

T-10402

T-10402

PERMIT
AMENDMENTName Springfield Utility Board

By _____

Address 202 S. 18th Street
Springfield, OR. 97477
541-726-2395Change in APODDate filed 6-6-07

Date of hearing _____

Place of hearing _____

Date of order 11-6-07 Vol. 73, page 594

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream McKenzie RiverTrib. of Willamette River County of LaneUse Instream/Municipal

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 11-8-2002In name of Springfield Utility Board

_____ Adjudication, Vol. _____, page _____

App. No. S-85336 Per. No. S-54378 Cert. No. _____

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-6-07</u>	<u>350.00</u>	<u>87989</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Agent: Greg Corbin: 900 SW Fifth Ave, Ste 2600. PDX. OR. 97204NOID/NO CURE

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD, OR 97477

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

APPLICATION FILE NUMBER: S-85336

SOURCE OF WATER: MCKENZIE RIVER, A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: MUNICIPAL USE, FISH LIFE USE, AND WILDLIFE USE

MAXIMUM RATE: 35.9 CUBIC FEET PER SECOND (CFS) FOR MUNICIPAL USE AND 4.1 CFS FOR FISH LIFE AND WILDLIFE USES

PERIOD OF USE: YEAR ROUND

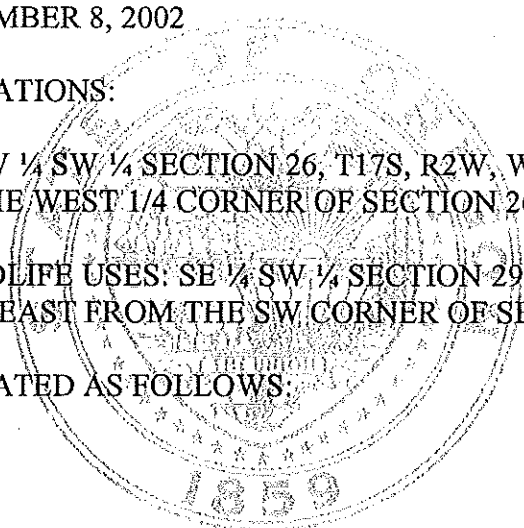
DATE OF PRIORITY: NOVEMBER 8, 2002

POINT OF DIVERSION LOCATIONS:

MUNICIPAL USE: NW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 26, T17S, R2W, W.M.; 250 FEET SOUTH & 972 FEET EAST FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 26

FISH LIFE AND WILDLIFE USES: SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 29, T17S, R1W, W.M.; 300 FEET NORTH & 2400 FEET EAST FROM THE SW CORNER OF SECTION 29

THE PLACE OF USE IS LOCATED AS FOLLOWS:



4-10402

MUNICIPAL USE: WITHIN THE SERVICE AREA OF CITY OF SPRINGFIELD

FISH LIFE AND WILDLIFE USES: WITHIN THE CHANNEL OF CEDAR CREEK

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage at the diversion into Cedar Creek without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

If the Cedar Creek flow monitoring program currently maintained by the U.S. Geological Survey (USGS) in conjunction with the U.S. Army Corps of Engineers and the Eugene Water and Electric Board (EWEB) is discontinued, the permittee shall ensure that a similar flow monitoring program is implemented on Cedar Creek. For the purpose of this condition, such a flow monitoring program must include, at minimum, installation of a calibrated staff gage.

While EWEB's license from Federal Energy Regulatory Energy Commission (FERC) requires EWEB to bypass 1,000 cfs of water past the Walterville Canal diversion, the permittee may divert water into Cedar Creek under this permit only when the flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to 1,000 cfs plus the actual rate of appropriation into Cedar Creek under this permit. In the event that EWEB's license from FERC is modified, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to the FERC-required minimum bypass flow plus the actual rate of appropriation into Cedar Creek under this permit, or 1,400 cfs plus the actual rate of appropriation into Cedar Creek under this permit, whichever is greater. In the event that EWEB's license from FERC is rescinded, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to 1,400 cfs plus the actual rate of appropriation under this permit.

