilities is covered by this report.

A brief summary of recycled wastewater production and distribution for 2002, a description of the major changes during 2002 and data tables showing the nutrient characteristics, distribution volumes and application rates is included.

If you need further information or have any questions, please call me at (503) 846-7213.

Sincerely,

Harry Bludworth

Reuse Program Manager

C: Mark Cullington, DEQ

Enclosure

RECYCLED WASTEWATER PROGRAM ANNUAL REPORT CLEAN WATER SERVICES JANUARY 13, 2003

During the 2002 irrigation season (May 1 through October 31), the four treatment facilities operated by Clean Water Services (District) processed an average 47.6 million gallons of wastewater per day. A total of 86.57 million gallons of treated effluent was distributed to private parties as recycled wastewater.

The Durham Facility supplied Level IV recycled wastewater to three golf courses, two public school athletic fields and to a City of Tigard wetland, meadow and athletic field.

The District's Rock Creek, Hillsboro and Forest Grove Treatment Facilities are connected via two 24-inch pipelines. This allows solids and raw sewage to be transferred from the Hillsboro and Forest Grove Facilities to the Rock Creek Facility for treatment. The Rock Creek, Hillsboro and Forest Grove Facilities did not produce recycled wastewater for distribution during 2002. The Hillsboro and Forest Grove Facilities were removed from operation as shown below.

Hillsboro

April 26th - Stopped discharging to the river April 26th - HB effluent to HB ponds May 6th - HB effluent to FG pond May 22nd - Plant shut down for season Oct. 14th - Plant was put back into operation Dec. 11th - River discharge resumed

Forest Grove

April 4th - Stopped discharging to the river April 4th - FG effluent to FG ponds
April 27th - Plant shut down for the season
Oct. 8th - Plant was put back into operation
Dec. 22nd - River discharge resumed

During the shutdown, all of the influent to the Hillsboro and Forest Grove facilities was transferred to Rock Creek for treatment. The City of Hillsboro did not utilized recycled wastewater during 2002. The Davis Tool Property that had formerly been irrigated with recycled wastewater from the Hillsboro Facility was irrigated using water from Dairy Creek.

Recycled wastewater was used to maintain water levels in various wildlife ponds and wetlands on the District's controlled properties within Jackson Bottom and adjacent to the Forest Grove Treatment Facility. Excess recycled wastewater was directed to storage ponds on the District's property.

All effluent was treated, sampled and analyzed according to the parameters and frequencies specified in the respective NPDES permits for each facility. Recycled wastewater was determined to be in compliance with the specific quality requirements for each application site prior to distribution. If required quality levels were not achieved, no recycled wastewater was distributed until subsequent sampling indicated compliance.

Sites that received Level IV recycled wastewater from the Durham Facility limited their irrigation periods to late evening and early morning hours to avoid direct public exposure. All of these sites

have signs posted at storage ponds and throughout the application areas informing the public that recycled wastewater is used for irrigation.

The wildlife ponds, wetlands and storage ponds on the District's properties are posted with signs to inform the public that recycled wastewater is in use.

The following changes to the Recycled Wastewater Program occurred during 2002:

- The City of Tigard constructed an athletic field and wildlife meadow. These areas were
 irrigated with level IV recycled wastewater from the Durham Facility. This water is metered off
 of the 6-inch supply line going to the City of Tigard's Cook Park site.
- 2. The District decided to use water from Dairy Creek to Irrigate crops on the Davis Tool Property. No recycled wastewater was applied to this property during 2002.

The following tables cover all recycled wastewater distributed from the District's facilities during the 2002 season (May 1 through October 31, 2002):

- Table 1 -- Recycled Wastewater Distribution -- 2002

 Durham Treatment Facility
- Table 2 -- Recycled Wastewater Distribution -- 2002

 Rock Creek, Hillsboro, and Forest Grove Facilities
- Table 3 -- Recycled Wastewater Hydraulic Loading -- 2002
 Durham Treatment Facility
- Table 4 -- Recycled Wastewater Hydraulic Loading -- 2002
 Rock Creek, Hillsboro, and Forest Grove Treatment Facilities
- Table 5 -- Recycled Wastewater Characteristics for 2002
 All Treatment Facilities
- Table 6 -- Recycled Wastewater Nitrogen Loading -- 2002
 All Treatment Facilities

If you have any questions or comments, please call Harry Bludworth at (503) 846-7213.



Table 1
Recycled Wastewater Distribution – 2002
Durham Treatment Facility

Irrigation		Summerfield 40 acres Turf Grass		King City 42 acres Turf Grass		Tualatin Country Club 74.4 acres Turf Grass		igh School Turf Grass	(1) Cook Park Meter 16.5 acre, Wetland, Ball field and Meadow		Durham Elementary 2 acres Turf Grass	
Season	MG	Acre-ft	MG	Acre-ft	MG	Acre-ft	MG	Acre-fi	MG	Acre-ft	ķ: ' ' <u>'</u> ' -	Acre-ft
May	2.95	9.06	0.00	0.00	0.90	2.76	0.55	1.69	1.73	5.31	0.00	0.00
June	4.41	13.54	1.76	5.40	3.93	12.07	0.07	0.21	3.10	9.52	0.53	1.63
July	4.85	14.89	1.42	4.36	7.91	24.28	0.15	0.46	3.99	12.25	0.58	1.78
August	6.06	18.60	2.85	8.75	9.48	29.10	0.16	0.49	4.80	14.74	0.67	2.06
September	2.84	8.72	2.32	7.12	5.11	15.69	. 0.00	0.00	4.32	13.26	0.75	2.30
October	1.15	3.53	0.95	2.92	1.59	4.88	0.25	0.77	3.67	11,27	0.77	2.36
Totals	22.26	68.34	9.30	28.55	28.92	88.78	1.18	3.63	21.61	66.34	3.30	10.13



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Table 2

Recycled Wastewater Distribution – 2002

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation Season	Jackson Bottom 135 acres Grass Hay			(1) Wildlife Ponds 45 acres Davis Tool 160 acres Com Davis Tool Native Plant (2) Material Nursery Storage 2 acres 60 acree		age Total!		Distribution				
	MG	-Acre-ft	MG	Acre-ft	MG	Acre-ft	MG	Acre-ft	MG	Acre-ft	MG	Acre-ft
May	0.00	0.00	0.66	2.03	0.00	0.00	0.11	0.34	56.54	173.58	57.31	175.94
June	0.00	0.00	0.00	0.00	0.00	0.00	0.24	0.74	0.00	0.00	0.24	0.74
July	0.00	0.00	0.00	0.00	0.00	0.00	0.22	0.68	0.00	0.00	0.22	0.68
August	0.00	0.00	0.00	0.00	0.00	0.00	0.81	2.49	0.00	0.00	0.81	2.49
September	0.00	0.00	0.00	0.00	0.00	0.00	0.35	1.07	0.00	0.00	0.35	1.07
October	0.00	0.00	0.00	0.00	0.00	0.00	0.17	0.52	10.49	32.20	10.66	32.73
Totals	0.00	0.00	0.66	2.03	0.00	0.00	1.90	5.83	67.03	205.78	69.59	213.64

⁽¹⁾ Wildlife ponds do not discharge. Water added was to maintain water level and wildlife habitat.

(2) Jackson Bottom and Forest Grove storage contents remaining at season's end, are discharged with plant effluents during winter, high-flow period.

Table 3 Recycled Wastewater Hydraulic Loading – 2002 Durham Treatment Facility

Irrigation	Summerfield 40 acres Turf Grass		King City 42 acres Turf Grass		Tualatin Co 74.4 acres	ountry Club Turf Grass		gh School Turf Grass	(1) Cook Park Meter 16.5 acre, Wetland, Ball field and Meadow		Durham Elementary 2 acres Turf Grass	
Season	FACTE-Feet	inches per acre	Acre-Feet	inches penii acre		Inches per	Acre Feet	Inches per acre	Acre Feet	Inches per acre		Inches per acre
May	9.06	2.72	0.00	0.00	2.76	0.45	1.69	0.42	5.31	3.86	0.00	0.00
June	13.54	4.06	5.40	1.54	12.07	1.95	0.21	0.05	9.52	6.92	1.63	9.78
July	14.89	4.47	4.36	1.25	24.28	3.92	0.46	0.11	12.25	8.91	1.78	10.68
August	18.60	5.58	8.75	2.50	29.10	4.69	0.49	0.12	14.74	10.72	2.06	12.36
Septmeber	8.72	2.62	7.12	2.03	15.69	2.53	0.00	0.00	13.26	9.64	2.30	13.80
October	3.53	1.06	2.92	0.83	4.88	0.79	. 0.77	0.19	11.27	8.20	2.36	14.16
Totals	68.34	20.50	28.55	8.16	88.78	14.32	3.62	0.90	66.35	48.25	10.13	60.78

(1) Recycled Wastewater used to irrigate City of Tigard's Wetland(9 ac.), Ball field (7 ac), and Meadow (0.5 ac.)

