

7012 USA

7012

Name Unified Sewerage Agency (USA)
By Tom Vanderplaat
Address 155 N. 1st Ave., Ste 270-m/s 10
Hillsboro, OR 97124-3072

DESCRIPTION OF WATER RIGHT

Name of stream Tualatin River
Trib. of Willamette R. County of Washington
Use Irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 11-26-32
In name of Edward H. Freudenthal
_____ Adjudication, Vol. _____, page _____
App. No. 14812 Per. No. 10791 Cert. No. 12235
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7/2/93</u>	<u>296.00</u>	<u>101832</u>
<u>2-6-26</u>	<u>\$1,170.00</u>	<u>146837</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Change in POU/POD
Date filed 7-2-93
Date of hearing _____
Place of hearing _____
Date of order 1/31/12 Vol. 98, page 871
Date for application of water _____
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

REMARKS

WRD Public Notice 7/14/93 Applicant: Clean Water Services

TVID

AS



90477

NUMBER _____

Check 296⁰⁰ NO _____ Cash _____

____ Surface Application

____ Reservoir Application

____ Ground Water Application

Transfer Application 50 Exam

____ Power Claim 24e RECD.

____ Hydroelectric Examination

____ Hydroelectric License

____ Copying

____ Assignment

____ Extension of Time

____ Other

____ P-6

____ Quadrangle

____ Basin

____ Protest

____ Constructors Examination

____ Constructors License

____ Adjudication

Janet

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **146837**

INVOICE # _____

RECEIVED FROM: Geo-Logic Associates

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-7012

CASH: CHECK:# 85577 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1170.00

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	\$ <u>1170.00</u>

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	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: **146837** DATED: 2-6-26 BY: mmilla

STATE OF OREGON
WATER RESOURCES DEPARTMENT
 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIPT # **101832**

RECEIVED FROM: United Sausage
 BY: Agency

APPLICATION	
PERMIT	
TRANSFER	1019

CASH: CHECK: # 16-651 OTHER: (IDENTIFY)

TOTAL REC'D \$ 746.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:			
840.001	COPY FEES	\$	
850.200	RESEARCH FEES	\$	
880.109	MISC REVENUE: (IDENTIFY)	\$	
520.000	OTHER (P-6) (IDENTIFY)	\$	
WATER RIGHTS:			
842.001	SURFACE WATER	\$	842.002
842.003	GROUND WATER	\$	842.004
842.005	TRANSFER	\$ 20.00	842.006
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR	\$	842.023
	LANDOWNER'S PERMIT		842.024
	OTHER (IDENTIFY)		

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE(FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **101832**

DATED: 1/10/13

BY: Kurt Jones



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

February 27, 2026

Clean Water Services

16060 SW 85th Ave

Tigard, OR 97224

Reference: File T-7012 Extension of Time

On February 6, 2026, the Department received your application requesting an extension of time to make complete application of water under T-7012.

The application indicates reasonable diligence toward completion of the proposed project. **The time limit to make complete application of water has been extended to October 1, 2030.** The order approving the extension was entered on February 27, 2026.

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

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

If you have any questions, please contact Extension Specialist, Stacy Phillips at 503-979-9948 or at stacy.h.phillips@water.oregon.gov.

Sincerely,

David V. Jones Jr

Water Right Services Support

Transfers and Conservation Section

cc: Jacob W. Constans, Watermaster Dist. #18 (via email)
Ted Ressler, Agent

Enclosure

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

In the Matter of Application for Extension)
of Time for Transfer Application T-7012,)
Washington County)

FINAL ORDER APPROVING AN EXTENSION
OF TIME FOR A PERMANENT TRANSFER

Applicant

Clean Water Services
16060 SW 85th Ave
Tigard, OR 97224

Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On February 6, 2026, the Department received an application for extension of time for Transfer Application T-7012.
2. On December 31, 2012, the Department signed an order approving Transfer Application T-7012 for change in place of use and point of diversion. The order was recorded in Special Order Volume 88, Pages 871-878. The order set a transfer completion date of October 1, 2014.
3. Since the approval of the transfer, the applicant has installed pumping and irrigation equipment for the new place of use and point of diversion. The applicant is actively working with Department of Environmental Quality to permit the use of reclaimed water from treated municipal wastewater on the lands appurtenant to transfer T-7012 after beneficial use has been made.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. To fully complete the change, the applicant needs to purchase and install a flow meter, an ODFW approved fish screen, and make full beneficial use of the water.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2030. Consistent with OAR 690-380-6020, the applicant provided sufficient justification in the extension application to grant an extension for more than one year. The Department will extend the transfer completion date to October 1, 2030.


Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-7012.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-7012 shall be extended to **October 1, 2030**.

Signed at Salem, Oregon on FEB 27 2026



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: MAR 02 2026



February 2, 2026

Ms. Stacy Philips
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Extension of Time Application for Transfer T-7012

Ms. Philips:

On behalf of the water right holder, please find enclosed an extension of time application for Transfer T-7012 (involving former Certificate 12235). Please also find enclosed a check in the amount of \$1,170 for payment of the required fee for extension of time application.

Please copy both the applicant and I on correspondence relating to this extension of time application.

If you have any questions regarding the enclosed extension of time application, please call me at 503-967-7050 x204.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC

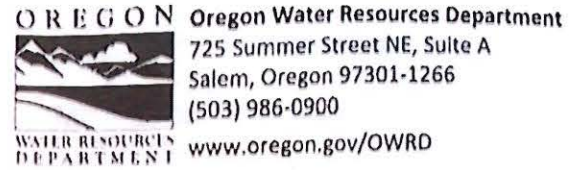
Enclosures:

Extension of Time Application for Transfer T-7012
Check in the amount of \$1,170

CC: Jared Kinnear

Received
FEB 06 2026
OWRD

Application for Extension of Time for Transfer of Water Right



Transfer Number: T-7012

A summary of review criteria and procedures that are generally applicable to these applications is available at https://www.oregon.gov/owrd/WRDFormsPDF/transfer_extension_criteriareview.pdf

Applicant = Transfer Holder of Record* Clean Water Services			Contact Name Jared Kinnear	Phone Number 503.547.8080
Mailing Address 16060 SW 85 th Ave				Fax Number
City Tigard	State OR	Zip 97724	Email kinnearj@cleanwaterservices.org	
Application Prepared By: Theodore R. Ressler		Title Agent of Clean Water Services	Contact Information tressler@summitwr.com	

*The applicant must be the transfer holder of record. If the applicant is not the transfer holder of record, the applicant must request an assignment of interest prior to submitting the transfer extension application. Alternatively, the request for assignment may be submitted simultaneously with the extension application. Separate checks for the fees is helpful. Links to assignment forms: <https://www.oregon.gov/owrd/WRDFormsPDF/assign.pdf>, [https://www.oregon.gov/owrd/WRDFormsPDF/Assign by proof.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Assign_by_proof.pdf)
Contact information about assignments is available at <https://www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

To the WATER RESOURCES DIRECTOR OF OREGON:

1. I/WE, THE TRANSFER HOLDER(S) OF RECORD, do hereby make application for an extension of time within which to complete a change in (check all that apply):

- point(s) of diversion/appropriation
- place(s) of use
- character of use

under the terms of a final order of the Water Resources Director entered on 12/31/2012 (month/day/year) for Transfer Number T-7012

Received
FEB 06 2026
OWRD

2. THE FOLLOWING WORK HAS BEEN ACCOMPLISHED toward completion of the change within the time allowed, which expired on 10/1/2014 (month/day/year):

Enter Text: **The water user has not yet needed to use water under this transfer to provide supplemental irrigation (primary under Certificate 35409). The water user has pumping and irrigation equipment available for use (if/when needed), but has not yet obtained the required flow meter or a fish screen approved by Oregon Department of Fish and Wildlife (ODFW). The water user is currently working with Oregon Department of Environmental Quality (DEQ) to permit the use of reclaimed water from treated municipal wastewater on the lands appurtenant to T-7012, and is therefore planning to prove up on T-7012 (and subsequently lease this water right instream) prior to the use of the reclaimed water.**

3. TO FULLY COMPLETE THE CHANGE, it will be necessary to accomplish the following:

Enter Text: **The water user is requesting this extension to provide additional time to obtain the required flow meter and ODFW approved fish screen, and to subsequently prepare and submit a claim of**

beneficial use for T-7012.

4. I/WE ARE **REQUESTING** THE TIME FOR COMPLETION be extended to October 1, **2030** (year).

Transfer extensions can be authorized for one (1) calendar year from October 1 to October 1 of each year, or up to five (5) years for transfers involving municipal or quasi-municipal uses, unless the applicant can justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (3) and OAR 690-385-7200 (5).

5. I/WE CERTIFY THAT TO THE BEST OF MY/OUR KNOWLEDGE the information contained in this application is true and accurate.

1/21/26
Date

[Signature]
Signature of Applicant(s), i.e., Transfer Holder(s) of Record

6. IN ORDER FOR AN APPLICATION TO BE COMPLETE, it must be accompanied by the required fee. See the Department's fee schedule at https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf or call (503) 986-0900.

7. MAIL THE COMPLETED APPLICATION AND FEE TO:

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

Received
FEB 06 2026
OWRD

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

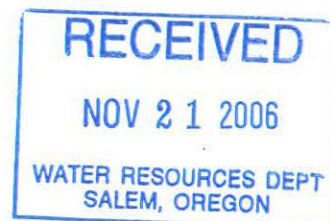
&

Other Supporting Documentation

06-0794.403
November 16, 2006

Ms. Lisa J. Jaramillo
Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Clean Water Services - Water Rights Transfer Application T-7012



Dear Ms. Jarmillo:

On behalf of the Clean Water Services (District), we have reviewed your letter of April 4, 2006 in which you request clarifications, corrections and documentation regarding certain information supplied with the original transfer application for the above referenced transfer. As you indicated, these issues need to be resolved before the Oregon Water Resources Department (OWRD) can continue processing the District's transfer application. This letter and attachments, including the attached revised transfer maps, addresses each issue below in the same order as you presented them in your April 4th letter and amends the transfer application accordingly.

- Issue:** OWRD requests that either documentation be provided showing the District's name change from United Sewage Agency (USA) to Clean Water Services (CWS) or submit a "Request for Assignment" form.