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

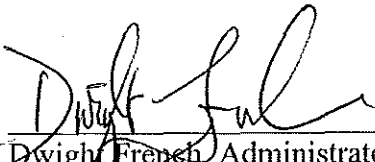
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit. If the water is not completely applied within 20 years, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

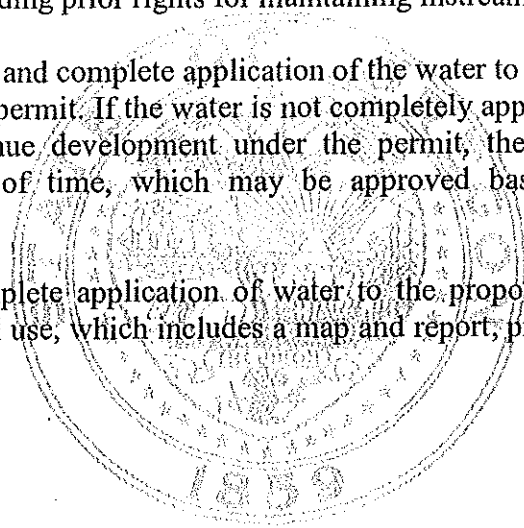
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 2, 2007



Dwight French, Administrator
Water Rights and Adjudications,
for

Phillip C. Ward, Director
Oregon Water Resources Department





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

November 7, 2007

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD OR 97477

Reference: Permit Amendment Transfer 10402

Enclosed is a copy of the order approving your Permit Amendment transfer application.

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE CONDITIONS OUTLINED IN THE ORDER. All other terms and conditions of the permit remain the same.

If you have any questions, please call the Transfer Section, (503)986-0900.

Sincerely,

Sarah Henderson

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #2
Greg Corbin, Agent

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment	)	FINAL ORDER
T-10402, Lane County	)	APPROVING AN ADDITIONAL POINT
	)	OF DIVERSION

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

Applicant

Springfield Utility Board
202 South 18th Street
Springfield, Oregon 97477

Findings of Fact

1. On June 6, 2007, Springfield Utility Board, filed an application for an additional point of diversion under Permit S-54378. The Department assigned the application number T-10402.

2. The permit to be amended is as follows:

Permit: S-54378, in the name of Springfield Utility Board;

Use: Municipal, fish life, and wildlife uses

Priority Date: November 8, 2002

Quantity: 35.9 cubic feet per second (cfs) for municipal use and 4.1 cfs for fish life and wildlife uses

Source: McKenzie River, a tributary of the Willamette River.

Date of Complete Application of Water: January 2, 2027

Authorized Points of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Location
17	S	2	W	W.M.	26	NW	SW	Municipal Use – 250 feet South and 972 feet East from the W¼ Corner of Section 26
17	S	1	W	W.M.	29	SE	SW	Fish and Wildlife Uses – 300 feet North and 2400 feet East from the SW Corner of Section 29

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 must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

Municipal Use

Within the Service area of the City of Springfield

Fish Life and Wildlife Uses

Within the channel of Cedar Creek

3. Application T-10204 proposes an additional point of diversion for fish life and wildlife uses to be located:
A portable pump located on the bank of the McKenzie River between a point located in the SE¼ SW¼, Section 29, T 17 S, R 1 W, W.M., said point being 300 feet North and 2400 feet East from the SW Corner of Section 29, and a point located in the NW¼ SW¼, Section 26, T 17 S, R 2 W, W.M., said point being 250 feet South and 972 feet East from the W¼ Corner of Section 26.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on June 12, 2007, and in the Register Guard newspaper on October 14, 21, and 28, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the additional 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.
6. The change would not result in injury to other water rights.
7. The change does not enlarge the permit.
8. The change does not alter any other terms of the permit.

Conclusion of Law

The additional point of diversion proposed by Permit Amendment Application T-10204 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

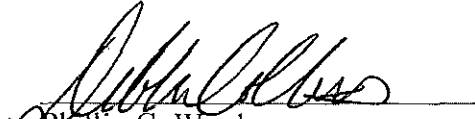
1. The combined quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

2. Prior to water use from the proposed additional point of diversion, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

3. Water shall be acquired from the same surface water source as the original point of diversion.
4. 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.
5. All other terms and conditions of Permit S-54378 remain the same.
6. Permit S-54378, in the name of Springfield Utility Board is amended as described herein.

Dated at Salem, Oregon this 6 day of November 2007.