Table 4

Recycled Wastewater Hydraulic Loading – 2002

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation		n Bottom Grass Hay	7/11 205020	e Ponds icres	160	s Tool acres orn	Material	Plant Nursery cres	Stora 60 acr	
Season	Acre-Feet	Inches per acre	Ácre-Feet	≤Inches per -acre	Acre-Feet	Inches per acre	- Acre-Feet	Inchesper acre	Acre-Feet	Inches per acre
May	0.00	0.00	0.00	0.00	0.00	0.00	0.34	2.04	237.89	47.58
June	0.00	0.00	2.03	0.54	0.00	0.00 .	0.74	4.44	0.00	0.00
July	0.00	0.00	0.00	0.00	0.00	0.00	0.68	. 4.08	0.00	0.00
August	0.00	0.00	0.00	0.00	0.00	0.00	2.49	14.94	0.00	0.00
September	0.00	0.00	0.00	0.00	0.00	0.00	1.07	6.42	0.00	0.00
October	0.00	0.00	0.00	0.00	0.00	0.00	. 0.52	3.12	32.20	6.44
Totals	0:00	0.00	2.03	0.54	0.00	0.00	5.84	35,04	270.09	54.02

Table 5
Recycled Wastewater Characteristics for 2002
All Treatment Facility

Nutrient Parameters (mg/l)	Hillsboro	Forest Grove	Rock Creek	Durham
TKN	0.00	0.00	1.16	1.18
инз	0.00	0.00	0.29	0.27
NO2-NO3	0.00	0.00	9.91	9.20
Sol-PO4	0.00	0.00	0.04	0.06

Table 6 Recycled Wastewater Nitrogen Loading – 2002 All Treatment Facility

Irrigation	(1) Summerfield 40 acres Turf Grass		King City 42 acres Turf Grass		Tualatin Country Club 74.4 acres Turf Grass		Tigard High School 48,3 acres Turf Grass		(2) Cook Park Meter 16.5 acre, Wetland, Ball field and Meadow		Com	
Season	TotalibsiN	lbs Niper acre	Total ibs N	ibs Niper acre	Total lbs N	lbs N per acre		palos Niper acre	Total lbs N		Total lbs:N	lbs=N pe acre
May	231	5.8	0	0.0	71 .	1.0	43	0.9	136	8.2	0.00	0.0
June	345	8.6	138	3.3	308	4.1	6	0.1	243	14.7	0.00	0.0
July	380	9.5	111	2.6	620	8.3	12	0.2	313	19.0	0.00	0.0
August	475	11.9	223	5.3	743	10.0	13	0.3	376	22.8	0.00	0.0
Septmeber	222	5.6	182	4.3	401	5.4	0	0.0	339	20.5	0.00	0.0
October	90	2.3	74	1.8	125	1.7	20	0.4	288	17.4	0.00	0.0
Totals	1743	43.6	728	17.3	2268	30.5	92	1.9	1694	102.6	0.00	0.0

(1) OSU's fertilizer guide recommends a nitrogen loading rate of 40 to 50 lbs. per acre for turf grass.

(2) Recycled Wastewater used to irrigate City of Tigard's Wetland(9 ac.), Ball field (7 ac). and Meadow (0.5 ac.)

(3) This farm site was irrigated with water from Dairy Creek.



January 29, 2004

Mr. Lyle Christensen
Environmental Specialist
Department of Environmental Quality
2020 S.W. Fourth Avenue, Suite 950
Portland, OR 97201-4987

Subject:

Annual Reclaimed Water Use Report for 2003

Clean Water Services

NPDES Permit Nos. 101141, 101142, 101143 and 101144

File Nos. 90735, 90745, 90752 and 90770

Dear Mr. Christensen:

The 2003 Annual Reclaimed Water Use Report for Clean Water Services (District), as required in OAR 340 Division 55 and the NPDES discharge permits issued on August 25, 1993, is enclosed. District operates four wastewater treatment facilities within Washington County, Oregon. All of the reclaimed water distributed from these facilities is covered by this report.

A brief summary of reclaimed water production and distribution for 2003, a description of the major changes during 2003 and data tables showing the nutrient characteristics, distribution volumes and application rates is included.

If you need further information or have any questions, please call me at (503) 846-7213.

Sincerely,

Harry Bludworth

Reuse Program Manager

C: Judy Johndohl, DEQ

Enclosure

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RECLAIMED WATER USE ANNUAL REPORT CLEAN WATER SERVICES JANUARY 29, 2003

During the 2003 irrigation season (May 1 through October 31), the four treatment facilities operated by Clean Water Services (District) processed an average 49.6 million gallons of wastewater per day. A total of 98.5 million gallons of treated effluent was distributed to private parties as reclaimed water.

The Durham Facility supplied Level IV reclaimed water to three golf courses, two public school athletic fields and to a City of Tigard wetland built on a portion of the 6.8 acres of property formerly known as Thomas Dairy.

The District's Rock Creek, Hillsboro and Forest Grove Treatment Facilities are connected via two 24-inch pipelines. This allows solids and raw sewage to be transferred from the Hillsboro and Forest Grove Facilities to the Rock Creek Facility for treatment. The Rock Creek, Hillsboro and Forest Grove Facilities did not produce reclaimed water during 2003. The Hillsboro and Forest Grove facilities were removed from operation as shown below.

Action	<u>Hillsboro</u>	Forest Grove
Stopped River Discharge	May 14, 2003	April 12, 2003
Effluent to HB/FG Ponds	May 14, 2003	ENAM
Treatment Plant Off-Line	June 12, 2003	April 16, 2003
Influent & Solids to RC	June 12, 2003	April 12, 2003
Treatment Plant Start-Up	October 13, 2003	October 6, 2003
Effluent to RC	October 13, 2003 November 19,	October 6, 2003
Effluent to HB/FG Ponds	2003	October 22, 2003
Effluent to River	December 2, 2003	December 2, 2003

During the shutdown, all of the influent to the Hillsboro and Forest Grove facility was transferred to Rock Creek for treatment via the 24-inch pipelines. In this report, the reclaimed water from these facilities is reported as coming from the combined system. The City of Hillsboro did not utilized reclaimed water during 2003. The Davis Tool Property irrigated using water from Dairy Creek.

Reclaimed water was used to maintain water levels in various wildlife ponds, wetlands and wetland plant nursery on the Districts controlled properties within Jackson Bottom, Forest Grove Treatment Facility farm site, and adjacent to the Forest Grove Treatment Facility.



All effluent was treated, sampled and analyzed according to the parameters and frequencies specified in the respective NPDES permits for each facility. Reclaimed water was determined to be in compliance with the specific quality requirements for each application site prior to distribution. If required quality levels were not achieved, no reclaimed water was distributed until subsequent sampling indicated compliance.

Sites that received Level IV reclaimed water from the Durham Facility limited their irrigation periods to late evening and early morning hours to avoid direct public exposure. All of these sites have signs posted at storage ponds and throughout the application areas informing the public that reclaimed water is used for irrigation.

The following changes to the Reclaimed Water Use Plan occurred during 2003:

 Irrigation system at the Durham Facility has the system controls capability to run automatically throughout the irrigation season, and did so during 2003. System works on user demand, starting and stopping pumps as needed to maintain system pressure.

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The following tables cover all reclaimed water distributed from the District's facilities during the 2003 season (May 1 through October 31, 2003):

- Table 1 -- Reclaimed Water Distribution -- 2003

 Durham Treatment Facility
- Table 2 -- Reclaimed Water Distribution -- 2003

 Rock Creek, Hillsboro, and Forest Grove Facilities
- Table 3 -- Reclaimed Water Hydraulic Loading -- 2003

 Durham Treatment Facility
- Table 4 -- Reclaimed Water Hydraulic Loading -- 2003

 Rock Creek, Hillsboro, and Forest Grove Treatment Facilities
- Table 5 -- Reclaimed Water Characteristics for 2003
 All Treatment Facilities
- Table 6 -- Reclaimed Water Nitrogen Loading -- 2003
 All Treatment Facilities

If you have any questions or comments, please call Harry Bludworth at (503) 846-7213.