Response: Please find enclosed "Attachment A" which documents the District's name change.

- Issue:** The deed supplied with the transfer application does not cover all of the area identified in the application where place of use (POU) land is proposed to be moved from, specifically the lots on and around Fir Grove Loop located northerly of the District owned parcel.

Response: Transfer T-7012 application is amended to include only Certificate No. 12235 POU area that falls entirely within the District owned property (Tax Lot 1S 3 7 100) as shown on the attached revised transfer maps and revised Section 2.E table in Item 4 below.

- Issue:** Transfer map identifying where POU land is to be moved from, submitted with original application, does not match the Final Proof map for the water right Certificate No. 12235. Submit revised map that matches the final proof survey map, stamped and signed by a Certified Water Rights Examiner (CWRE).

Response: Transfer T-7012 application is amended by replacing both water right transfer application maps dated April 1993 with the attached application maps dated November 2006.

4. **Issue:** The tables in Section 2.E and Section 3.E will need to be revised to reflect the changes in POU area to be transferred from as indicated in Items 2 and 3 above.

Response: Transfer T-7012 application is amended by replacing Section 2.E and Section 3.E tables, originally completed in the application received by OWRD on July 2, 1993, with the following revised tables:

Revised Table 2.E:

2. LOCATION OF AUTHORIZED USE

E) Give the location of the authorized area irrigated or place of use:

Township	Range	Section	1/4,1/4 Section	Acres
1S	2W	7	NE NE	31.8
1S	2W	7	NW NE	7.0
1S	2W	7	SW NE	8.3
1S	2W	7	SE NE	5.1
1S	2W	8	NW NW	1.1
TOTAL ACRES				53.3

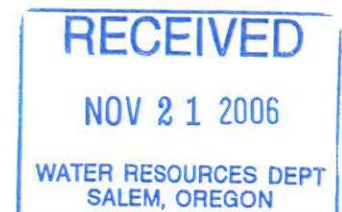
Revised Table 3.E:

3. LOCATION OF PROPOSED USE

E) Give the proposed location of the area irrigated or place of use:

Township	Range	Section	1/4,1/4 Section	Acres
1S	3W	1	SE NW	4.3
1S	3W	1	NE SW	7.5
1S	3W	1	NW SE	1.1
1S	3W	12	NE NE	30.9
1S	3W	12	NW NE	7.3
1S	3W	12	SE NE	2.0
1S	3W	12	NE NW	0.2
TOTAL ACRES				53.3

5. **Issue:** Regarding the application map for the proposed place of use, the overlapping land under Certificate No. 35409 with its more junior date of priority is considered supplemental to Certificate No. 12235, which has a more senior priority date, unless the water right holder designates otherwise.



Response: The District requests that the portion of the water right under Certificate No. 12235 proposed to be transferred be supplemental to the water right under Certificate No. 35409.


6. **Issue:** If the District decides to designate the proposed "to" POU land under Certificate No. 12235 as primary, all recorded owners for that portion of Certificate No. 35409 to be supplemental will need to consent to the change and submit an "Affidavit for partial Diminution of a Water Right" form for Certificate No. 35409. If, however, the District decides to designate the proposed "to" POU land under Certificate No. 12235 as supplemental to the water right under Certificate No. 35409, all the recorded deed owners for land under Certificate No. 12235 will need to consent to the change and submit an "Affidavit for Entire Diminution of a Water Right" form for Certificate No. 12235.

Response: As discussed in Item 5 above, the District proposes to designate the POU land under Certificate No. 12235 as supplemental to the water right under Certificate No. 35409. In addition, Items 2 and 4 above amends Transfer T-7012 application such that the proposed transfer includes only the portion of water right Certificate No. 12235 POU area that falls within the District owned property. As such, it is understood that the District is the only property owner that may need to complete a diminution of a water right affidavit for Certificate No. 12235. After our discussion with you in this regard, you agreed to allow the District to complete the diminution affidavit, if required, after the District's review of the OWRD draft preliminary determination for the subject transfer.

If you have any question or desire any further information, please do not hesitate to contact me at 503-225-9010. Thank you.

Sincerely,

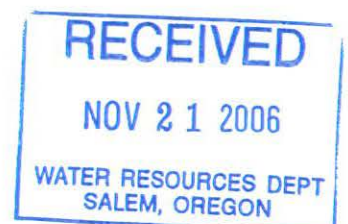
MURRAY, SMITH & ASSOCIATES, INC.


Jeff S. Jones, P.E., CWRE
Senior Engineer, Associate

JSJ:jsj

Enclosures

cc: Steve Kebbe, Clean Water Services
Tom VanderPlaat, Clean Water Services

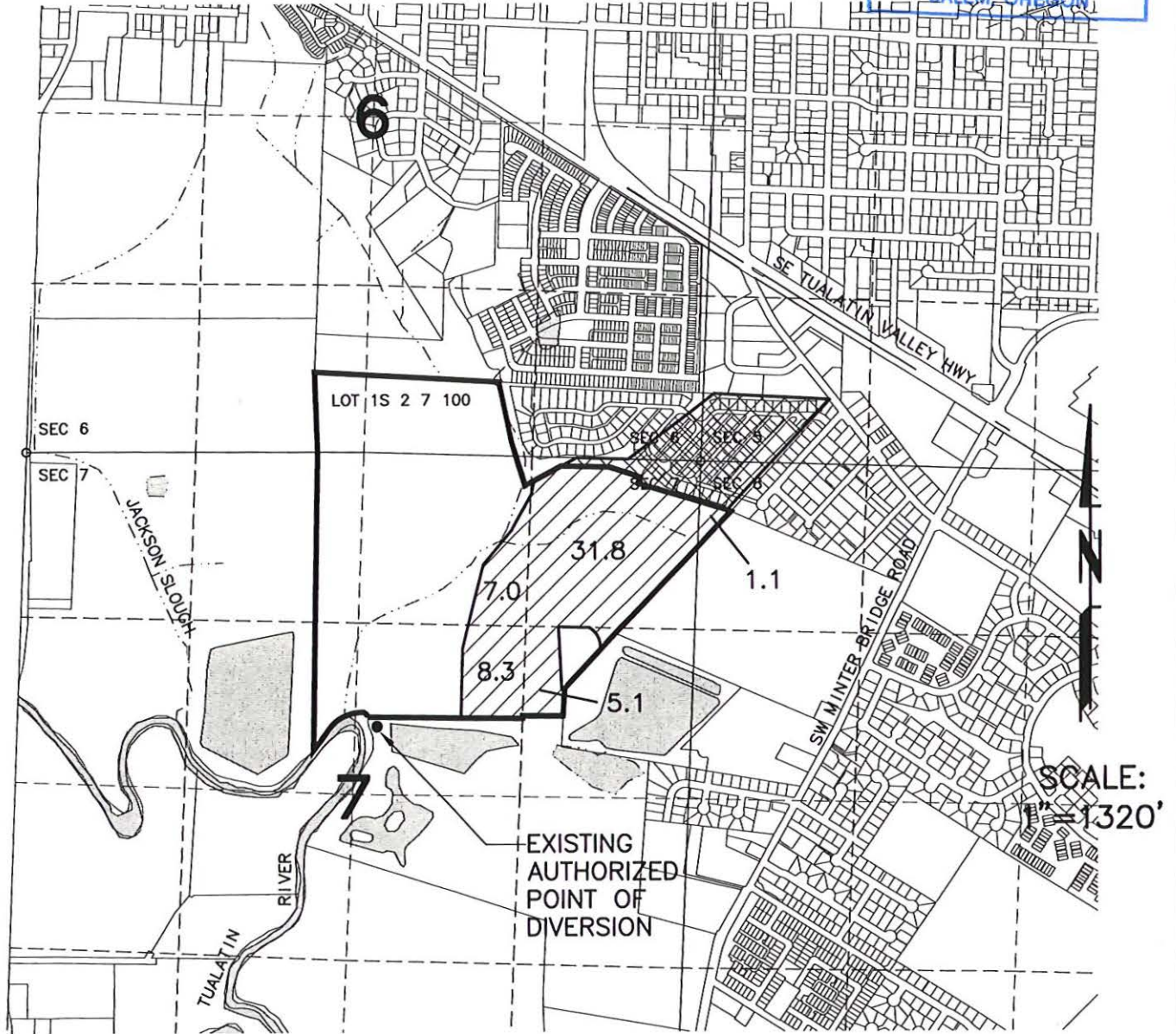


RECEIVED

NOV 21 2006


WATER RESOURCES DEPT
SALEM, OREGON


T.1S.,R.2W.,W.M.
SECTIONS 6, 7 & 8



REVISED APPLICATION MAP FOR TRANSFER OF WATER RIGHT
 TRANSFER NO. T-7012
 EXISTING PLACE OF USE AND POINT OF DIVERSION
 IN THE NAME OF
CLEAN WATER SERVICES
WASHINGTON COUNTY