Phillip C. Ward,
Director

NOV 08 2007
Mailing Date: _____

Permit Amendment Checklist

Permit Amendment T-10402

Transfer Specialist: pks

Applicant Name/Address: Springfield Utility Board, 202 S 18th Street, Springfield, Oregon 97477

Agent Name/Address: Greg Corbin, 900 SW Fifth Avenue Suite 2600, Portland, Oregon 97204

CWRE Name/Number: None

Rec Landowner Name/Address: None

Irr. District Name/Address: None

Affected Govt's Name/Address: None

Commentors Name/Address: None

Permits Affected

Records Marked	Records Copied	App File No.	Permit No.
X	X	S-85336	S-54378

Key Dates & Initial Actions

Rec'd: June 6, 2007	Proposed Action: APOD	
Fees Pd: \$350.00	WM District: 2	ODFW District: Eric Moberly
Initial Notice: June 12, 2007	WM Review sent: June 13, 2007	ODFW Review sent: June 13, 2007
Acknowledgement Letter Sent: X		GW Review sent: None

Processing Dates & Actions

Deficiency Contacts:	Newspaper Pub Affid. Due: ☐ not required
Affid of Pub Rec'd: October 28, 2007 Last Day Published:	Affidavit Reminder Sent:
Reminder Deadline:	

Final Order

☒ Electronic Files uploaded

☐ File Assigned/ ModPod updated

☐ Newspaper Notice Cover letter

☐ Fee Refund Due

☐ Newspaper Notice

Draft Order Review (Optional) Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Final Order Review (Salem) Reviewer: <u>SB</u> Date: <u>11-5-07</u> Coordinator: _____ Date: _____
Comments/Special Issues: APOD for fish and wildlife uses in Cedar Creek.	

Special Order Volume: Vol: 73, Pages 594

Final Order Signature Date: 11-6-07

Notice of FO e-mailed to processors: Kelly

Return by 7-12-07

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.)

Reference Transfer #: 10402

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,
(Stream) _____

(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.)

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass 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

PATRICK STARNES

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>.

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.

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SEP 26 2007
WATER RESOURCES DEPT
SALEM, OREGON

- ☐ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-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 by-pass 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.

Erik R. Moberly
Signature

Erik R. Moberly
Printed Name

Assistant District Fish Biologist
Title

(541) 726-3515 x 28
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 # 10402

The 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.

- ☐ 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: (____) _____



SPRINGFIELD UTILITY BOARD

WATER SERVICE CENTER 202 South 18th Street Springfield, OR 97477-5240 Tel 541.726.2396 Fax 541.747.7348 www.subutil.com

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

RE: Permit S-85336, Amendment Application T-10402, Affidavit of Publication

The permit amendment notice required to be published once a week for three consecutive weeks has been published in the local newspaper, The Register-Guard. A copy of the Affidavit is enclosed for your reference.

The Guard Publishing representative has confirmed that the original was mailed to you on October 29, 2007, as required. If you have not received the original affidavit, please contact us immediately so we can have it delivered to you prior to the November 16th, 2007 deadline.

Respectfully,

Maria Krebs
for

Charles Davis
Water Quality Manager

Cc: Greg Corbin
Enc.

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NOV 05 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

GUARD PUBLISHING COMPANY

P.O. BOX 10188

PHONE (541) 485-1234
EUGENE, OREGON 97440

Legal Notice 9945998

Legal Notice Advertising

WATER RESOURCES DEPARTMENT
NORTH MALL OFFICE BUILDING
KELLY STARNES
725 SUMMER STREET NE, SUITE A
SALEM, OR 97301-1266

#

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, }
COUNTY OF LANE, } ss.

I, **Kelly Gant**, being first duly affirmed, depose and say that I am the Advertising Manager, or his principal clerk, of The Register-Guard, a newspaper of general circulation as defined in ORS 193.010 and 193.020; published at Eugene in the aforesaid county and state; that the **Public Notice** printed copy of which is hereto annexed, was published in the entire issue of said newspaper for **three** successive and consecutive **Weeks(s)** in the following issues:

October 14, October 21, October 28, 2007

NOTICE OF
PERMIT AMENDMENT T-10402
T-10402 filed by Springfield
Utility Board, 202 S. 18th Street,
Springfield, Oregon 97477, pro-
poses a change in point of diver-
sion under Permit S-54378. The
permit allows the use of 4.1 cfs
(priority date November 8, 2002)
from a diversion in Sec. 29, T 17
S, R 1 W, W.M. (McKenzie River
Basin) for fish life and wildlife
use within the channel of Cedar
Creek. The applicant proposes an
additional point of diversion be-
tween the authorized point of di-
version and a location approxi-
mately 3.5 miles downstream
(Sec. 26, T 17 S, R 2 W, W.M.);
The Water Resources Depart-
ment has concluded that the pro-
posed permit amendment ap-
pears to be consistent with the
requirements of ORS 537.211.
The last date of newspaper
publication is (October 14, 2007).