Table 1
Recycled Wastewater Distribution – 2003
Durham Treatment Facility

Irrigation Season	Summerfield 40 acres Turf Grass			42 acres Grass		ountry Club Turf Grass		igh School Turf Grass	(1 Cook Part 9.0 acre v	k Meter	2000	Elementary Furf Grass
	RESING NO.	Acre-ff.	MG	Acre-ft	MG	Acre-11	MG	Acre-It	MG	Acre-fi	MG	Acre-ft
May	0.89	2.73	1.14	3.50	2.13	6.54	0.00	0.01	0.91	2.79	0.00	0.01
June	4.51	13.85	2.98	9.15	7.18	22.04	0.01	0.03	3.77	11.57	0.00	0.00
July	8.57	26.31	5.57	17.10	11.63	35.70	0.02	0.06	7.67	23.55	0.80	2.46
August	4.59	14.09	2.73	8.38	6.75	20.72	0.004	0.01	6.20	19.03	0.76	2.33
September		8.69	1.73	5.31	4.40	13.51	0.003	0.01	6.95	21.34	0.43	1.32
October	0.20	0.61	0.55	1.69	1.39	4.27	0.001	0.00	1.25	3.84	0.00	0.00
Totals	21.59	66.28	14.70	45.13	33.48	102.78	0.04	0.12	26.75	82.12	1.99	6.12

⁽¹⁾ Recycled Wastewater used to irrigate City of Tigard's Wetland.

Irrigation Season	Jackson Bottom 135 acres Grass Hay		(1) Wildlife Ponds 45 acres		Davis Tool 160 acres Wheat/Corn		Native Plant Material Nursery 2 acres		(2) Storage 60 acres		Total Distribution	
	MG	Acre-ff	MG	-Acre-ft	MG	Acre-ft	MG	Acre-ft	MG	Acre-ft	MGa	Acre-ft
May	0.00	0.00	0.00	0.00	0.00	0.00	0.52	1.60	81.35	249.74	81.87	251.34
June	0.00	0.00	3.52	10.81	0.00	0.00	0.54	1.66	44.86	137.72	48.92	150.18
July	0.00	0.00	0.90	2.76	0.00	0.00	0.65	2.00	-0.90	-2.76	0.65	2.00
August	0.00	0.00	0.00	0.00	0.00	0.00	0.43	1.32	0.00	0.00	0.43	1.32
September	0.00	0.00	0.00	0.00	0.00	0.00	0.33	1.01	0.00	0.00	0.33	1.01
October	0.00	0.00	0.00	0.00	0.00	. 0.00	0.03	0.09	0.00	0.00	0.03	0.09
Totals	0.00	0.00	4.42	13.57	0.00	0.00	2.50	7.68	125.31	384.70	132.23	405.95

⁽¹⁾ Wildlife ponds do not discharge. Water added was to maintain water level and wildlife habitat.

⁽²⁾ Jackson Bottom and Forest Grove storage contents remaining at season's end, are discharged with plant effluents during winter, high-flow period.



Table 3

Recycled Wastewater Hydraulic Loading – 2003

Durham Treatment Facility

Irrigation Season	Summerfield 40 acres Turf Grass			42 acres Grass		ountry Club Turf Grass		igh School Turf Grass	Cook Park 9.0 acre w		Elementa	rham ry 2 acres Grass
	Acre-reet-	Inches per acre	Acre-Feet	Inches per acre	Acre Feet	Inches per	Acre-Feet	Inches per	Acre-Feet	Inches per acre	Acre-	Inches per acre
May	2.73	0.82	3.50	1.00	6.54	1.05	0.01	0.00	2.79	3.72	0.01	0.06
June	13.85	4.16	9.15	2.61	22.04	3.55	0.03	0.01	11.57	15.43	0.00	0.00
July	26.31	7.89	17.10	4.89	35.70	5.76	0.06	0.01	23.55	31.40	2.46	14.76
August	14.09	4.23	8.38	2.39	20.72	3.34	0.01	0.00	19.03	25.37	2.33	13.98
Septmeber	8.69	2.61	5.31	1.52	13.51	2.18	0.01	0.00	21.34	28.45	1.32	7.92
October	0.61	0.18	1.69	0.48	4.27	0.69	0.00	0.00	3.84	5.12	0.00	0.00
Totals	66.28	19.88	45.13	12.89	102.78	16.58	0.12	0.03	82.12	109.49	6.12	36.72

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation ·		om 135 acres s Hay	Wildlife Ponds 45 acres		Davis Tool 160 acres Wheat/Corn			nt Material / 2 acres	Storage 60 acres	
Season	-Acre-Feet	inefies per Sere	Agre=Reet	Inches per acre	ACTE-FEED	Indres per . Zere	AGIC=ERGÍ	Inches per acre	Acre-Feet	Inches per acre
Mav	0.00	0.00	0.00	0.00	. 0.00	0.00	1.60	9.60	249.74	49.95
June	0.00	0.00	10.81	2.88	0.00	0.00	1.66	9.96	137.72	27.54
July	0.00	0.00	2.76	0.74	0.00	0.00	2.00	12.00	-2.76	-0.55
August	0.00	0.00	0.00	0.00	0.00	0.00	1.32	1.01	0.00	0.00
September	0.00	0.00	0.00	0.00	0.00	0.00	1.14	0.09	0.00	0.00
October	0.00	0.00	0.00	0.00	0.00	0.00	0.09	0.55	0.00	0.00
Totals	0.00	0.00	13.57	3.62	0.00	0.00	5.31	33.21	384.70	76.94

Table 5
Recycled Wastewater Characteristics for 2003
All Treatment Facility

Nutrient Parameters (mg/l)	Hillsboro	Forest Grove	Rock Creek	Durham
TKN	14.85	0.00	0.00	1.06 .
NH3	15.05	0.00	0.00	0.17
.NO2-NO3	0.53	0.00	0.00	8.10
SOPO4	1.20	0.00	0.00	0.14

Table 6 Recycled Wastewater Nitrogen Loading – 2003 All Treatment Facility

Irrigation Season	(1) Summerfield 40 acres Turf Grass		King 42 acres 1		1	ountry Club Turf Grass	A CONTRACTOR OF THE PARTY OF TH	gh School Turf Grass	Cook Park Meter 9.0 acre wetland		Durham Elementary 2 acres Turf Grass	
	=Total:lbs:N	lbs. N.per acre	Total lbs:N	lbs Niper acre	Total lbs N	lbs Niper	Total lbs.N	lbs N per-	Total lbs.N.	lbs. N per	Total lbs.N	lbs N per acre
May	61	1.5	79	1.9	147	2.0	0	0.0	63	13.9	0	0.0
June	311	7.8	206	4.9	495	6.7	1	0.0	260	57.8	0	0.0
July	591	14.8	384	9.1	802	10.8	1	0.0	529	117.6	55	0.3
August	317	7.9	188	4.5	466	6.3	0	0.0	428	95.0	52	0.3
Septmeber	195 ·	4.9	119	2.8	303	4.1	0	0.0	479	106.5	30	0.2
October	14	0.3	38	0.9	96	1.3	0	0.0	86	19.2	0	0.0
Totals	1489	37.2	1014	24.1	2309	31.0	3	0.1	1845	410.0	137	0.9

⁽¹⁾ OSU's fertilizer guide recommends a nitrogen loading rate of 40 to 50 lbs. per acre for turf grass.



February 25, 2005

Mr. Lyle Christensen
Environmental Specialist
Department of Environmental Quality
2020 S.W. Fourth Avenue, Suite 950
Portland, OR 97201-4987

Subject:

Annual Reclaimed Water Use Report for 2004

Clean Water Services

NPDES Permit Nos. 101141, 101142, 101143 and 101144

File Nos. 90735, 90745, 90752 and 90770

Dear Mr. Christensen:

The 2004 Annual Reclaimed Water Use Report for Clean Water Services (District), as required in OAR 340 Division 55 and the NPDES discharge permits issued on August 25, 1993, is enclosed. District operates four wastewater treatment facilities within Washington County, Oregon. All of the reclaimed water distributed from these facilities is covered by this report.

A brief summary of reclaimed water production and distribution for 2004, a description of the major changes during 2004 and data tables showing the nutrient characteristics, distribution volumes and application rates is included.

If you need further information or have any questions, please call me at (503) 547-8026.

Sincerely,

Dave Arguello

Reuse Program Manager

C: Judy Johndohl, DEQ

Enclosure

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RECLAIMED WATER USE ANNUAL REPORT CLEAN WATER SERVICES FEBRUARY 24, 2005

During the 2004 irrigation season (May 1 through October 31), the four treatment facilities operated by Clean Water Services (District) are designed to process 70 million gallons of wastewater per day. A total of 85.5 million gallons of treated effluent was distributed to private parties as reclaimed water.