NOVEMBER 2006

 CERTIFICATE NO. 12235
 EXISTING AREA PROPOSED
 FOR TRANSFER=53.3 ACRES

 CERTIFICATE NO. 12235
 NO CHANGE
 AREA=21.3 ACRES



EXPIRES: 6.30.07

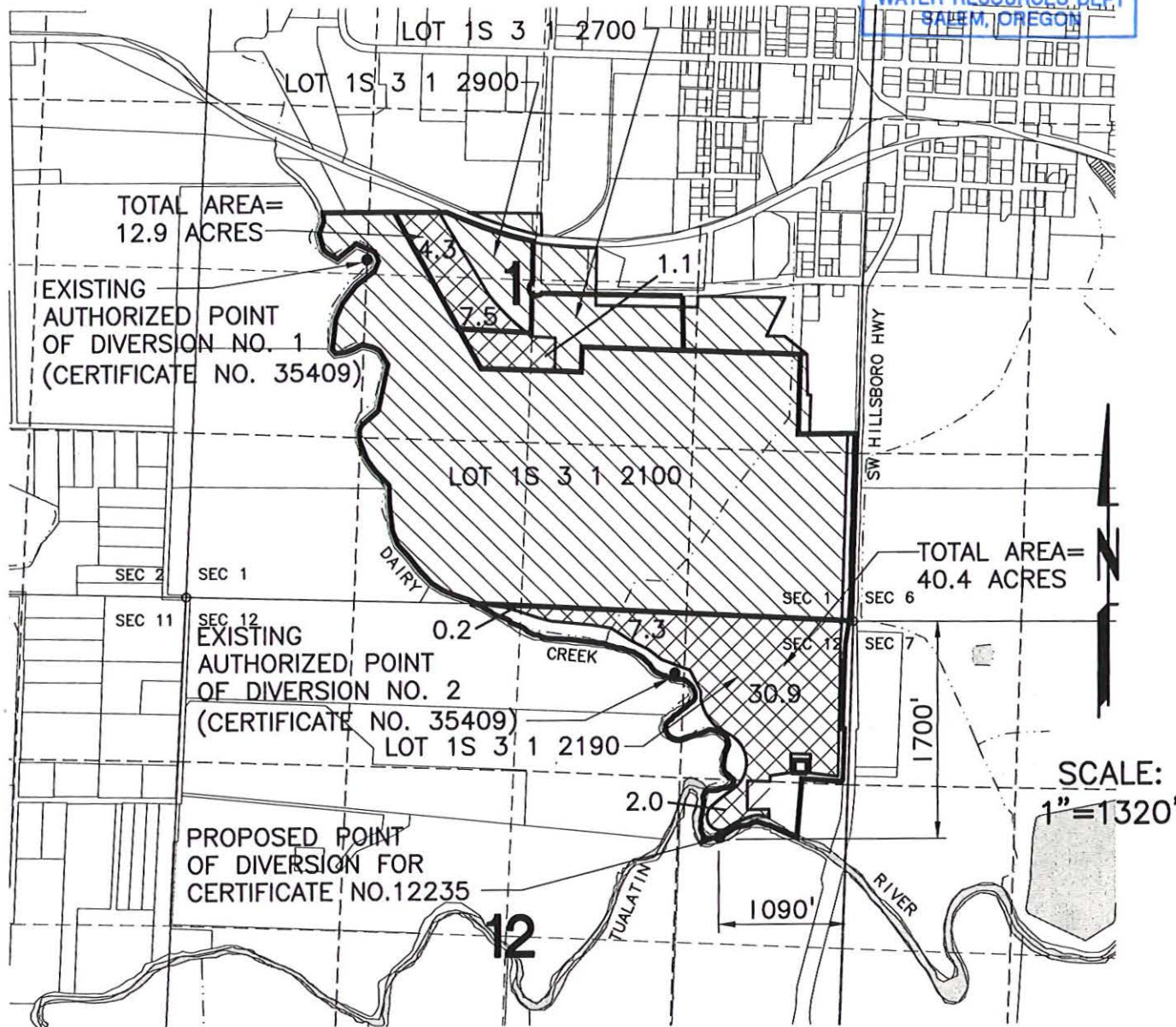
NOTE: This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.

T.1S.,R.3W.,W.M.
SECTIONS 1 & 12

RECEIVED

NOV 21 2006

WATER RESOURCES DEPT
SALEM, OREGON





REVISED APPLICATION MAP FOR TRANSFER OF WATER RIGHT
TRANSFER NO. T-7012
PROPOSED PLACE OF USE AND POINT OF DIVERSION

IN THE NAME OF

CLEAN WATER SERVICES
WASHINGTON COUNTY

NOVEMBER 2006

 CERTIFICATE NO. 12235
PROPOSED PLACE OF
USE-SUPPLEMENTAL TO
CERTIFICATE NO. 35409
TOTAL=53.3 ACRES

 CERTIFICATE NO. 35409
NO CHANGE
AREA=211.0 ACRES



EXPIRES: 6-30-07

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.



FILED

AGENDA
UNIFIED SEWERAGE AGENCY
BOARD OF DIRECTORS

JUN 15 2001

RECORDS DEPARTMENT
UNIFIED SEWERAGE AGENCY

Agenda Category: Public Hearing All CPO's

Agenda Title: ADOPT RESOLUTION AND ORDER CHANGING THE NAME OF UNIFIED SEWERAGE AGENCY TO CLEAN WATER SERVICES

Presented by: Bill Gaffi, General Manager (mj)

SUMMARY (Attach Supporting Documents if Necessary)

In May 2000, the Unified Sewerage Agency (USA or Agency) Board of Directors asked staff to investigate the possibility of a name change that would better reflect the Agency's broader role in managing water resources in the Tualatin River Watershed. After reviewing a number of options, "Clean Water Services" was chosen as the name that best describes the Agency's mission.

USA was formed as a county service district by a 2-to-1 vote of Washington County residents in 1970 to unify a number of sanitary districts owning more than 26 small and inefficient wastewater treatment plants in the Tualatin River Watershed. Between 1970 and 1990, USA focused its efforts on upgrading and consolidating the wastewater collection and treatment system throughout the County. With this success as a foundation, USA was asked, over time, to take on more responsibilities related to local water issues including the establishment of a surface water management (SWM) utility in 1990. It has become clear in recent years that USA's work is about more than sewage collection and treatment--it is about caring for the water resources in the Tualatin River Watershed. Today, nearly 450,000 Washington County residents enjoy clean water and healthy rivers and streams through innovative wastewater and stormwater utility services, flood management, water quality and stream enhancement projects, fish habitat protection and more.

FISCAL IMPACT: \$37,000 (FY 00-01)
\$18,000 (FY 01-02)
\$55,000 total estimated fiscal impact

RECEIVED
NOV 21 2006
WATER RESOURCES DEPT
SALEM, OREGON

REQUESTED ACTION: Adopt the resolution and order renaming Unified Sewerage Agency of Washington County to **Clean Water Services**.

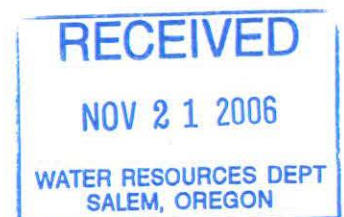
USA RO 01-30

Agenda Item No. 4.a.
Date: 6/05/01

USA has been preparing for the name change for nearly a year and has taken measures to minimize the fiscal impact of the change. In January, USA placed a moratorium on the ordering of letterhead, business cards, billing stock, envelopes, fleet signage and other materials that include the Agency's name. In addition, scheduled upgrades and replacements of the Agency's web site, facility signage and public information materials have been delayed to take advantage of the anticipated name change. The new name and logo will be phased in within existing replacement cycles where possible over the next 12-18 months.

The \$55,000 estimated cost associated with the name change will be spread over a two-year budget cycle (FY00-01 and FY01-02) as the Clean Water Services name is phased in on printed materials, fleet markings and at USA's five facilities and 41 pump stations. Costs associated with the name change include name and logo development, marketing and research, fleet signage, customer announcements and employee uniforms. Total costs will be limited to less than 0.1 percent of the Clean Water Services fiscal year annual operating budgets in FY 2001 and FY 2002.

The new name, Clean Water Services, reflects our broader role in managing today's water quality needs and planning for the challenges of tomorrow.



1 IN THE UNIFIED SEWERAGE AGENCY
2 OF WASHINGTON COUNTY

3 In the Matter of Renaming the Unified)
4 Sewerage Agency of Washington County,)
5 Oregon to Clean Water Services and)
Agent.)

RESOLUTION AND ORDER

NO. USA 01-30

6 The above-entitled matter came before the Board of Directors (Board) for the Unified
7 Sewerage Agency of Washington County, Oregon (USA) at its regular meeting of June 5, 2001;
8 and

9 It appearing to the Board that in a special election held on February 3, 1970, the majority
10 of the voters favored forming a county service district to be known as Unified Sewerage Agency
11 of Washington County, Oregon in accordance with Oregon Revised Statutes Chapter 451 (ORS
12 451), as amended by Chapter 646, Oregon Laws 1969, and a proclamation of the election results
13 was certified and accepted by the Washington County Board of Commissioners (County Board)
14 on February 5, 1970 by County Resolution and Order No. 70-35; and

15 It appearing to the Board that on February 4, 1970 by County Resolution and Order No.
16 70-36, the County Board formed and established Unified Sewerage Agency of Washington
17 County under ORS 451 as a municipal corporation with the authority to construct, maintain and
18 operate sewage works, designated the County Board as its governing body, and dissolved certain
19 special sanitary districts organized under ORS Chapter 450; and

20 It appearing to the Board that after USA's formation, USA assumed responsibilities
21 related to local water issues including the establishment of a surface water management (SWM)
22 utility in 1990; and

23 It appearing to the Board that in May 2000, the Board asked USA to investigate a possible
24 name change to reflect USA's broader role in managing water resources in the Tualatin
25 Watershed, and after reviewing a number of options, the Board chose "Clean Water Services" as
26 the name that best describes USA's mission; and

PAGE 1 – RESOLUTION AND ORDER



1 It appearing to the Board that a district may change its name from the name given it in the
2 formation order pursuant to ORS 198.793; and

3 It appearing to the Board that the name change requires a number of administrative tasks
4 to carry it out; and

5 It appearing to the Board that USA published appropriate notice of the public hearing
6 scheduled for June 5, 2001 pursuant to ORS 198.730(2); now therefore it is

7 RESOLVED AND ORDERED that the name of the Unified Sewerage Agency of
8 Washington County, Oregon is changed to Clean Water Services; and it is further

9 RESOLVED AND ORDERED that USA shall notify any and all agencies of its new name
10 as required by ORS 198.794, and submit a new notice of designation for its registered agent and
11 registered office to the Oregon Secretary of State Archives Division as set forth in Exhibit A
12 attached hereto and incorporated herein; and it is further

13 RESOLVED AND ORDERED that this name change is effective 30 days from the date of
14 this resolution and order unless a petition objecting to the name change is filed as provided by
15 ORS 198.730(3).