No. 9945998 - October 28, 2007

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OCT 31 2007
WATER RESOURCES DEPT
SALEM, OREGON

Subscribed and affirmed to before me this **October 29, 2007**

Babs Ford

Notary Public of Oregon

My commission expires: **July 24, 2010**

Account #: **56799440**

INVOICE **9945998**

Case: **Permit Amendment T-10402**

Amt Due: **\$167.16**



OFFICIAL SEAL
BABS FORD
NOTARY PUBLIC-OREGON
COMMISSION NO. 407232
MY COMMISSION EXPIRES JULY 24, 2010



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

October 1, 2007

Springfield Utility Board
202 South 18th Street
Springfield, Oregon 97477

Reference: Permit Amendment Application T-10402

Enclosed is a permit amendment notice which must be published in a local newspaper in the general area of the permit (newspapers with statewide circulation such as the Capital Press, Journal of Commerce, etc. do not qualify). The notice must be published at least once a week for three consecutive weeks. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an **affidavit of publication** specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me, at the address above, by **November 16, 2007**.

Upon receipt of the affidavit, processing will continue on the permit amendment application.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us, if you have questions.

Sincerely,

Kelly Starnes
Permit amendment processor

cc: Greg Corbin, Agent
enc

Notice of Permit Amendment T-10402

T-10402 filed by Springfield Utility Board, 202 S 18th Street, Springfield, Oregon 97477, proposes a change in point of diversion under Permit S-54378. The permit allows the use of 4.1 cfs (priority date November 8, 2002) from a diversion in Sec. 29, T 17 S, R 1 W, W.M. (McKenzie River Basin) for fish life and wildlife use within the channel of Cedar Creek. The applicant proposes an additional point of diversion between the authorized point of diversion and a location approximately 3.5 miles downstream (Sec. 26, T 17 S, R 2 W, W.M.); The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211.

The last date of newspaper publication is [DATE OF LAST PUBLICATION].



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

Transfer Application: T-10402

Review Due Date: 07/10/2007

Applicant Name: Springfield Utility Board

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Mm

Date of Review: _____

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.



Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and 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 zone.

Applicant Name: Springfield Utility Board
Mailing Address: 202 18th Street
City: Springfield State: OR Zip: 97477 Day Phone: _____

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:			Proposed Land Use:
					McKenzie River	☒ Diverted	☐ Conveyed	☐ Used	
					Cedar Creek	☐ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. City of Springfield,
Lane County, Oregon

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B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) McKenzie River

Estimated quantity of water needed: 4.1 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☒ Other fish life, wildlife

Briefly describe: Amending point of diversion for fish life and wildlife uses to allow greater flexibility.

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

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

10402

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LC 16.280, 16.211, LC 16.212

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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**WATER RESOURCES DEPT
SALEM, OREGON**

Name: J. KENDALL Title: ASST. PLANNER
Signature: J. Kendall Phone: 541-682-4057 Date: 6-5-07
Government Entity: LANE CTY.

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

T 10402

Indicate in this column whether or not the item is satisfied.

Permit Amendment Application – ORS 537.211

Completeness Checklist

Applicant's Name:

Springfield Utility Board

(Form last revised: October 30, 2006)

Section A – Status of Permit

Is this a permit that can be amended?

NOTE: The Department CANNOT accept a Permit Amendment application for any permit that has:

- ___ 1) a permit completion date that has expired; *or*
- ___ 2) a pending permit extension of time application on file with the Department; *or*
- ___ 3) a pending claim of beneficial use report on file with the Department.

If the subject permit falls into any of the above categories, RETURN the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Permit Amendment process?

[ORS 537.211(4)]

NOTE: Only POD, POA or POU changes are allowed on Permit Amendments.

If the application proposes a change other than those listed above, RETURN the application & fee to the applicant.

Section C – Fees

Have the appropriate fees been paid?

Total Required Fees:

Fee Schedule – ORS 536.050(1)(h)

- \$350 - Base fee (1st change and 1st CFS of water)
- + \$350 - Each additional type of change requested
- + \$175 - For each CFS, or fraction thereof, requested beyond 1st CFS
(for POU, Type of Use, or Exchange)

Total Fees Paid:

Fees Due (if any):

Refund Due (if any):

If the applicant has NOT submitted the total fees required, RETURN the application & deficient fee to the applicant.