The Durham Facility supplied Level IV reclaimed water to three golf courses, two public school athletic fields and to a City of Tigard wetland built on a portion of the 6.8 acres of property formerly known as Thomas Dairy...

The District's Rock Creek, Hillsboro and Forest Grove Treatment Facilities are connected via two 24-inch pipelines. This allows solids and raw sewage to be transferred from the Hillsboro and Forest Grove Facilities to the Rock Creek Facility for treatment. The Rock Creek, Hillsboro and Forest Grove Facilities did not produce reclaimed water during 2004. The Hillsboro and Forest Grove facilities were removed from operation as shown below.

Action	Hillsboro	Forest Grove
Stopped River Discharge	May 3, 2004	April 10, 2004
Effluent to HB/FG Ponds	May 4, 2004	April 11, 2004
Treatment Plant Off-Line Influent & Solids to RC	May 29, 2004	April 24, 2004
Treatment Plant Start-Up	October 11, 2004	October 26, 2004
Effluent to RC	October 11, 2004	October 26, 2004
Effluent to HB/FG Ponds	December 8, 2004	Dec. 22, 2004
Effluent to River	Dec. 18, 2004	January 5, 2004

During the shutdown, all of the influent to the Hillsboro and Forest Grove facility was transferred to Rock Creek for treatment via the 24-inch pipelines. In this report, the reclaimed water from these facilities is reported as coming from the combined system. The City of Hillsboro did not utilized reclaimed water during 2004. The Davis Tool Property Irrigated using water from Dairy Creek.

Reclaimed water was used to maintain water levels in various wildlife ponds, wetlands and wetland plant nursery on the Districts controlled properties within Jackson Bottom, Forest Grove Treatment Facility farm site, and adjacent to the Forest Grove Treatment Facility.

All effluent was treated, sampled and analyzed and reported monthly on DMR's according to the parameters and frequencies specified in the respective NPDES permits for each facility. Reclaimed water was determined to be in compliance with the specific quality requirements for each application site prior to distribution... If required quality levels were not achieved, no reclaimed water was distributed until subsequent sampling indicated compliance.

Sites that received Level IV reclaimed water from the Durham Facility limited their irrigation periods to late evening and early morning hours to avoid direct public exposure. All of these sites have signs posted at storage ponds and throughout the application areas informing the public that reclaimed water is used for irrigation.

The following tables cover all reclaimed water distributed from the District's facilities during the 2004 season (May 1 through October 31, 2004):

Table 1. --. Reclaimed Water Distribution --. 2004.

Durham Treatment Facility.

Table 2 -- Reclaimed Water Distribution -- 2004

Rock Creek, Hillsboro, and Forest Grove Facilities

Table 3 -- Reclaimed Water Hydraulic Loading -- 2004

Durham Treatment Facility

Table 4. --. Reclaimed Water Hydraulic Loading -- 2004

Rock Creek, Hillsboro, and Forest Grove Treatment Facilities

Table 5 -- Reclaimed Water Characteristics for 2004.
All Treatment Facilities.

Table 6 -- Reclaimed Water Nitrogen Loading -- 2004
All Treatment Facilities

If you have any questions or comments, please call Dave Arguello at (503) 547-8026.



Table 1
Reclaimed Water Distribution – 2004
Durham Treatment Facility

Irrigation Season	Summerfield 40 acres Turf Grass		King City 42 acres Turf Grass		Tualatin Country Club 74.4 acres Turf Grass		Tigard High School 48.3 acres Turf Grass		(1) Cook Park Meter 9.0 acre wetland		Durham Elementary 2 acres Turf Grass	
	STATEM GENERAL	l Acresic	MG	Acresit	MGSI	Acre-ft	MS	Acresi	WC .	Acre-ft-		
May	3.01	9.24	1.35	4.14	1.88	5.77	. 0.00	0.00	4.11	12.62	0.04	0.11
June	3.80	11.67	3.06	9.39	6.26	19.22	0.00	0.01	5.33	16.36	0.28	0.86
July	6.44	19.77	4.27	13.11	9.23	28.34	0.02	0.05	5.47	16.79	0.18	0.55
	3.13	9.61	2.31	7.09	6.17	18.94	0.02	0.05	4.53	13.91	0.52	1.60
August September		3.50	1.17	3.59	3.45	10.59	0.00	0.01	2.26	6.94	0.36	1.11
	0.30	0.92	0.41	1.26	1.35	4.14	0.00	0.00	3.68	11.30	0.00	0.00
October Totals	17.82	54.71	12.57	38.59	28.34	87.00	0.04	0.12	25.38	77.92	1.38	4.22

⁽¹⁾ Reclaimed Water used to irrigate City of Tigard's Wetland.



Table 2 Reclaimed Water Distribution – 2004 Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation Season	Jackson Bottom 135 acres Grass Hay		(1) Wildlife Ponds 45 acres		Davis Tool 160 acres Wheat/Corn		Nursery 2 acres		(2) Storage 60 acres		Total Distribution	
	Mc -	Æ्वा≎ंध	. NG	.Age#s	MG	Adrest	Me :	Auren	WG	Acre-fit	MG	Acrest
May.	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.16	0.00	0.00	0.05	0.16
June	0.00	0.00	6.53	20.05	0.00	0.00	0.05	0.14	34.42	105.67	41.00	125.86
July	0.00	0.00	. 0.00	0.00	0.00	0.00	0.08	0.24	0.00	0.00	80.0	0.24
August	0.00	0.00	0.00	0.00	0.00	0.00	0.06	0.17	0.00	0.00	0.06	0.17
September	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
October	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals	0.00	0.00	6.53	20.05	0.00	0.00	0.23	0.71	34.42	105.67	41.18	126.43

⁽¹⁾ Wildlife ponds do not discharge. Water added was to maintain water level and wildlife habitat.

⁽²⁾ Jackson Bottom and Forest Grove storage contents remaining at season's end, are discharged with plant effluents during winter, high-flow period.

Table 3 Reclaimed Water Hydraulic Loading – 2004 Durham Treatment Facility

Irrigation Season	Summerfield 40 acres Turf Grass		King City 42 acres Turf Grass		Tualatin Country Club 74.4 acres Turf Grass		Tigard High School 48.3 acres Turf Grass		Cook Park Meter 9.0 acre wetland		Durnam Elementary 2 acres Turf Grass	
0000011	Agrosfoci	Trainte and	j Aero≓co.	r (nei (Sipri	Arc-Fot	Indirected.		inens por ego:	1 AGC-F301	inches per	Acro-Foot	Inches per dere
May	9.24	2.77	4.14	1.18	5.77.	0.93	0.00	0.00	12.62	16.83	0.11	0.66
June	11.67	3.50	9.39	2.68	19.22	3.10	0.01	0.00	16.36	21.81	0.86	5.16
July	19.77	5.93	13.11	3.75	28.34	4.57	0.05	0.01	16.79	22.39	0.55	3.30
August	9.61	2.88	7.09	2.03	18,94	3.05	0.05	0.01	13.91	18.55	1.60	9.60
Septmeber	3.50	1.05	3.59	1.03	10.59	1.71	0.01	0.00	6.94	9.25	1.11	6.66
October	0.92	0.28	1.26	0.36	4.14	0.67	0.00	0.00	11.30	15.07	0.00	0.00
Totals	54.71	16.41	38.58	11.02	87.00	14.03	0.12	0.03	77.92	103.89	4.23	25.38

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Table 4

Reclaimed Water Hydraulic Loading -- 2004

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation Season	Jackson Bottom 135 acres Grass Hay		Wildlife Ponds 45 acres			l 160 acres t/Com	Native Plan Nursery		Storage	
	AerosFari	66906 au 6670	ASS2-7502	mana gar 2000	ac Fort	internes (1990)	2017.0	rechtsier Edit	(AGE = Exp)	tables its adie
May	0.00	0.00	0.00	0.00	0.00	0.00	0.16	0.96	0.00	0.00
June	0.00	0.00	20.05	5.35	0.00	0.00	0.14	0.84	105.67	21.13
July	0.00	0.00	0.00	0.00	0.00	0.00	0.24	1.44	0.00	0.00
August	0.00	0.00	0.00	0.00	0.00	0.00	0.17	1.02	0.00	0.00
September	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
October	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals	0.00	0.00	20.05	5.35	0.00	0.00	0.71	4.26	105.67	21.13

Table 5
Reclaimed Water Characteristics for 2004
All Treatment Facility

Nutrient Parameters (mg/l)	Hillsboro	Forest Grove	Rock Creek	Durham
TKN	14.65	0.00	0.00	1.28
NH3	14.63	0.00	0.00	0.61
NO2-NO3	1.01	0.00	0.00	6.30
SOPO4	1.20	0.00	0.00	0.07