16 DATED this 5th day of June, 2001.

17
18 UNIFIED SEWERAGE AGENCY
WASHINGTON COUNTY, OREGON
By its Board of Directors

19
20
21
22
23
24
25
26

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
LEEPER	✓	—	—
ROGERS	✓	—	—
DUYCK	✓	—	—

Tom Brian

Chairman
Barbara Hejtmancik

Recording Secretary

PAGE 2 – RESOLUTION AND ORDER

UNIFIED SEWERAGE AGENCY
155 North First Avenue, Suite 270, MS 10
Hillsboro, Oregon 97124
Phone (503) 846-8621 Fax (503) 846-3757



NOTICE OF DESIGNATION
OF SPECIAL DISTRICT
REGISTERED OFFICE AND REGISTERED AGENT

I, Dennis Strachota, (~~Secretary~~) (Financial Officer)
(~~Chairman of the Board~~) of this district, a municipal corporation, organized under the provisions
of ORS Chapter 198, certify that:

1. Pursuant to a resolution of the District Board, duly adopted, the registered office of this
district is:
Clean Water Services, 155 N. First Avenue, Suite 270, Hillsboro, OR 97124
(Street Address of Registered Office, City, Zip)

2. The registered agent in Oregon at such registered office is:
Bill Gaffi, General Manager
(Name of Registered Agent)

IN WITNESS WHEREOF, this district has caused this instrument to be executed in its name
by the (~~Secretary~~) (Financial Officer) (~~Chairman of the Board~~) of the District this ____ day
of _____, 20 ____.
Clean Water Services
(Name of District)

By: _____
(~~Secretary~~) (Financial Officer) (~~Chairman of the Board~~)

STATE OF OREGON)
) ss.
County of _____)

Signed before me on _____ by _____

Notary Public - Oregon
My Commission Expires: _____

INSTRUCTIONS: A new form must be filed each time a change is made in either the registered agent or the
registered office. There is no fee for filing this form. Please send the form to:

Secretary of State
Archives Division
800 Summer St. NE
Salem, OR 97310

Revised: March 2001





UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

August 3, 1993

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

RECEIVED
AUG - 4 1993
WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT: LAND USE APPLICATION FORM FOR TRANSFER 7012

Dear Sirs:

Enclosed is the Land Use Information Form for the Water Rights Transfer Application Number 7012 for the Unified Sewerage Agency of Washington County. The completed and approved minor partition application is included.

If you have any further questions, regarding this transfer application, please call me at (503) 648-8621.

Sincerely,

Tom VanderPlaat
Water Resources Program Manager

/bk

Enclosure

Land Use Information Form: Water Right Transfers, Use of Conserved Water Exchanges

RECEIVED

AUG - 4 1993

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. **DO NOT FILL OUT THIS FORM IF:** 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) you are applying for a water right transfer involving: a) a change in the place of use with no structural changes, and b) irrigation uses located in irrigation districts or exclusive farm use zones.

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant's Name: UNIFIED SEWERAGE AGENCY
 Address: 155 NORTH FIRST AVENUE SUITE 270 M/S 10
 City: HILLSBORO State: OR Zip: 97124-3072
 Phone: (503) 648-8621 WRD Application No.: _____
 FAX: (503) 640-3525

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

(SEE FILE MLP 4-93)

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
1531-01504 (PARCEL B)	INDUSTRIAL M-2		X	X

The following section must be completed by all local planning departments responsible for the property(les) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide 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): _____ . Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
<u>Existing non-conforming use</u>				X

Description of Water Use CITY OF HILLSBORO

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

RECEIVED

AUG - 4 1993

Applicant Name: UNIFIED SEWERAGE AGENCY
 Address: 155 NORTH FIRST AVENUE SUITE 270 M/S 10
HILLSBORO OR 97124-3072
 Phone: 503-648-8621 FAX: 503-640-3525

**WATER RESOURCES DEPT.
 SALEM, OREGON**

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): BERRIES, WHEAT, CORN, CLOVER
- Livestock (type of livestock, feedlot, slaughterhouse): N/A
- Residential (# units, single or multi-family, # lots if partition or subdivision): N/A
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): N/A
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): N/A
- Institutional (i.e., school, library, etc.): N/A
- Mining (aggregate, metal, open pit, placer, etc.): N/A
- Recreation (park, campsite, pond, etc.): N/A
- Fish and Wildlife (pond, hatchery, etc.): N/A
- Hydropower (dam, reservoir, power generating or transmitting facilities): N/A
- Other (Name and list key characteristics): N/A

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>DAIRY CREEK</u> <u>TUALATIN RIVER</u>	<u>0.88</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	



T7012

UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

June 23, 1993

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

RECEIVED

JUL - 2 1993

SUBJECT: WATER RIGHTS TRANSFER APPLICATION

WATER RESOURCES DEPT.
SALEM, OREGON

Enclosed is a Water Rights Transfer Application for the Unified Sewerage Agency (USA) of Washington County, a completed map, legal description, and a check for the application fees in the amount of \$296.

Under Section 4 (D) of the transfer application form, the applicant must provide evidence that the water has been used within the last five years.

Unified Sewerage Agency purchased this property in 1985, for the purpose of irrigating treated wastewater effluent known as reclaimed water. Since that time, USA has been irrigating this land with reclaimed water.

Under Oregon Revised Statutes Chapter 540.610 "ABANDONMENT OF WATER RIGHTS" it states "Use as measure of Water right; abandonment of right for nonuse; nonapplicability of section; confirmation of rights of municipalities. USA, as the appropriator is rebutting the presumption of forfeiture by showing the following:

Under subsection (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 and existing water right".

Enclosed is a report prepared for USA on the irrigation practices at the Hillsboro Wastewater Treatment Plant. The report identified as "Irrigation Area II" on Figure 1 is the same area as that covered by the original water right (Certification Number 12235).

If you have any further questions, regarding this transfer application, please call me at (503) 648-8621.

Sincerely,

Tom VanderPlaat
Water Resources Program Manager

/bk
Enclosure



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AUG - 4 1993

WATER RESOURCES DEPT.
SALEM, OREGON

LAND USE REVIEW APPLICATION

MINOR PARTITION / MAJOR PARTITION

Please use black ink, not pencil or blue pen and write clearly or type.
Please submit the following:

1. Six (6) copies of this form.
2. Six (6) copies of a site plan and other materials essential to understanding the proposal.
3. A filing fee of \$_____ . Make checks payable to: City of Hillsboro

Legal Description of Property: (as shown on County Tax Assessor's records)

Map Number(s): 1S 3 1 Tax Lot Number(s): 1500 & 1504

Frontage Street or Address: S.W. Wood Street and State Hwy. 219 Size of orig. parcel: _____ acres or s.f.

Nearest Cross Street/Road: _____ TL 1500 (7.91 AC); TL 1504 (6240.69)
No. of Proposed Parcels: _____ (Circle one)

Plan designation IND Parcels A & B Zoning M-2 *Is a street or road being created? Y (N)

Parcel C Exclusive Farm Use
*A street or road is defined as a public or private way that is created to provide ingress or egress for persons to more than one lot, parcel, area or tract of land.

Ownership

Print names of All Owner(s)	Mailing Address/Zip	Day Phone #
TL 1500		
Ruth R. Spaniol et.al.	Box 37 - Stayton, OR 97383	
Tax Lot 1504	9670 NW Beach Ct. - Hillsboro 97124	647-294 2
Diane & Ron Davis		

Diane C. Booth, Matthew A. Booth, Francis R. Anderson,
Ruth R. Spaniol, Dianne M. Davis
X Ruth N. Spaniol

Signature of Owner(s) Use additional sheet if necessary.

Applicant(s) Name (Print)	Business Name Mailing Address/Zip	Day Phone #
Unfied Sewerage Agency	155 N. First, Hillsboro 97124	648-8621

[Signature]
 Signature of Applicant(s)

Applicant's interest in property (State whether owner, buyer, lessee, contractor/builder, architect, consultant, real estate or legal representative and for whom): USA will purchase the
proposed Parcel C - outside of the Regional UGB.
Does the owner of this site also own any adjacent property? If yes, give legal description and Tax Lot and Map numbers. 1S3W12-00190

FOR OFFICE USE ONLY

Counter check by: DRN Date: 2/1/93

Accepted as complete by: DRN Date: 2/1/93

Additional reviews pending? No Type/File #: MLP 4-93

RECEIPT NUMBER: 103726 FEE(S) PAID: \$ 40⁰⁰

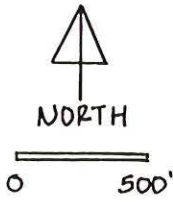
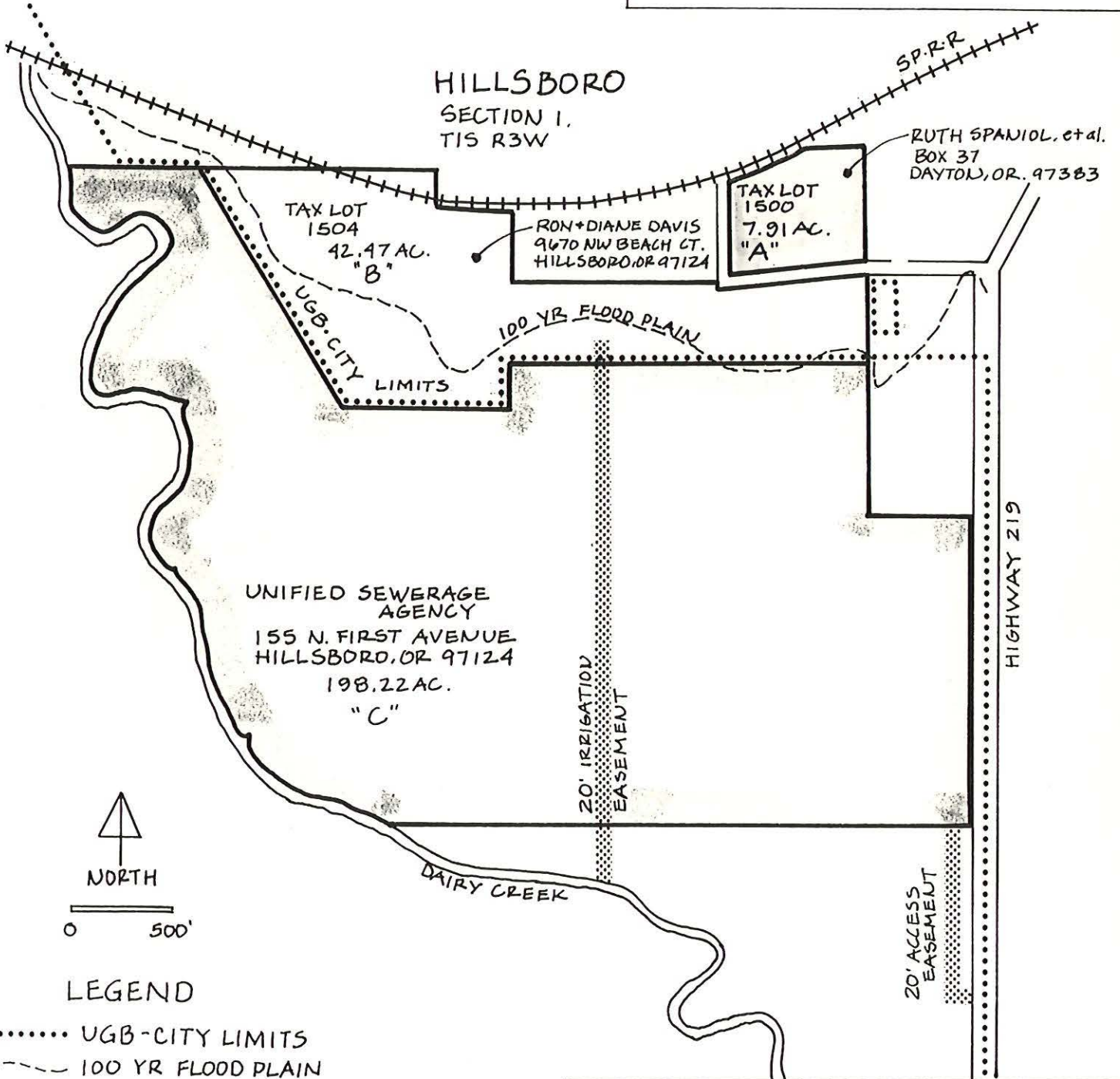
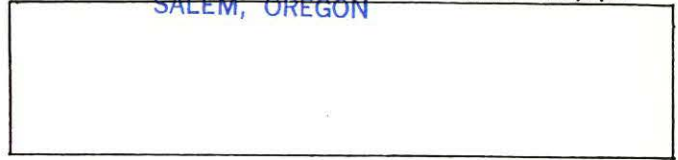
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AUG - 4 1993