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Permit Amendment application complete?

All required elements necessary for a complete permit amendment application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is NOT complete, RETURN the application & fee to the applicant.

• Applicant's name, mailing address and contact information. (Page 1)

• Agent's name, mailing address and contact information, if applicable. (Page 1)

• Are multiple permits being amended? YES NO (Page 2)
If YES..... the applicant must supply a separate "set" of pages 3 through 7 of the application form for each permit to be amended.

• The type of amendment being proposed. APOA (Page 2)

• Reason for the permit amendment. (Page 2)

• Current permit information – permit number, use, priority date, source(s), etc. (Page 3)

N/A	• If for a change in POU.....Are there any "layered" irrigation rights, permits, or GR registrations appurtenant to the same place of use as the permit proposed to be amended? YES NO If YES..... the other "layered" water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). (Page 3)
OK	• Location description of the authorized POA/POD to be amended. (Page 4) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: ____ 1) supply a copy of the well log(s), <u>or</u> <u>N/A</u> 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 4 of the application.
N/A	• Location description of the existing authorized POU and associated acres (if applicable). (Page 5) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.
OK	• Location description of the proposed POA/POD. (Page 6) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: <u>N/A</u> 1) supply a copy of the well log(s), <u>or</u> <u>N/A</u> 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 6 of the application.
N/A	• Location description of the proposed POU and associated acres (if applicable). (Page 7) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.
OK	• Affected districts and local governments. (Page 8) If within a district/local government jurisdiction, ensure that name & mailing address is provided.
OK	• Is the applicant the permit holder of record? YES NO (Page 8) If NO..... the applicant must either submit: ____ 1) a Request for Assignment form & fee in order to be assigned to the permit, <u>or</u> ____ 2) an Affidavit of Consent from the permit holder giving permission for the amendment.
N/A	• If the permit holder of record does not own or control the land TO which the place of use is being moved, has a Request for Assignment form been submitted to assign the owner of the TO land to the permit? YES NO (Page 9)
✓	• Map..... (NOT required to be prepared by a CWRE). <i>worked w/ Parrow & Mathick</i> (Page 10) ____ north arrow ____ size & scale ____ other: ____ authorized acreage per ¼ ¼ matches the permit ____ authorized POD/POA and POU (clearly shown, labeled & matches application listing) ____ point plotted for the authorized POD/POA agrees with location coordinates ____ proposed POD/POA and/or POU (clearly shown, labeled & matches application "proposed" listing) ____ location coordinates accurately describe the point identified as the proposed POD/POA
OK	• Land Use form, if applicable. (Page 10) May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in permit.
OK	• Signature(s) of applicant(s): (Page 11) <u>All</u> applicants listed on page 1 of the application must sign the application.

WRD Completeness Reviewer's Name: _____ Date: _____



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

June 12, 2007

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD OR 97477

Reference: Permit Amendment T- 10402

On June 6, 2007 we received your request for permit amendment change. The application was accompanied by \$350.00. Our receipt 87989 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the change.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use, or from the new point of diversion, until we issue a final order approving the application.

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 #2
Greg Corbin, Agent
Jeff Ziller, ODFW

enclosure



Oregon

Theodore R. Kulongoski, Governor

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 06/12/07

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

County: LANE
Transfer: 10402
Water Right: PERMIT S 54378
Priority Date: 2002
Name: SPRINGFIELD UTILITY BOARD
Address: 202 S 18TH ST; SPRINGFIELD OR 97477
Change: APOD
Source: MCKENZIE RIVER
Authorized APOD: T17S R1W 29
Proposed APOD: T17S R1W 29
T17S R2W 26

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

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

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

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



SPRINGFIELD UTILITY BOARD

WATER SERVICE CENTER 202 South 18th Street Springfield, OR 97477-5240 Tel 541.726.2396 Fax 541.747.7348 www.subutil.com

June 5, 2007

Mr. Doug Parrow
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

RE: Permit Amendment for S-54378, Springfield Utility Board

Dear Doug,

Please find attached our request to amend the point of diversion for permit # S-54378. This is necessitated because of head cutting in the McKenzie River that has moved water away from the diversion point identified in the permit during the summer low flow periods. During the low flow periods it will be necessary for Springfield Utility Board to pump water from the McKenzie River into Cedar Creek.