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Table 6 Reclaimed Water Nitrogen Loading – 2004 All Treatment Facility

Irrigation Season	(1) Summerfield 40 acres Turf Grass		King City 42 acres Turf Grass		1	Tualatin Country Club 74.4 acres Turf Grass		gh School Turf Grass	Cook Park Meter 9.0 acre wetland		Durham Elementary 2 acres Turf Grass	
ocason.	Total Test	. 1001/1-Edil	Toginisan.	Jis, Viser	, formeri.	los Near	ineillis N	109 XI-26.	টেলা চিড্ৰট	105: A 1907 1070	Total 2	
May	173	4.3	78	1.9 :	108	1.5	0	0.0	237	52.6	2	0.0
June	219	5.5	176	4.2 .	361	4.8	0	0.0	307	68.3	16	0.1
July	371	9.3	246	5.9	532	7.1	1	0.0	315	70.1	10_	0.1
August	180	4.5	133	3.2	356	4.8	1	0.0	261	58.0	30	0.2
Septmeber		1.6	67	1.6	199	2.7	0	0.0	130	28.9	21	0.1
October	17	0.4	24	0.6	78	1.0	0	0.0	212	47.1	0	0.0
Totals	1027	25.7	724	17.2	1633	22.0	2	0.0	1463	325.0	79	0.5

⁽¹⁾ OSU's fertilizer guide recommends a nitrogen loading rate of 40 to 50 lbs. per acre for turf grass.



February 25, 2006

Mr. Lyle Christensen Environmental Specialist Department of Environmental Quality 2020 S.W. Fourth Avenue, Suite 950 Portland, OR 97201-4987

Subject:

Annual Reclaimed Water Use Report for 2004

Clean Water Services

NPDES Permit Nos. 101141, 101142, 101143 and 101144

File Nos. 90735, 90745, 90752 and 90770

Dear Mr. Christensen:

The 2005 Annual Reclaimed Water Use Report for Clean Water Services (District), as required in OAR 340 Division 55 and the NPDES discharge permits issued on August 25, 1993, is enclosed. District operates four wastewater treatment facilities within Washington County, Oregon. All of the reclaimed water distributed from these facilities is covered by this report.

A brief summary of reclaimed water production and distribution for 2005, a description of the major changes during 2005 and data tables showing the nutrient characteristics, distribution volumes and application rates is included.

If you need further information or have any questions, please call me at (503) 547-8026.

Sincerely,

Dave Arguello

Reuse Program Manager

C: Judy Johndohl, DEQ

Enclosure

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RECLAIMED WATER USE ANNUAL REPORT **CLEAN WATER SERVICES FEBRUARY 6, 2006**

During the 2005 irrigation season (May 1 through October 31), Clean Water Services (District) operated four treatment facilities designed to process a combined total of 70 million gallons of wastewater per day. A total of 76.3 million gallons of treated effluent was distributed to private parties as reclaimed water.

The Durham Facility supplied Level IV reclaimed water to three golf courses, two public school athletic fields and to a City of Tigard wetland built on a portion of the 6.8 acres of property formerly. known as Thomas Dairy.

The District's Rock Creek, Hillsboro and Forest Grove Treatment Facilities are connected via two 24-Inch pipelines. This allows solids and raw sewage to be transferred from the Hillsboro and Forest Grove Facilities to the Rock Creek Facility for treatment. The Rock Creek, Hillsboro and Forest Grove Facilities did not produce reclaimed water during 2005. The Hillsboro and Forest Grove facilities were removed from operation as shown below.

. Action	Hillsboro	Forest Grove
Stopped River Discharge	May 28, 2005	Aprll 31, 2005
Effluent to HB/FG Ponds	May 29, 2005	NA
Treatment Plant Off-Line Influent & Solids to RC	July 10, 2005	May 1, 2005
Treatment Plant Start-Up	October 11, 2005	October 26, 2005
Effluent to RC	October 11, 2005	October 26, 2005
Effluent to HB/FG Ponds	October 31, 2005	Nov. 13, 2005
Effluent to River	November 3, 2005	Nov. 21, 2005

During the shutdown, all of the influent to the Hillsboro and Forest Grove facility was transferred via 24-inch pipelines to the Rock Creek for treatment at that facility. In this report, the reclaimed water from these facilities is reported as coming from the combined system. The City of Hillsboro did not utilized reclaimed water during 2005. The Davis Tool Property irrigated using water from Dairy Creek.

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Reclaimed water was used to maintain water levels in various wildlife ponds, wetlands and wetland plant nursery on the Districts controlled properties within Jackson Bottom, Forest Grove Treatment Facility farm site, and adjacent to the Forest Grove Treatment Facility.

All effluent was treated, sampled and analyzed and reported monthly on DMR"s according to the parameters and frequencies specified in the respective NPDES permits for each facility. Reclaimed water was determined to be in compliance with the specific quality requirements for each application site prior to distribution. If required quality levels were not achieved, no reclaimed water was distributed until subsequent sampling indicated compliance.

Sites that received Level IV reclaimed water from the Durham Facility limited their irrigation periods to late evening and early morning hours to avoid direct public exposure. All of these sites have signs posted at storage ponds and throughout the application areas informing the public that reclaimed water is used for irrigation.

The following tables cover all reclaimed water distributed from the District's facilities during the 2005 season (May 1 through October 31, 2005):

Table 1 -- Reclaimed Water Distribution -- 2005

Durham Treatment Facility

Table 2 -- Reclaimed Water Distribution -- 2005

Rock Creek, Hillsboro, and Forest Grove Facilities

Table 3 -- Reclaimed Water Hydraulic Loading -- 2005

Durham Treatment Facility

Table 4 -- Reclaimed Water Hydraulic Loading -- 2005

Rock Creek, Hillsboro, and Forest Grove Treatment Facilities

Table 5 -- Reclaimed Water Characteristics for 2005
All Treatment Facilities

Table 6 -- Reclaimed Water Nitrogen Loading -- 2005
All Treatment Facilities

If you have any questions or comments, please call Dave Arguello at (503) 547-8026.



MAR 0 5 2007

Table 1

Reclaimed Water Distribution – 2005

Durham Treatment Facility

Irrigation Season	Summerfield 40 acres Turf Grass		King City 42 acres Turf Grass			Tualatin Country Club 74.4 acres Turf Grass		Tigard High School 48.3 acres Turf Grass		rk Meter Jetland	Durham Elementa 2 acres Turf Gras	
	MG	Acre (Ex	MG	Acresti	MG	Acresto	MG	Acres 1	MG	Acre-ft	MG	Acre-ft
May	0.45	1.38	3.61 .	11.08	0.05	0.15	0.00	0.00	0.20	0.61	0.00	0.01
June	1.73	5.31	3.21	9.85	1.03	3.16	0.00	0.00	1.03	3.16	0.02	0.06
July	6.55	20.11	3.73	11.45	10.51	32.27	0.01	0.03	4.96	15.23	0.20	0.61
August	5.36	16.46	3.24	9.95	9.32	28.61	0.02	0.05	3.63	11.14	0.78	2.39
September	3.07	9.42	1.94	5.96	6.47	19.86	0.00	0.00	4.44	13.63	0.45	1.38
October	0.00	0.00	0.09	0.28	0.24	0.74	0.00	0.00	0.00	0.00	0.00	0.00
Totals	17.16	52.68	15.82	48.57	27.62	84.79	0.03	0.08	14.26	43.78	1.45	. 4.45

(1) Reclaimed Water used to irrigate City of Tigard's Wetland.

Table 2

Reclaimed Water Distribution – 2005

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

Irrigation Season	Jackson Bottom 135 acres Grass Hay		⁽¹⁾ Wildlife Ponds 45 acres		Davis Tool 160 acres Wheat/Com		Native Plant Material Nursery 2 acres		⁽²⁾ Storage 60 acres		Total Distribution	
	MG	AGTEST	Me	r.Cn. fi	เดอ	7.00±10	Me	//qt=10	Me	Arrest	Me.	Activit
May	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.05	0.00	0.00	0.02	0.05
June	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.71	20.60	6.71	20.60
July	0.00	0.00	0.00	0.00	0.00	0.00	0.10	0.31	29.88	91.73	29.98	92.04
August	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.15	0.00	0.00	0.05	0.15
September	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
October	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.23	16.06	5.23	16.06
Totals	0.00	. 0.00	0.00	0.00	0.00	0.00	0.17	0.52	41.82	128.39	41.99	128.91

(1) Wildlife ponds do not discharge. Water added was to maintain water level and wildlife habitat.