PARTITION OF LOT #1500

UNIFIED SEWERAGE AGENCY-APPLICANT
155 N. FIRST AVENUE
HILLSBORO, OR 97124

WATER RESOURCES DEPT. APPROVAL
SALEM, OREGON



LEGEND

- UGB-CITY LIMITS
- - - - 100 YR FLOOD PLAIN
- 20' EASEMENT
- +++++ RAILROAD
- LOT LINES

PLANNING
APPROVED
7
DRN
9/26/93

RECEIVED

MLP 4-93

AUG - 4 1993

MINOR PARTITION

APPROVED

WITH 7 CONDITIONS

CITY OF HILLSBORO

for PLANNING DIRECTOR DATE 3/26/93 DRA

Minor Partitions/Administrative Rule

WATER RESOURCES DEPT. SALEM, OREGON

CITY OF HILLSBORO

STANDARDS & CONDITIONS FOR APPROVING FLAG LOTS & MINOR PARTITIONS

X Denotes Conditions Already Met
O Denotes Conditions Which Must Be Met
N/A Denotes Conditions Not Applicable

- X 1. The minimum frontage of a single lot zoned single-family or duplex residential must be 12 feet on an existing public road or street presently open for traffic. Where two to six single-family residential lots are proposed, with adjacent access strips to create flag lots, each lot must have a minimum of 8 feet of frontage on an existing public road or street. The minimum frontage of two to four adjacent duplex residential lots must be 10 feet per lot on an existing public road or street. The minimum frontage of any lot zoned multi-family residential, commercial or industrial must be 25 feet on an existing public road or street. (Section 95, Ordinance No. 1945).
- N/A 2. The minimum width of the access strip portion of any flag lot shall not be reduced below the frontage requirement for the subject parcel (pursuant to requirements of Ordinance No. 1945).
- N/A 3. When 7 or more units on a multi-family residential flag lot or adjoining flag lots are proposed, frontage and access shall conform to the standards in Policies 2 and 4, and an alternate exit from the subject property shall be required also conforming to the standards of Policies 2 and 4. When commercial or industrial flag lots are proposed, a minimum access strip width of 25 feet shall be required. The Fire Department shall review all commercial or industrial developments proposed on flag lots and shall be required to determine whether a secondary exit from the partition is necessary, also to conform to the standards of Policy 4.
- N/A 4. The minimum driveway improvement for access to a flag lot shall be a durable dust-free surfacing of asphaltic concrete, portland cement concrete, or other approved material capable of withstanding use by emergency vehicles (45,000 lb. axle load). The minimum improvement width shall be 10 feet for one or two single-family or duplex residential lots, 20 feet for three to six adjacent single-family residential lots or three adjacent duplex lots or up to 6 units on a multi-family residential lot, and 24 feet for any multi-family flag lot having seven or more units as well as all commercial and industrial flag lots. [Section 86 (11), Zoning Ordinance No. 1945.]
- O 5. When a proposed structure location in a minor partition or on a flag lot exceeds 150 feet in distance from a water main, Fire Department review shall be required to determine whether a fire hydrant is necessary.

AUG - 4 1998

MLP 4-93 MINOR PARTITION

APPROVED
WITH 7 CONDITIONS
CITY OF HILLSBORO
PLANNING DEPARTMENT
DATE 3/26/13

PLANNING DEPT.

OREGON

- 0 6. When a proposed structure in a minor partition or on a flag lot exceeds 300 feet, as measured in actual fire hose distance from an existing fire hydrant, a fire hydrant may be required within the subject area, at the expense of the property owner (pursuant to Ordinance No. 3191).
- 0 7. When additional right-of-way is needed in conjunction with the Comprehensive Plan designation, the dedication of additional right-of-way across the entire frontage of the original lot may be required. *Final plat to show dedication from Parcel B (Davis) = 35' from center line on SW Wood St.*
- 0 8. Non-remonstrance clauses shall be provided the City to prevent present and future owners of lots fronting on public streets which may need improvement from remonstrating against future street improvement proceedings thereon. *Non-Remonstrance to be signed & returned for recording with final plat.*
- N/A 9. No parking shall be permitted along the access strip (driveway) portion of any flag lot, and also within the improved working area for emergency vehicles (pursuant to Ordinance No. 3191).
- N/A 10. One and one-half times the required number of automobile parking spaces shall be provided on any flag lot.
- 0 11. Relocation of water services, hydrants or other utilities is the responsibility of the property owner(s) for the partition.
- 0 12. If the need for an extension of sanitary sewer or other utility lines, laterals, or services results from any lot creation or adjustment of a common lot line, the extension shall be at the expense of the owner(s) of the lot(s) for which the extension is necessary.
- N/A 13. Fences may be allowed on flag lots, subject to normal permit requirements and review by Planning Department staff, to assure that proposed design, height and location do not interfere with vision clearance or vehicle access or maneuvering areas.
- 0 14. The City will record, in the official deed records of Washington County, all documents required in approving a major or minor land partition or subdivision, except the actual deeds or plat which create separate tax lots. Such documents the City would record would include, but not be limited to, the following: non-remonstrance clauses, public street dedication deeds, and commonway access agreements. The property owner will be notified of the cost involved in recording such documents and shall remit that amount to the City prior to recording. In the case of a minor land partition, the actual deeds required in creating separate tax lots must be recorded at Washington County within three months of the date of approval or that approval shall become null and void. However, a single three-month extension could be granted on an approved minor land partition upon application to and approval by Planning Department staff. *Recording fee for non-remonstrance to be paid by applicant.*

T.1 S. R.2 W.W.M.
Washington County, Oregon
April 1993

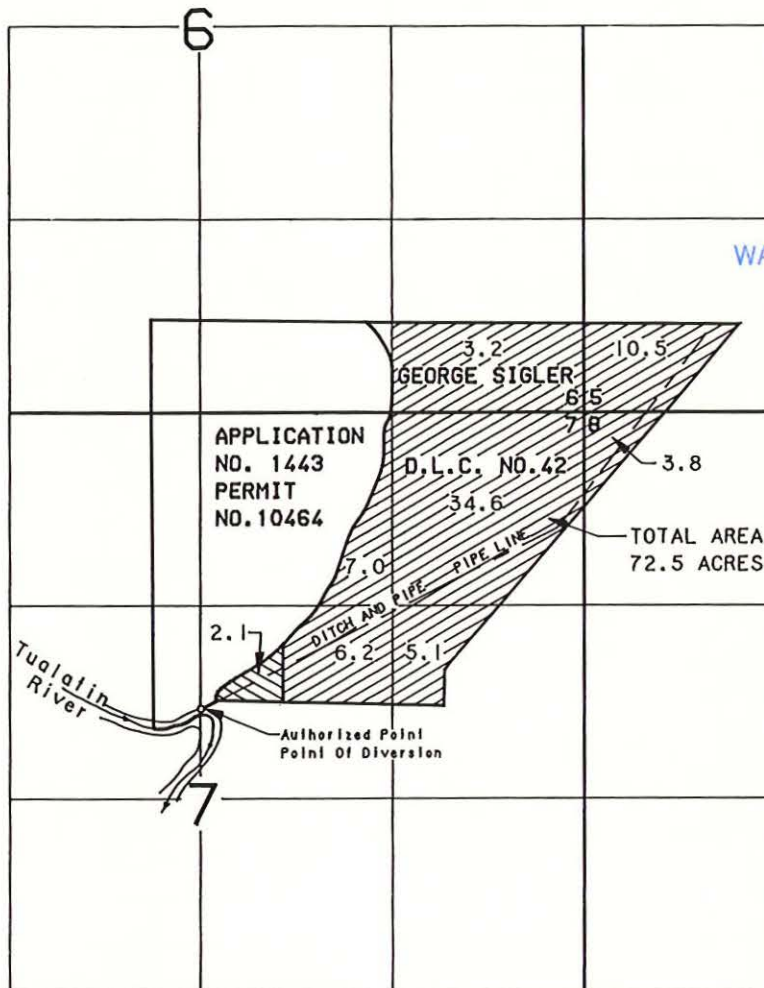


SCALE 1"=1320'

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JUL - 2 1993

WATER RESOURCES DEPT.
SALEM, OREGON





(DIV.PT. 2010'S & 2620'W OF NE CORNER OF SECTION 7)



5/27/93

APPLICATION MAP
for
Water Right Transfer
and
Change in Point of Diversion
for
UNIFIED SEWERAGE AGENCY

- (Existing)
-  Permit No. 10791 Being Transferred
-  Permit No. 10791 (Primary) (No Change)

THIS MAP DOES NOT INTEND TO PROVIDE DIMENSIONS FOR THE EXACT LOCATION OF PROPERTY OR BOUNDARY LINES.