Our representatives from Stoel Reeves contacted you earlier about this situation. I subsequently contacted our local Watermaster, Michael Mattick, to discuss possible solutions. The attached application is a result of those conversations.

SUB will install a portable irrigation pump with appropriate fish screens on the banks of the McKenzie River and pump water to Cedar Creek to meet our obligations for diverting water into Cedar Creek. We will notify our local water master when the pump is installed and provide the required access for his inspection.

We have enclosed the signed Application for Permit Amendment which includes the attachment to Item #6 (description of location of proposed Points of Diversion), a copy of the map submitted with the original application that shows the range of locations where the portable pump may be installed, the signed Land Use Information Form, and a check for the \$350.00 fee.

Please contact me if we can provide any additional information.

Sincerely,


Charles Davis
Water Quality Manager

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WATER RESOURCES DEPT
SALEM, OREGON

Cc: Greg Corbin, Stoel Reeves
Michael Mattick, Water Master

T 10402

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **87989**

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

INVOICE # _____

RECEIVED FROM: Springfield Utility Board

BY: _____

CASH: ☐ CHECK: # 162265 OTHER: (IDENTIFY) ☐ _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-10402</u>

TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ _____	0202 \$ _____
0203 GROUND WATER	EXAM FEE \$ _____	0204 \$ _____
0205 TRANSFER	EXAM FEE \$ <u>350.00</u>	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 \$ _____
LANDOWNER'S PERMIT		0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$ _____	CARD # _____
0210 MONITORING WELLS	\$ _____	CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **87989**

DATED: 6/6/07 BY: Diana Duchi



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

Application for Permit Amendment or Ground Water Registration Modification

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. TYPE OF APPLICATION

Please check one of the following:

☒ Permit Amendment

☐ Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Springfield Utility Board
First Last

Address: 202 S. 18th Street

Springfield OR 97477
City State Zip

Phone: (541) 726-2395
Home Work Other

Fax: (541) 747-7348 E-Mail address: chucka@subutil.com

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this application.)

Name: GREG CORBIN
First Last

Address: 900 SW Fifth Avenue, Suite 2600

Portland OR 97204
City State Zip

Phone: (503) 294-9632
Home Work Other

Fax: (503)-220-2480 E-Mail address: gdcorbin@stoel.com

▪ If an agent is listed above, please check one of the following:

☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or

☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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SALEM, OREGON

Permit Amendments

- If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

Ground Water Registration Modifications

- You may propose modification of only one ground water registration per application, unless in accordance with OAR 690-382-0300(2), the ground water registrations to be modified are layered. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check **all** of the following 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 amendment or modification.) ☒ 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 amendment or modification.) <i>Not Available for <u>Ground Water Registrations</u></i> ☐ 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 Permit or Registration will be exercised at a different location than currently authorized (Use of water at the current authorized location will be discontinued.) ☐ Only a <u>portion</u> of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at a <u>portion</u> of the current authorized location will be discontinued.)	<i>Not Available for <u>Permit Amendments</u></i> Change existing authorized use to the following proposed <u>new</u> use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Domestic (indicate number of households): _____ ☐ Other _____

WATER RESOURCES DEPT
SALEM, OREGON

- Reason(s) for amendment/modification(s): McKenzie River channel head cutting and
migration has caused the water flow to stop at the current point of diversion.

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5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (check and complete one of the following):

☒ Permit to be Amended:	<u>S-54378</u> Permit Number	<u>January 2, 2027</u> Current Completion Date of Permit
☐ Ground Water Registration to be Modified:	<u></u> Ground Water Registration Number	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

- Name on Permit or Registration: Springfield Utility Board
- County: Lane
- Authorized Use(s) to be affected by this Amendment/Modification: Fish Life, Wildlife

- Priority Date(s): November 8, 2002

If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- All Source(s) of Water to be affected by this Amendment/Modification: McKenzie River

Tributary to: Willamette River

If there are multiple Sources listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other "Layered" Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? ☐ Yes ☐ No ☐ N/A -No Change in Use or Place of Use

If "Yes", pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other "layered" water uses subject to transfer **must either change concurrently or be cancelled**, except as provided in OAR 690-380-2240(5).

- Remarks: _____

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WATER RESOURCES DEPT
SALEM OREGON

- The following information **must be provided** only for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) 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 permit or ground water registration.