(2) Jackson Bottom and Forest Grove storage contents remaining at season's end, are discharged with plant effluents during winter, high-flow period.

Table 4

Reclaimed Water Hydraulic Loading – 2005

Rock Creek, Hillsboro and Forest Grove Treatment Facilities

lrrigation Season		n Bottom Grass Hay	Wildlife Ponds 45 acres		Davis Tool 160 acres Wheat/Corn		ALCOHOLOGY MANAGEMENT OF A	ent Material y 2 acres	Storage 60 acres	
			Act of the	(00 to 100 100 to 100		cindinesiani. Cide	VG - Pari	inohe joi eaur	Additor.	lifiches pe acre
May	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.30	0.00	0.00
June	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20.60	4.12
July	0.00	0.00	0.00	0.00	0.00	0.00	0.31	1.86	91.73	18.35
August	0.00	0.00	0.00	. 0.00	0.00	0.00	0.15	0.90	0.00	0.00
September	0.00	-0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0,00
October	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16.06	3.21
Totals	0.00	0.00	0.00	0.00	0.00	0.00	0.51	3.06	128.39	25.68

Table 5
Reclaimed Water Characteristics for 2005
All Treatment Facility

Nutrient Parameters (mg/l)	Hillsboro	Forest Grove	Rock Creek	Durham
TKN	10.60	0.00	0.00	. 0.30
NH3	6.88	0.00	0.00	0.32
NO2-NO3	4.13	0.00	0.00	7.52
SOPO4	1.29	0.00	0.00	0.02

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Table 6

Reclaimed Water Nitrogen Loading – 2005

All Treatment Facility

Irrigation Season		merfield Turf Grass		g City Turf Grass		ountry Club Turf Grass		ligh School . Turf Grass	Cook Par 9.0 acre v			n Elementary Turf Grass
	g also the No	In the	lioni in A	(bs/N per	Total Itélia	Ti sym	in line	i i de la compania de la compania de la compania de la compania de la compania de la compania de la compania d Compania de la compania OTAL IS N			jbs N pen	
May	29	0.7	236	5.6	3	0.0	0	0.0	13	2.9	0	0.0
June	113	2.8	210	5.0	67	0.9	0	0.0	67	15.0	1	0.0
July	428	10.7	244	5.8	687	9,2	1	0.0	324	72.1	13	0.1
August	350	8.8	212	5.0	609	8.2	1	0.0	237	52.7	51	0.3
Septmeber		5.0	127	3.0	423	5.7	0 .	0.0	290	64.5	.29	0.2
October	0	0.0	6	0.1	16	0.2	0	0.0	0	0.0	0	0.0
Totals	1122	28.1	1034	24.6	1806	24.3	2	0.0	932	207.2	95	0.6

(1) OSU's fertilizer guide recommends a nitrogen loading rate of 40 to 50 lbs. per acre for turf grass.

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AFFIDAVIT ATTESTING TO THE USE OF WATER - CERTIFICATE NO. 48491

State of Oregon)	
)	SS
County of Washington)	

- I, <u>Jeff S. Jones</u>, in my capacity as <u>Certified Water Right Examiner (450 WRE)</u>, mailing address: <u>Murray</u>, <u>Smith & Associates</u>, <u>Inc.</u>, <u>121 SW Salmon Suite 900</u>, <u>Portland</u>, <u>OR 97204</u>, telephone number (503) 225-9010, being first duly sworn depose and say:
- 1. I attest that that reclaimed water was applied to the easterly 16.1 acre portion of the place of use as authorized under **Certificate # 48491** that falls within Tax Lot 2S 1 14 DA 100.
- 2. My knowledge of the exercise or status of the water right is based on personal observation made during site visits of the subject property on September 12 and 19, 2006.
- 3. My knowledge is specific to the use of water on approximately 16.1 acres on the subject water right located within Tax Lot 2S 1 14 DA 100, NE ¼, SE ¼, Section 14, Township 1 S., Range 1 W., W.M., and as shown on the attached copy of the original final proof survey map.
- 4. The water right was exercised to irrigate out grass, planted trees and shrubs.
- 5. The water delivery system used to apply water as authorized by the right consisted of a single traveling gun ("big gun") sprinkler with a 0.9-inch diameter nozzle and 4-inch diameter flexible hose. With an estimated pressure of 80 psi at the sprinkler nozzle, the sprinkler applied reclaimed water at a rate approximately 220 gpm. The irrigation system within the southerly 3.6 acre portion of the water right also consists of a network of 1-inch to 2-inch diameter PVC piping with 13 Rainbird sprinklers, each sprinkler having a capacity of approximately 4 gallons per minute (gpm) at the approximate system pressure of 80 pounds per square inch (psi). The reclaimed (reuse) water was supplied from the Clean Water Service's reuse pump station located at the Durham Advanced Wastewater Treatment Facility (DAWTF) via approximately 3,000 linear feet of 24-inch/18-inch/then 6-inch diameter PVC pressure main. The reuse pumps at the pump station consist of two 125 horse power (hp) and one 50 hp pumps.

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- 6. The following documentation supporting the above statements is attached:
- ☑ Dated photographs of the subject lands being irrigated with area shown on a copy of the original final proof survey map
- ✓ Irrigation equipment rental invoices

Signature of Affiant

11-30-2006

Signed and sworn to (or affirmed) before me this 20th day of November, 2006.

OF FICIAL SEAL
SARAH E LAUDIG
NOTARY PUBLIC-OREGON
COMMISSION NO. 365415
MY COMMISSION EXPIRES FEB. 6, 2007

Notary Public for Oregon

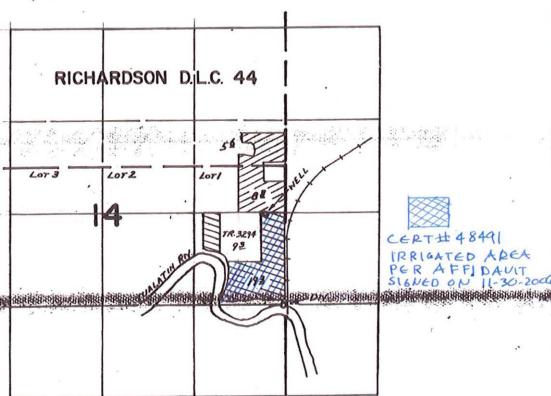
My Commission Expires: 166.6,2007

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FINAL PROOF SURVEY

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G-7070
G-5023
Application No. 33537.... Permit No. 38215...
IN NAME OF

JOHN M. THOMAS

Surveyed JUNE 20,19 78 ., by S.P. APPLEGATE

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MAR 0 5 2007

WATER RESOURCES DEPT SALEM, OREGON

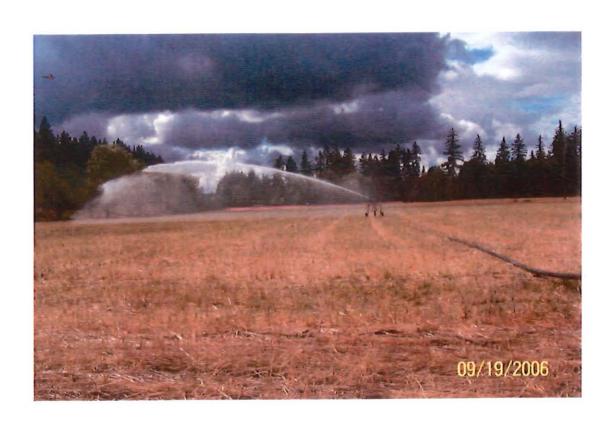
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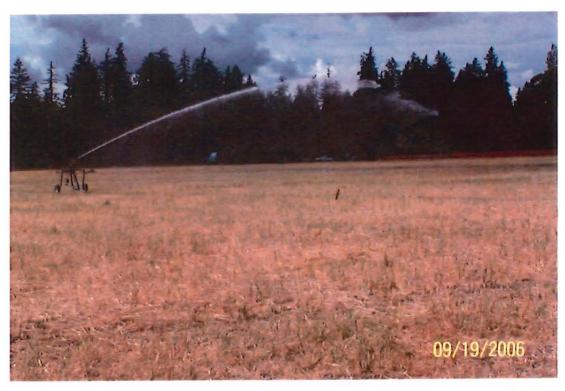
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FISHER IMPLEMENT CO.

LENON IMPLEMENT COMPANY THE FISHER-ERNST

(ERNST HARDWARE CO.)



JOHN DEERE

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SALEM, OREGON

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TOTAL P.02

FISHER IMPLEMENT CO.