CHARLES E. SPEAR CWRE No. 187
UNIFIED SEWERAGE AGENCY
155 N. FIRST AVE. SUITE 270
HILLSBORO, OREGON 97124

T7012

T.1 S. R.3 W.W.M. Washington County, Oregon April 1993

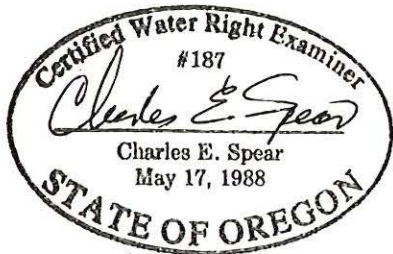
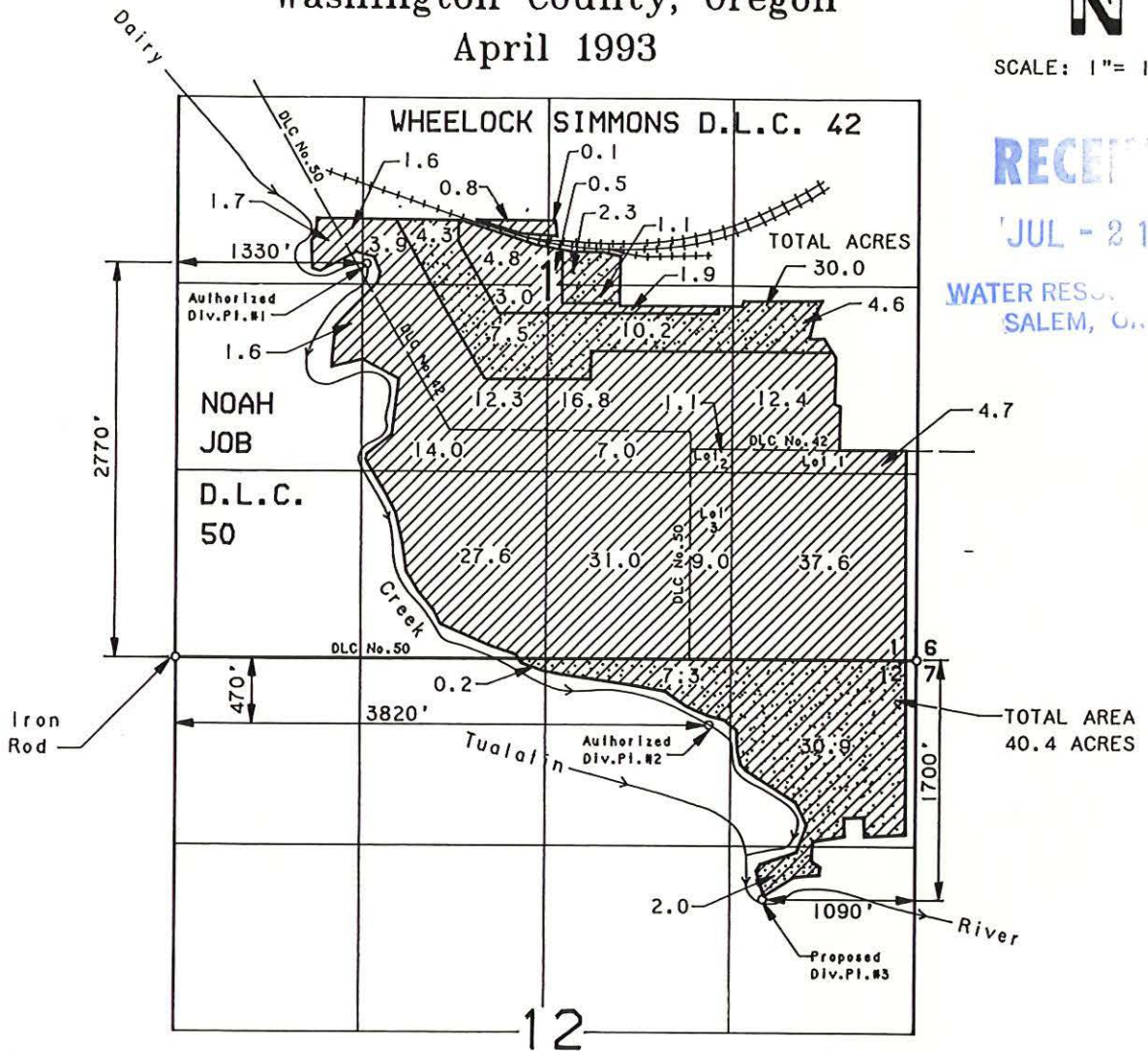


SCALE: 1" = 1320'

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JUL - 2 1993

WATER RESOURCES
SALEM, OREGON



5/27/93

APPLICATION MAP for Water Right Transfer and Change in Point of Diversion for UNIFIED SEWERAGE AGENCY

- (Proposed)
- Permit No. 31814 (Dairy Creek)
- Permit No. 10791 Supplemental
- Permit No. 31814 (No Change)

THIS MAP DOES NOT INTEND TO PROVIDE DIMENSIONS FOR THE EXACT LOCATION OF PROPERTY OR BOUNDARY LINES.

CHARLES E. SPEAR CWRE No. 187
UNIFIED SEWERAGE AGENCY
155 N. FIRST AVE. SUITE 270
HILLSBORO, OREGON 97124

650

WARRANTY DEED - STATUTORY FORM
(Individual or Corporation)

85006200

LICORICE LANE FARM, INC., an Oregon Corporation

Grantor, conveys and warrants to UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

W 29507
LOSBE M

PARCEL I

The North one-half of the George Sigler Donation Land Claim No. 42, in Sections 5, 6, 7, and 8, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon:

EXCEPTING THEREFROM those portions lying within SMITH'S FIR GROVE and MARGARET, duly recorded plats of Washington County, Oregon.

PARCEL II

A tract of land in Sections 6 and 7, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at the southwest corner of the Michael Moore Donation Land Claim No. 41, thence South 89° 26' East 6.97 chains to the northwest corner of the George Sigler Donation Land Claim; thence along the west line of said Sigler Donation Land Claim South 37° West 40.72 chains to a post on the left bank of The Tualatin River; thence South 37° West to the center of said river; thence Southwesterly up the center of said river 8.78 chains to a point due South of a witness post on the left bank of said river; thence North 45.87 chains to the place of beginning.

1-2

58-17-10

RECEIVED

JUL - 2 1993

WATER RESOURCES DEPT.
SALEM, OREGON

152 7 T.L. 100

T7012

RECEIVED

JUL - 2 1993

WATER RESOURCES DEPT.
SALEM, OREGON

W 29

SAFECO TITLE INSURANCE COMPANY

Encumbrances: The assessment roll discloses a Forest Land Assessment. The Assessment roll discloses a Farm Use Assessment. Any adverse claim based upon the assertion that the Tualatin River has moved. Easement recorded April 2, 1951 in Book 319, page 4 in favor of PGE. Easement recorded May 18, 1951 in Book 320, page 523, in favor of PGE. Easement for water transmission line in favor of the City of Beaverton, Suit No. 40 898. Any uncertainty as to the location of the George Sigler Donation Land Claim. The true consideration for this conveyance is \$... 339,940.00..... (Here comply with the requirements of ORS 93.030').

Dated this 21st day of February, 1985; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

BY: DeLane Fry, Pres.
LICORICE LANE FARM
Heike Fry, Vice Pres.

STATE OF OREGON,)
County of) ss.
, 19)

STATE OF OREGON, County of Washington) ss.
February 21, 19 85

Personally appeared the above named

Personally appeared DeLane Fry and Heike Fry who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the

and acknowledged the foregoing instrument to be voluntary act and deed.

secretary of the Licorice Lane Farm a corporation, and that said instrument was signed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

Before me:

Notary Public for Oregon
My commission expires:

Notary Public for Oregon
My commission expires:

* If the consideration consists of or includes other property or value, add the following:
"The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which)".

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN IT. INSTRUCTIONS SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON }
County of Washington } SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Grantee's Name and Address
After recording return to:
Unified Sewerage Agency
City of Washington County Council
Administration Bldg. 8 P.M. 401
Hillsboro Name, Address, Zip Attn: Laurie
Until a change is requested all tax statements shall be sent to the following address.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk

1985 FEB 21 PM 1:38

152 6 (116) 152 8 (17)

152 7 100 (2)

2

1527
SECTION 7 T1S R2W WM

RECEIVED

JUL - 2 1993

WASHINGTON COUNTY OREGON

SEE MAP
IS 2 6

SCALE 1" = 400'

WATER RESOURCES DEPT.
SALEM, OREGON

SW COR
DLC 41
M. MOORE

NW CORNER
D.L.C 42

100
144.72 Ac.

SEE MAP
IS 2 6DD

856200

7-1



NE
1890.08

Parcel II

Parcel I

NLY EAST LINE GEORGE SIGLER DLC

SEI
IS

WLY NW COR HENRY JR.
NOLAND DLC 68 SE

N 89° 53' E 1700 m/l

1200
91.19 Ac.

7-27



1001
19.55 Ac.

5

327.4
301°54'W 7.00 Ch.
1580.0
3 00° 30'E

N 01° 54' E
HENRY NOLAND JR. DLC 68

7-17

S 82° 34' E
10.50 Ch.

459.8
335.87
1201
3.10 Ac.
374.95
603.5
N 77° 15'
861.01

N 8° 38' W
8 79° 21' E 2034. m/l

N 07° 45' E
11.21 Ch.

T7012

RF

JUL - 2 1991

WATER
SAL

**UNIFIED SEWERAGE AGENCY
HILLSBORO WEST WASTE WATER TREATMENT PLANT**

**POTENTIAL GROUND WATER AND SURFACE WATER
IMPACTS FROM EFFLUENT REUSE PRACTICES**

February 4, 1991

Prepared by

Cascade Earth Sciences
Post Office Box 137
1252 NE Evans
Corbett, OR 97019



Cascade Earth Sciences, Ltd.