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

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	McKenzie 11/8/02	17S	1W	W.M.	29	SE¼SW¼		300' North and 2400' East from SW corner of Sec 29

- Does the permit/registration being amended/modified involve a ground water 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 each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

or

- B. If a well log is **not** 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 no 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
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WATER RESOURCES DEPT
SALEM OREGON

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

(i.e., the allowed lands that will be affected by the proposed amendment/modification, the "FROM" lands)

[illegible]

T 10402

6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)
(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Please see attached							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	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

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- *Describe proposed changes to the permit or registration 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)*

(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)

[illegible]

Remarks: _____

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7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the Permit(s) or Registration(s) proposed for amendment/modification located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the Permit(s) or Registration(s) be located within or served by an irrigation or other water district after the proposed amendment/modification? ☐ Yes ☒ No
- Is water for any of the Permit(s) or Registration(s) supplied under a water service agreement or other contract for stored water with a federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the right(s) are located).

None

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8. PERMIT HOLDER OF RECORD

This section is to be completed only for Permit Amendment applications.

☐ *N/A – This is a Ground Water Registration Modification application.*

- Is the applicant the permit holder of record? ☒ Yes ☐ No

If "No", the applicant must either:

A. *Be assigned as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment;*

or

B. *Submit an **Affidavit of Consent** from the permit holder of record that gives permission for the applicant to amend the permit.*

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9. LAND OWNERSHIP

If for a Permit Amendment proposing a Change in Place of Use:

- Does the permit holder of record own or control the land **TO** which the place of use is being moved? ☐ Yes ☐ No

*If "No", the owner of the land **TO** which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment.*

- Check one of the following:
 - ☐ The permit holder of record will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to the permit holder of record.
 - ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

If for a Ground Water Registration Modification:

- Does the applicant own the lands **FROM** which the registration is being moved? ☐ Yes ☐ No

If "No", provide the following information:

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the registration is being moved? ☐ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

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- Check one 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.

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10. ATTACHMENTS

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

Map:

- ☒ A map meeting the requirements of OAR 690-380-3100 must be included but need **not** be prepared by a Certified Water Right Examiner.

Land Use Information Form:

- ☒ Enclosed; or
- ☐ Not required if all of the following are met:
- ① In EFU zone or irrigation district;
 - ② Change in place of use only;
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures; and
 - ④ Irrigation only.

Water Well Reports/Well Logs:

- ☐ The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ 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.
- ☒ N/A. The application does **not** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **not** required.

Fees:

- ☒ Amount enclosed: \$ 350.00
See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.

For Permit Amendments Only...

Request for Assignment:

- ☐ Enclosed. The applicant is **NOT** the permit holder of record and needs to be assigned to the permit; OR the landowner of the proposed place of use is **NOT** the permit holder of record and needs to be assigned to the permit.
The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; or
- ☒ N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; OR the applicant is **not** the permit holder of record but is supplying an Affidavit of Consent from the permit holder.

Affidavit of Consent:

- ☐ Enclosed. Because the applicant is **NOT** the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; or
- ☒ N/A. Not required because the applicant is the permit holder of record.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all 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.

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11. SIGNATURES

- **For Ground Water Registration Modification Applications only, check the appropriate one and sign the application in the signature box below:**

☐ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the modification:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed modification provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the recorded agreement and a listing of the owner(s) of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the applicant is not both the person named on the ground water registration or the assignee *and* the owner of the lands to which the registration is appurtenant, as identified in the report of ownership and lien information, then either of the following must be provided:
- A) Notarized statements consenting to the modification by all persons, other than the applicant, who are named on the ground water registration or identified as landowners in the report of ownership and lien information or who are authorized representatives of an entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement; or
- B) Documentation demonstrating that the applicant is authorized to pursue the modification in the absence of consent of the persons named on the ground water registration or the assignee and the owner of the lands to which the registration is appurtenant.

☒ 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 690-382-0400(16)(b), the applicant is NOT 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 ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(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 recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)

- **For both Permit Amendment and Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.**

 applicant signature	CHARLES ARRERA (DIR) name (print)	6/4/07 date
 applicant signature	 name (print)	 date