THE FISHER-ERNST GROUP LENON IMPLEMENT COMPANY

ERNST HARDWARE CO.

PO Box 38 St Paul, OR 97137 503-633-4111

CONTRACT NO: 00005781 19SEP06 INVOICE PERIOD: 19SEP06 TO 25SEP06



JOHN DEERE Rental Invoice PAGE S S CLEANWATER SERVICES CLEANWATER SERVICES н 0 3235 SE RIVER RD. 1 1 L CASH CHG. OTHER P D HILLSBORO OR 97124 T T ACCT. NO 0 0 816290 INVOICE NO. ORDER NO RO. NO. PHONE INVOICE DATE TIME SALESMAN 5986 110CT06 9:59 LOC: 5 503-681-3600 11790 94

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SP354330 L06420D480116 6420 6420 2-POST (DPFR) 726.00 M: 2,200.00 242.00 W: RENTAL RATES: D: 13 HRS. 1 MONTH = 100 HRS 1 DAY = 9 HRS, 1 WEEK =LIABILITY INSURANCE 1 DAY = 9 HRS, 1 WEEK 33 HRS. 1 MONTH = 100HRS LIABILITY INSRUANCE A SERVICE AND CLEANING DEPOSIT OF \$200.00 IS DUE AT THE TIME OF RENTALING WITH I AT CONCLUSION OF RENTAL ANY HOURS OF USE OVER THE MINIMUM RENTAL PERIOD WILL BE CHARGED AT AN

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WATER RESOURCES DEPT SALEM, OREGON

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SALES TAX		

PLEASE PAY THIS TOTAL

DESCRIPTION

LF-1137RF Ver. 1105287

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ORIGINAL COPY

FISHER IMPLEMENT CO.

THE FISHER-ERNST GROUP LENON IMPLEMENT COMPANY

ERNST HARDWARE CO.

PO Box 38 St Paul, OR 97137 503-633-4111



Rental Invoice

				nental invoice
S	CLEANWATER SERV	ICES	PAGE S	CLEANWATER SERVICES
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0			816290 O	

CONTRACT NO: 00005781 19SEP06

INVOICE PERIOD: 19SEP06 TO 25SEP06

HOURLY RATE PLUS OTHER UNBILLED CHARGES THAT

WOULD APPLY.

RENTAL PAYMENTS: FIRST RENTAL PAYMENT IS DUE IN ADVANCE OF RENTAL. SUBSEQUENT RENTAL PAYMENTS ARE DUE AT THE BEGINNING OF EACH REOCCURING RENTAL PERIOD.

ALL RENTALS ARE BILLED FOR A MINIMUM RENTAL PERIOD OR HOURS OF USE. WHICHEVER IS GREATER.



AG DEL/PU CHARGE

570.00

TOTAL NON-TAXABLE 1,296.00

DESCRIPTION ACCOUNT AMOUNT

PARTS 1,296.00

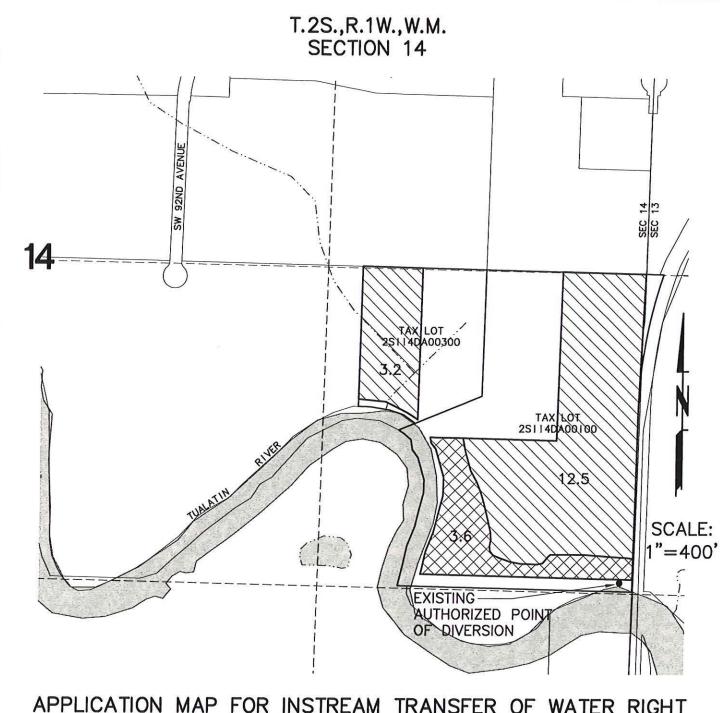
MAR 0 5 2007

WATER RESOURCES DEPT SALEM, OREGON

PLEASE PAY THIS TOTAL

LF-1137RF Ver 1105287

ORIGINAL COPY



APPLICATION MAP FOR INSTREAM TRANSFER OF WATER RIGHT PERMIT NO. 38215 CERTIFICATE NO. 48491

IN THE NAME OF

CLEAN WATER SERVICES WASHINGTON COUNTY

CERTIFICATE NO. 48491 PROPOSED CHANGE IN PLACE OF USE AREA = 3.6 ACRES

DECEMBER 2006

STATE OF OGECOME

EXPIRES: 6.30.07

MAR 0 5 2007

WATER RESOURCES DEPT SALEM, OREGON

CERTIFICATE NO. 48491 NO CHANGE AREA = 15.7 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.

10332

G: \O6\0794\405\CAD\06-0794-405-OR-APPLICATION MAP.dwg TRANSFER WR 11/29/06 09:42 (DAK)

Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS.197.180. WRD will use this and other information to evaluate the water use application. 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, or exchange and all of the following apply: a) only the place of use is proposed for change; b) there are no structural changes; c) the use of water is for irrigation; and d) the use is located in an irrigation district or exclusive farm use zones.

	To Be Co	ompleted by Applicant —					
This section must be completed by the individual or group that is filing an application with the Water Resources Department.							
Attach a copy of the map from the application to this form.							
- A. Applicant							
Name: Clean Water Services (Contact: Steve Kebbe)							
	Address: 16060 SW 85th Avenue						
City: <u>Tigard</u>	State: Oregon	Zip: <u>97224</u>	Day Phone: (503) 547-8198				
- B. Land and Loca		T-1	Title Research second second				
Classic Williams 422 :6	mation as requested below for <u>all tar</u> water is diverted (taken) from its so	<u>k lots</u> on or through which water w	in be diverted, conveyed, or used.				
	ter will be put to beneficial use on to						
	nts for municipal use, or irrigation u						
	ies for the tax lot information reque		substitute existing and proposed				
service area boundar	les for the tax for information reque	sted below.					
Tax Lot I.D.	Plan Designation (e.g. Rural	Water to be: (check all that app	oly) Proposed Land Use				
Tax Lot 1.D.	Residential /RR-5)	water to be, teneck an mat app	1 Toposcu Land Osc				
Section 14 DA	R - 4.5	☑ Diverted ☐ Conveyed ☐ Used	No change				
T2S R1W W M							
Lot 100							
		☐ Diverted ☐ Conveyed ☐ Used					
		☐ Diverted ☐ Conveyed ☐ Used					
		☐ Diverted ☐ Conveyed ☐ Used					
5. 2 2 2 20	S						
List counties and cit							
	ted, conveyed, or used: City of Tigs	ard (in Washington County)					
- C. Description of		-					
	application to be filed with the Wate						
☐ Water Use Permit	☑ Water Right Transfer ☐ Alloc	ation of Conserved Water \square Exch	ange				
T. 31 7. 11 1 1 3 3							
	I use of water and describe the key c ☐ Industrial ☐ Inst		and the same of th				
	☐ Quassi-municipal	ream ☐ Irrigation ☐ Domestic (indicate number					
☐ Municipal☐ Other	□ Quassi-municipai	indicate number	or nouseholds)				
	ansfer of a portion of water right Ce	rtificata No. 48401 to instraom (Tr	uolotin Divor) usa				
bliefly describe. 113	ansier of a portion of water right Ce	itificate No. 48491 to instream (1)	ididili Kivei) use.				
Indicate the source of the water to be used.							
□ Reservoir/Pond □ Ground Water ☑ Surface Water							
DIRECTION ON DISTORDED DURING MARCI							
Indicate the estimated quantity of water the use will require: 0.045 ☑ CFS □ GPM □ Acre-Feet							
The state of the s							