**UNIFIED SEWERAGE AGENCY
HILLSBORO WEST WASTE WATER TREATMENT PLANT**

**POTENTIAL GROUNDWATER AND SURFACE WATER
IMPACTS FROM EFFLUENT REUSE PRACTICES**

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Appendices

- Appendix A. Memorandum Regarding Irrigation Flow Rate
- Appendix B. Logs of Boring and Well Construction Schematics
- Appendix C. Numerical Ground Water Reference Levels.

EXECUTIVE SUMMARY

The potential for ground water or surface water impacts caused by effluent reuse and storage practices of the Hillsboro West WWTP in Jackson Bottom was assessed. Specific tasks included: development of a water budget for all effluent distribution in Jackson Bottom; measurement of seepage rate for the effluent holding pond; measurement of seepage rate for the main wildlife pond; ground water and surface water monitoring around the wildlife pond; and performance monitoring of irrigated fields.

Average subsurface seepage rates from ponds and irrigated fields ranged from 0.2 to 0.4 inches per day for the period from May through October. During this time, approximately half the effluent flow from the Hillsboro West WWTP was lost to subsurface infiltration.

The two reuse methods evaluated, irrigation and storage in wildlife ponds, both removed most of the nutrient concentration (nitrogen and phosphorus) from the effluent applied. Thus, land treatment of effluent was effective. There was, however, evidence of increased chloride levels in both lysimeter and ground water monitoring well water samples.

Constituents entering the subsurface were at concentrations well below numerical ground water reference levels but above background levels. It is unlikely that beneficial uses of ground water would be impaired as a result of current management practices in Jackson Bottom. Oregon ground water rules allow for non-detrimental impacts at existing facilities. At new facilities, a variance would be required for such impacts.

Modifications in existing site management and continued monitoring are recommended. These activities would provide ongoing demonstration of the acceptable performance of Jackson Bottom effluent storage and reuse programs. In addition, performance monitoring would provide valuable information about management options for future expansions or changes in operations at the Hillsboro West WWTP as well as at other facilities. The following specific recommendations should be considered:

- 1. Improve Record Keeping Procedures for Effluent and Crop Management Activities.** This will require additional flow meters, pond depth gauges, and a regular schedule for collecting information. A detailed site survey should also be completed.
- 2. Quarterly Ground Water Monitoring for Water Level and Selected Water Quality Parameters.** The existing monitoring locations should be maintained. Additional ground water monitoring wells will provide a better coverage of ground water conditions including a better upgradient location to monitor background conditions, a "point of compliance" location downgradient on the property boundary, and additional wells at strategic locations in the irrigation areas.

3. **Quarterly Surface Water Monitoring for Selected Water Quality Parameters.** Samples should be collected from the Tualatin River, Jackson Bottom Slough, the unnamed creek entering USA property from the east, and all ponds on the property. This sampling effort is required to verify whether surface water quality impacts can be clearly identified.
4. **Improved Irrigation Scheduling and Crop Harvest Operations.** Irrigation should be expanded to cover the 155 acres potentially available in Jackson Bottom. Daily irrigation sets should be shortened to promote more evaporation and reduce total seasonal loads. Harvest activities should be intensified to include more acreage and several cuttings. This will provide removal of nutrients from the Jackson Bottom area and will promote better evaporation and crop nutrient uptake.
5. **Continued Performance Monitoring of Irrigation Reuse Fields.** The primary purpose of continuing this monitoring effort would be a) to evaluate improved management practices, and b) to quantify nitrogen and phosphorus budgets.

INTRODUCTION AND OBJECTIVES

The Hillsboro West WWTP is located at the north end of a Tualatin River bottomland area known as Jackson Bottom (Figure 1). The area has historically been a wet area with agricultural lands limited by wet spring soil conditions. As is common for such agricultural/wetland areas, it also serves as a refuge for wildlife.

During the low river flow period of May through October, approximately 370 MG of effluent are distributed or stored in this 440 acre area. This occurs during the dry part of the year when water resources are required for optimum agricultural production and maintenance of wetland habitat. Therefore, effluent can be beneficially used in the area. There are, however, concerns associated with using secondary treated effluent that should be addressed. These relate primarily to potential surface water and ground water impacts.

In this report, potential ground water impacts of current operations at the Hillsboro West WWTP will be assessed. The basis for this evaluation is a 1990 study conducted in Jackson Bottom. The objectives of the study were to 1) make direct measurements to assess potential ground water impacts in the area, and 2) provide other detailed analyses and recommendations regarding prudent changes in management of the USA holdings. The first objective directly addresses the current status of ground water in the area. The second will provide a basis for refining management practices of Unified Sewerage Agency at this location.

Cascade Earth Sciences performed a number of specific tasks to achieve the objectives listed above. These were grouped under the general task of determining the fate of all effluent distributed in Jackson Bottom. This was done by developing and quantifying the water budget of USA's main effluent holding pond (Figure 1). Once the water budget was developed, potential ground water impacts of various reuse activities were assessed. Specific tasks included:

1. Effluent Irrigation Program.
 - A. Calculate a water budget for all irrigation areas.
 - B. Monitor performance of irrigation practices using lysimeter samples to assess subsurface water quality.
2. Effluent Storage in Shallow Wildlife Ponds.
 - A. Perform a pond leak test to determine seepage rate.
 - B. Monitor water quality in the pond, ground water and nearby surface water to determine whether impacts can be documented.
 - C. Determine the local ground water flow direction and gradient.

3. Effluent Holding Pond.
 - A. Conduct a leak test to determine seepage rate.
 - B. Calculate rainfall inputs and evaporation losses from the pond.
 - C. Identify other losses or additions to the holding pond.
 - D. Construct the pond water balance including the above factors.

In the following paragraphs, the analyses outlined above are presented. Impacts on ground water resources in Jackson Bottom are assessed and recommendations for continued monitoring and changes in effluent/land management are given.

SITE CONDITIONS

Jackson Bottom covers a portion of the broad floodplain of the Tualatin River which is typically flooded annually. The 440 acre portion that Unified Sewerage Agency manages lies north of the River and south of Hillsboro (Figure 1). The primary soils are Cove clay, Wapato silty clay loam, McBee silty clay loam, and Chehalis silty clay loam (Soil Conservation Service, 1982). The Cove and Wapato soils are hydric and are often designated as jurisdictional wetlands that have limitations caused by excessive wetness. All soils except the Cove clay are good agricultural soils. The area has both naturally occurring and constructed ponds and wetlands. Effluent is stored in a 14 acre holding pond and distributed to: ponds covering approximately 25 acres; irrigation systems covering 85 acres; and a 15 acre constructed wetland.

Jackson Bottom lies near the axis of the Tualatin basin where the depth to bedrock (consisting of basalts in the Columbia River Group) is about 1,300 feet (Schlicker and Deacon, 1967). Valley fill deposits which overly bedrock include the following major geologic units:

1. Recent Alluvium is deposited along the modern flood plain of the Tualatin River and its tributaries. This material mainly consists of reworked deposits of the older Willamette Silt.
2. The Willamette Silt consists of fluvial deposits caused by catastrophic floods from glacial Lake Missoula during Late Pleistocene time. These sediments cover the entire valley floor below an elevation of 250 feet, and consist of silt, fine sand and clay deposits with local concentrations of coarser textured sediments.
3. The Troutdale Formation unconformably underlies the uppermost basin fill sediments and older bedrock formations. In this area, sediments are generally finer textured than further east and sand and gravel deposits are locally present. The Troutdale Formation is considered to be at a depth of approximately 70 feet based on driller's

logs for the investigations of the constructed wetland in the eastern portion of the site (Scientific Resources, Inc., 1990).

Ground water resources in the Tualatin Basin are developed for a variety of beneficial uses including public water supply, domestic water supply, irrigation and industrial uses. The principal aquifers used in the region occur in the valley fill deposits and Columbia River Basalt. The highest ground water yields required for some municipal, irrigation or industrial wells are from aquifers in the Columbia River basalts. Wells completed in this formation are typically in areas where the thickness of overlying valley fill is 1,000 feet or less. The highest yields from wells completed in the valley fill in the region around Hillsboro come from sand beds and occasional gravel deposits that typically occur at depths of about 40, 100, 200 and 300 feet below the ground surface.

Ground water in the valley fill deposits is predominantly unconfined. There are, however, local occurrences of small confining layers in shallow and seasonal ground water bodies. The water table fluctuates with the annual rainfall cycle. Fluctuations of 15 to 20 feet in the water level in wells are common. Principal recharge to the ground water in the basin is believed to be from infiltration of rainfall. Ground water in Jackson Bottom is derived from rainfall, effluent land application, flood waters and from lateral inflow of water from adjoining uplands. Principal ground water discharge in the basin is in the form of springs, seeps, and discharge to the Tualatin River and tributaries. Base flow in the Tualatin River is maintained even in drought years by ground water discharge (Hart and Newcomb, 1965).

WATER DISTRIBUTION

During the May through October time period, all Hillsboro West WWTP effluent flows to Jackson Bottom for storage or reuse. Flows first go to the 14 acre holding pond, experimental wetland, or irrigation areas (Figure 1). The holding pond connected to the following:

1. An outfall to the Tualatin River. This is closed during the summer months.
2. A permanent pipeline that feeds a wildlife pond in the northwest portion of the property.
3. Permanent pipelines to and from the Jackson Bottom Experimental Wetland.
4. A connection to two irrigation supply lines.
5. Pressurized outlets that can be used for other purposes.

These water reuse facilities at the Hillsboro West WWTP are more thoroughly described and a water budget for summer effluent is quantified in the following paragraphs.

Effluent Holding Pond

The holding pond is approximately 14 acres although its exact water surface area varies with the depth of water stored. The pond can be filled to a depth of ten feet (approximately 43 MG), but it is commonly maintained at a depth of about five feet (24 MG). Storage and surface area are calculated with formulae in used by USA personnel:

$$\text{Storage (MG)} = [628,225 \times \text{Depth} + 3,225 \times \text{Depth}^2] \times 7.48 / 1,000,000$$

$$\text{Surface area (ft}^2\text{)} = 605,484 + 6,000 \times \text{Depth} \quad (\text{depth measured in feet})$$

Effluent Flow. Daily effluent flow records for the Hillsboro West WWTP are maintained by USA personnel. Summer flows average 2 MGD and totalled 373.6 MG for the May 1, 1990 to October 30, 1990 period. This flow was assumed to be input to Jackson Bottom for storage in the holding pond or immediate reuse. USA personnel maintain records of pond water depth based on readings of a staff gauge (read to the nearest 0.1 foot). These values were converted to storage volume using the above equation. Weekly values for these and other components of the pond water budget are given in Table 1. June 1

Rainfall. The other input to the effluent holding pond is rainfall. Rainfall records are kept at the treatment plant because it is the National Weather Service station for Hillsboro. These records show that about 9.7 inches of rain fell between May 1 and October 30, 1990. Using pond surface area calculated from the above equation, this rainfall was estimated to contribute 4 MG to the pond.