Attachment to Item 6. Springfield Utility Board's Proposed Permit Amendment

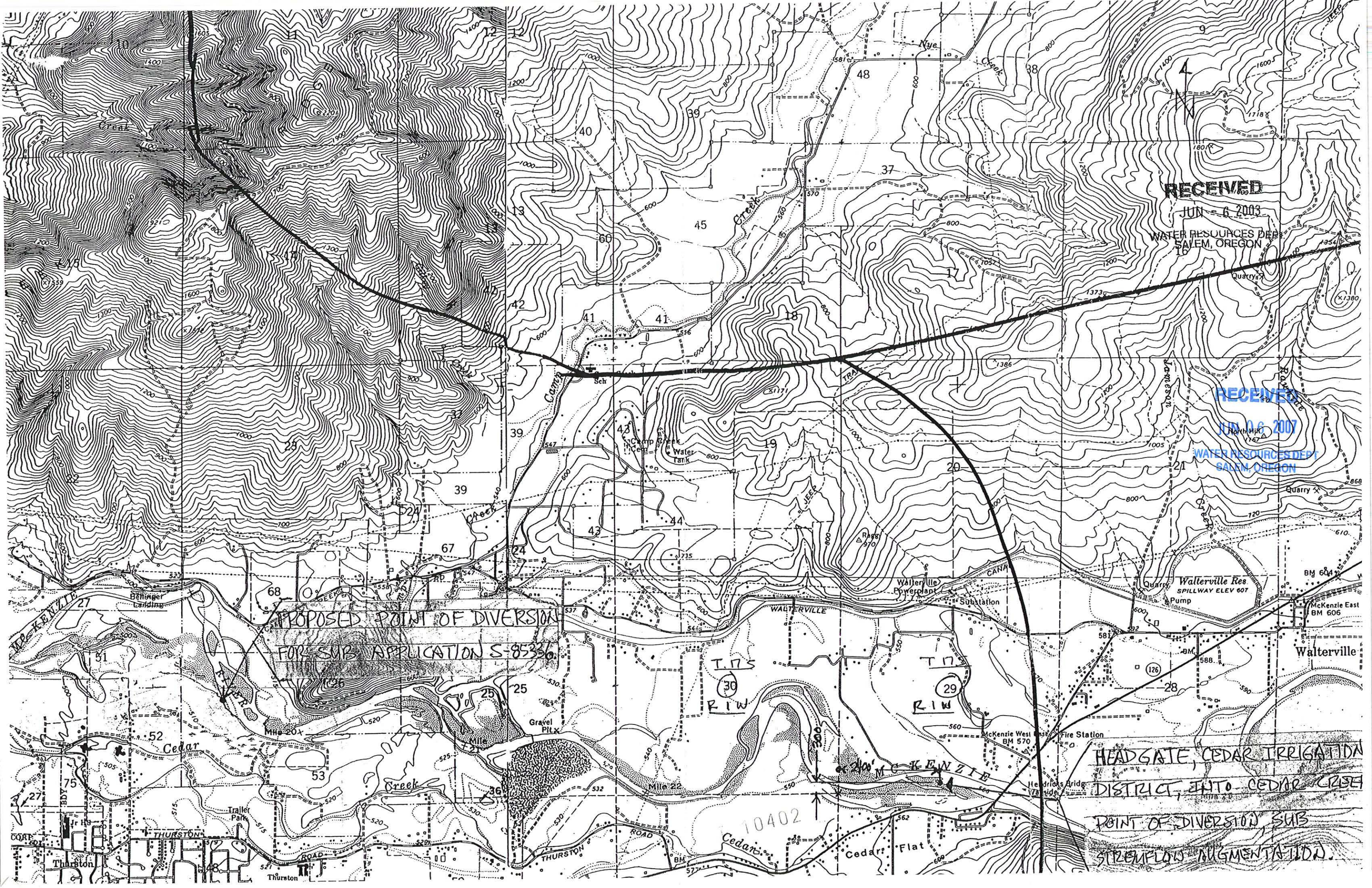
A PORTABLE PUMP LOCATED ON THE BANK OF THE MCKENZIE RIVER BETWEEN A POINT LOCATED AT THE SE¼ SW¼ SECTION 29, T17S, R1W, W.M.; 300 FEET NORTH & 2400 FEET EAST FROM THE SW CORNER OF SECTION 29 AND A POINT LOCATED AT NW¼ SW¼ SECTION 26, T17S, R2W, W.M.; 250 FEET SOUTH & 972 FEET EAST FROM THE WEST CORNER OF SECTION 26.

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PROPOSED POINT OF DIVERSION
FOR SUB APPLICATION S-85336

HEADGATE, CEDAR IRRIGATION
DISTRICT, INTO CEDAR CREEK
POINT OF DIVERSION, SUB
STREAMFLOW AUGMENTATION