State of Oregon Water Resources Department

Receipt for Request for Land Use Information

725 Summer Street NE, Suite A Salem, OR 97301-1271 (503) 986-0900

JAN 3 0 2007

CHY A LINED MAR 0 5 2007 PLANNING FOR THE FEBRUAR

The following section must be completed by a the city limits. In this case, only the city plant Please request additional forms as needed or			t will be located entirely within
-A. Allowed Use Check the appropriate box below and pro-	ovide requested information.		
☐ Land uses to be served by proposed wayour comprehensive plan. Cite application	ater uses (including proposed construction) able ordinance section(s): Go	are allowed out to Section B "Ap	right or are not regulated by proval" below.
☐ Land uses to be served by proposed wa listed in the table below.	ater uses (including proposed construction)	involve discretion	onary land use approvals as
Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References		he item that applies: d Use Approval:
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
Title: Signature: -C. Additional Comments Local governments are invited to express this proposed use of water below, or on a	special land use concerns or make recomi		Department regarding
days from the Water Resources Department's	the applicant waits, sign and detach the receipt notice date to return the completed Land Use In water is compatible with local comprehensive pl	formation Form or	
Name of applicant:	Receipt for Request for Land Use Information The second of the second o		
cluded with the application filed with the Water R hile the applicant waits. ty or County:	Trearl a	unnot provide the re	equested land use information
aff contact: gnature:		Phone:	3-639-4171

Water Right Transfer Supplemental Form C INSTREAM WATER RIGHT TRANSFER

	Permanent Instream Please contact the Depart		Or tions on filling out the	Time-Limited In		
1. 2.	Identify the public u ✓ Conservation, ma of aquatic and fi	use for which the nintenance and er sh life, wildlife, f and other ecologic	e instream right inhancement [Tish and [Tish cal values.	s requested (check one Recreation Navigation Pollution Abatemen	e).	
ì	Originating Water Right Number (as identified in the transfer application)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
C	ert # 48491	Aug. 14, 1975	Tualatin River	June 22 – Sept. 30	0.045	9.0
			V			
*	To calculate rate (if other	than the rate allowe	d by the right), divid		Volume:	9.0
3.	described on the wate	ring any period may tal volume of water y existing right. on: Rate and volute be transferred. of the proposed I to be protected a pint of diversion (PO) or right, please provi	not exceed the quant for the year may not a me listed in table instream water at a point. (D), or if the water rig de the legal description	ity that may be used unde exceed the total volume of above is based on the right.	r the existing f water that m e 3.6 acre p	right nay be used
 ✓ Water is requested to be protected within a reach. Location of proposed reach (if an instream water right reach is requested, identify the upstream and downstream extent of the reach): The Tualatin River from Cert. # 48491 POD at approximate river mile 9.4 (said POD located in the NE ¼ of SE ¼, Section 14, T. 1 S., R. 1 W., WM, 1,320 feet South and 30 feet West from East ¼ corner of Section 14); to the mouth at river mile 0.0 (SW ¼, Section 2, T. 3 S., R. 2 E., WM). 4. Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights. ✓ None ✓ 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 						nate river 1,320 mile 0.0 iring
	for monitoring the instream			AR 0.5.2007		

5.	Are there any existing instream water rights at the same point or within the same requested reach(es) or lake, or on a portion thereof:					
	☐ No	Cert. #				
	80000 (under ORS 537.341); Cert # 59692, Applications # MF174 and MF175 (all three					
	537.346); Cert. # 81025 (Henry Hagg Lake reservoir source); and Applications # S 867	'03 and				
	S 86704 (both treated effluent sources)					
	New instream water rights generally (but not always) are additive to instream water rights established u 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and reportion of instream water rights established under ORS 537.341 (state agency application process) or O (conversion of minimum perennial streamflows) with an earlier priority date.	eplace a				
	Is it your intent to have the proposed instream water right transfer be additive to any inswater right established under ORS 537.348 and ORS 537.470 and replace a portion of a instream water right established under ORS 537.341 and ORS 537.346 with an earlier pate?	any				
	✓ Yes No. If no, please explain your intent below	w.				
	If the proposed conversion would add to the amounts of an existing instream water right established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information for Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatemed Parks and Recreation Dept. (recreation).	rom the				
6.	Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?					
	 ✓ No; <u>or</u> Yes (Provide supporting documentation that demonstrates why additional flows are significant for use requested.); <u>or</u> 	the public				
	Yes, and it is presumed that flows that exceed the estimated average natural flow or lake levels are significant because:	natural				
	The requested flow does not exceed the maximum amount of any instream wa application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested prise for the same public use as the aforementioned instream water right application and	ublic use				
	For the specified time period that flows are requested to exceed the estimated a natural flow or lake level, the stream is in an ODFW flow restoration priority (A copy of the priority watershed map indicating the specific watershed involved should be in the application. Priority watershed maps may be found on the OWRD web page); or	watershed				
	☐ The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quali scientific information provided by DEQ should be included with the transfer application.)	ty. (The				



7.	For a time-limited instream transfer, please answer the following:
	☐ The time-limited instream transfer is for a specific number of years:
	Begin Year to End Year
	☑ The time-limited instream transfer is to terminate based upon other conditions:
	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

MAR 0 5 2007

<u>INTEROFFICE MEMO</u>

	DATE	Ξ:	March 6, 2007
	TO:		Sarah Henderson
	FRON	/ 1:	Laura Snedaker
	SUBJ	ECT:	Acceptance of IS Transfer Application/Mitigation Project MP-
	The a	ttached	IS transfer application is ok to accept. Please do the following as applicable:
		Pleas	e debit \$ from account.
	Ø	Please	e accept application and fees.
		Pleas	e put IS transfer application in a transfer file folder.
and the same of th		Please	e make copy of the IS transfer for the Watermaster.
	′	Please	e make copy of IS transfer (including attachments – unless otherwise specified) and put in dark blue Mitigation Project file folder.
		Please	e scan IS transfer application and save to <u>appropriate transfer file folder</u> as *****-application
are the same of th	\boxtimes	Please	e put copy of this page in IS transfer file folder.

Notes: One item of note on application completeness. The affidavits of use submitted with the application are copies. Originals need to be submitted. This includes the one from Peter Guillozet and the one from Jeff Jones.



Water Resources Department

North Mall Office Building 725 Summer Street NE, Suite A Salem, OR 97301-1266 503-986-0900 FAX 503-986-0904

March 20, 2007

STEPHEN E KEBBE CLEAN WATER SERVICES 2550 SW HILLSBORO HIGHWAY HILLSBORO OR 97123

Reference: Time Limited Instream Transfer 10332

On March 5, 2007 we received your water right transfer application requesting use, place of use change for use of water from TUALATIN RIVER, tributary to WILLAMETTE RIVER. The application was accompanied by \$350. Our receipt 86521 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc:

Watermaster #18
Jeffrey Jones, CWRE
Danette Ehlers, ODFW
Martha Pagel, Agent

enclosure



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 03/20/2007

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.

County:

WASWHINGTON

Transfer:

10332

Water Right:

CERT 48491

Priority Date:

1975

Name:

CLEAN WATER SERVICES / STEVE KEBBE

Address:

2550 SW HILLSBORO HWY; HILLSBORO OR 97123

Change:

USE/POU

Source:

TUALATIN RIVER

Authorized POU:

T2S R1W 14 /FROM TUALAIN RIVER MILE 9.4

Proposed POU:

T3S R2E 2 / TO MOUTH AT RIVER MILE 0.0

Authorized USE:

IRRIGATION

Proposed USE:

INSTREAM

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. 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. Comments should be sent to the Transfers Section at the Department's Salem office.

TRANSFER CHECK OFF LI	ST
TEMP Div 15	7.05.5.07 3.5.07 3.5.07 ————————————————————————————————————
LETTER FROM ATTORNEY	YES (PUT INFO ON FRONT COVER)
FOLDER FILLED OUT* ENTERED IN DE	yes .
CONTENTS MARKED COLOR CODED 4 COPIES MADE & STAMPE	Yes- Yes- Yes
CERTIFICATE MARKED CERTIFICATE COPIED PULL APPLICATIONS APP FOLDER MARKED FINAL PROOF MAP COPIED PERMIT MARKED PERMIT COPIED PERMIT MAP COPIED DECREE MARKED DECREE COPIED ADJUDICATION MAP COPIED	yes yes yes yes yes yes
BNTRIES CHECKED PUBLIC NOTICE DATE BTTER SENT OPY TO WM	CHECKED BY INIT FOLDER
SUUB FORM TO WM SOPY TO GW LUB FORM TO GW OPY TO CWRE	Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hi POA, APOA, or [SW TO GW ONLY(as POD)] Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hi Yes
BTTER TO ODFW ANSFER SENT TO:	ALL Surface water POU/USE (POD and APOD FISH SCRBENS) Cansa 7615 SW NCR SCR ER