Evaporation. Evaporative losses from the effluent holding pond were calculated using daily weather records from the Hillsboro station. These were used with evaporation pan data from the North Willamette Experiment Station according to standard methods for determining pond evaporation (Linsley et al., 1982). The estimated loss from the holding pond during the season, was 24 inches of water, about 10 MG. Nov 1

Pond Seepage. A leak test was performed on the effluent holding pond in November when the pond was filled to approximately five feet. The pond was isolated from all inputs except rainfall and all outputs except evaporation and seepage. Water level was then monitored for a period of days. An analysis of diurnal trends and a comparison of rainy and clear days indicated that evaporation was negligible during the test (Table 2). Pond leak rate averaged 0.6 inches per day and pond bottom permeability was estimated to be 3.3×10^{-6} cm/sec.

Irrigation System

USA operates two Bauer travelling big gun irrigation systems to apply effluent to two areas (see Figure 1). Irrigation area I covers approximately 37 acres and area II is 47.5 acres. These estimates are based on analysis of 1990 aerial photographs covering the

Jackson Bottom area. Area II also has subsurface drains underlying a portion of the irrigated area (Figure 1.) The irrigation systems are run in 24 hour sets during the May through October 30th season. Irrigation sets are arranged as shown in Figure 2. Sprinkler travel lines start from 7 header locations and extend approximately 1000 feet. The width of the sprinkler pattern is 330 feet.

USA personnel maintained records of the location and duration of each sprinkler set in 1990. Analysis of these records indicated that, although there was not an orderly progression through all the available sprinkler set locations, most of the available acreage was covered during the course of the irrigation season. The monthly distribution of irrigation water in Jackson Bottom is shown in Table 3. A total of 150 MG was applied over a six month period. The south area (area II) received much more irrigation primarily because both Bauer sprinkler systems were used there during May and June when Area I was too wet for irrigation or access. Equipment breakdowns in August and September kept irrigation amounts lower than normal.

Irrigation flow rates were tested in mid-October. Times required to fill a 6000 gallon tank truck were measured for several sprinkler and pump configurations (see Appendix A). Big gun flow rates were found to be 475 GPM (0.68 MGD) per sprinkler when both Bauer systems were running. When just one sprinkler was operating, flow rate was 515 GPM (0.76 MGD).

Wildlife Pond

USA maintains water levels in several Jackson Bottom wildlife ponds using effluent. Records of these flows are kept for the 13 acre pond shown in Figure 1. In 1990, no flow records were available because the flow meter failed. Therefore, 1989 flow records were used in the 1990 water budget. There are two other ponds in the area that are occasionally filled with effluent (Figure 1). The amounts and times are not routinely recorded; it was assumed that they received the same amount of effluent per unit surface area as the main 13 acre pond (Table 1).

A leak test of the main wildlife pond was conducted during late August and early September, 1990. Data were collected over a six day period and are summarized in Table 4. Two evaporation pans, four thermometers, two anemometers, and two pressure-depth sensors were used. Data were collected hourly using a portable datalogger. Rainfall was taken from the weather station 100 yards away. Estimated pond seepage was fairly uniform at 0.23 inches per day and permeability was estimated to be 6.7×10^{-6} cm/sec. Although this permeability value is close to that of the holding pond, the daily seepage rate is smaller because the depth of water in the wildlife pond is much lower (6 to 18 inches in most areas).

Jackson Bottom Experimental Wetland

Effluent flows into and out of each wetland cell were routinely recorded by USA personnel

in 1990 but no records were kept of flow returned to the holding pond. For the purposes of this report, it was assumed that only a negligible amount of water was returned from the wetland to the holding pond. 56 MG was diverted from the holding pond to the wetlands between June and October, 1990. [Recently, revised data for the Jackson Bottom Experimental Wetland were made available. This information shows that 52 MG effluent was applied in 1990. Of this total, 29 MG were estimated to have been lost to seepage (Scientific Resources, Inc., personal communication, 1990.)]

The Overall Water Budget

The water budget for the Jackson Bottom effluent management system is presented in Table 1. All components except for "Other Losses" were based on measurements or estimates mentioned previously. This component is 2.2% of total effluent produced and results from inaccuracies in various estimates or other water losses including leaking pipes (one such leak is visible on current aerial photographs), improperly closed valves, unreported irrigation, or other miscellaneous water uses (e.g. effluent used for wash water on the grounds, use of irrigation headers without flow restriction nozzles to fill ponds).

There are few obvious correlations between the timing of "Other Losses" and irrigation or flow to wildlife ponds. Holding pond depth records show that pond levels increased until flow to the experimental wetland started in late June. After that time, pond level dropped until September. In August and September, there is some correlation with pond depth and irrigation volume. "Other Losses" are quite large after mid-October when the wetlands and wildlife pond flows cease and the pond begins to fill rapidly.

PERFORMANCE OF IRRIGATION PRACTICES IN JACKSON BOTTOM

Performance monitoring of USA's irrigation practices was conducted in 1990. Ten lysimeters were installed four feet deep, at the bottom of the rooting zone (locations are shown in Figure 1). Monthly sampling of these yielded samples used to determine the quality of water percolating below the root zone.

The water budgets for irrigation areas I and II are given in Table 5. These are based on balancing the water inputs of irrigation and rain with water losses (evaporation and leaching) and soil moisture storage. Both areas had substantial leaching volumes. This occurred because the distribution of irrigation both in time and area was poor. In three of six months, area I had zero leaching. In those months, evaporation decreased soil water storage because there was not enough irrigation plus rain to meet demand. Irrigation area II had substantial leaching volumes in all months.

Leaching of soil water does not necessarily constitute an impact on ground water. Ground water monitoring would be required to establish such an impact. In order to assess the potential for impacts associated with current irrigation practices, soil lysimeters

were sampled monthly. These water samples were analyzed by the USA Water Quality Laboratory (results are shown in Table 6). Treatment plant and holding pond effluent characteristics for 1990 are given in Table 7 for comparison. Two analyses can be made using these data. First, a comparison of water quality can be made between the two irrigation areas and the unirrigated control areas. Second, the treatment capacity of the soil-plant system can be assessed by comparing effluent quality to lysimeter water quality. The following observations can be made regarding the available data:

1. Irrigation was an effective means of treating effluent. As effluent passed through the soil profile, there were substantial effects on water quality, particularly nitrate and soluble phosphorus. Effluent concentrations of nitrate averaged 9 mg/l while lysimeter samples averaged less than 2. Soluble phosphorus was reduced from 5 mg/l to 0.15. This demonstrates the concept of land treatment of effluent. Crop uptake and biological activity in the soil decreased nutrient content of the soil water.
2. Figure 3 shows seasonal trends for nitrate and chloride in lysimeter samples. It can be seen that concentrations were well below ground water protection standards at the base of the root zone. It is likely that concentrations would be reduced further before this leachate reaches the ground water.
3. Irrigation areas I and II exhibit different behavior. Nitrate levels were higher in area II than in area I, and both were elevated above control samples. A closer review of the nitrate data in Table 6 shows that lysimeters 1, 6, 7, 8, and 9 had increased nitrate concentrations over background. These lysimeters were all located in areas receiving high irrigation application rates (lysimeter 1 received a disproportionate amount of area I irrigation). The implication is that nitrate might have been reduced further if irrigation water had been more uniformly applied.
4. Chloride in lysimeter samples was approximately that of effluent with one notable exception. In a low lying portion of area I (where lysimeters 3 and 4 are located), chloride was elevated (see Table 6 and Figure 3). Because chloride is known to be conserved in agricultural systems, this increase was likely caused by collection of subsurface water and concentration by evaporation.
5. Soluble phosphorus was managed well by the irrigation system. The reduction in P from effluent levels yielded concentrations lower than those from the control lysimeter samples. An exception is the water quality of lysimeter samples 3 and 4 taken from the subsurface water collection area noted above. This area is also on Cove clay soils which are known to have fairly high water soluble phosphorus concentrations (Dr.W Jarrell, Oregon Graduate Institute, personal communication, 1990.)

WILDLIFE POND PERFORMANCE MONITORING

The main, 13 acre wildlife pond in Jackson Bottom was evaluated to determine potential impacts of maintaining its water level using effluent. This evaluation included calculating a water budget, installing ground water monitoring wells to directly measure water quality, and collecting surface water samples in the pond and Jackson Bottom Slough.

Wildlife Pond Water Budget

The water budget of the wildlife pond included inputs of rain and effluent and outputs of seepage and evaporation. For the purposes of this evaluation, it was assumed that there was no net change in storage (or pond depth) over the season. Seepage was calculated by difference:

$$\begin{aligned} \text{Seepage (acre-inches)} &= \text{Effluent added} + \text{Rain} - \text{Evaporation} \\ &= 51.3 + 9.7 - 24.2 &= 36.8 \text{ acre-inches} \\ & &= 13.2 \text{ MG} \\ & &= 0.20 \text{ inches/day} \end{aligned}$$

This value gives a daily seepage rate for the six month period that is slightly lower than the rate measured in late August (Table 4). This is reasonable assuming that higher spring and fall ground water levels in Jackson Bottom would decrease the water flow gradient and, therefore, pond seepage.

Ground Water Monitoring

Five ground water monitoring wells were installed around the main wildlife pond to directly assess potential ground water impacts. Samples were collected from the five wells, two locations in the wildlife pond, the Jackson Bottom Slough, and the pond influent pipe (Figure 1) to provide a basis for evaluation. In the following paragraphs, well construction, sampling methods, and an analysis of data are presented.

Well Construction. Ground water monitoring wells were constructed mid-July, 1990. The wells were designed to assess ground water conditions and to monitor water quality in the uppermost aquifer beneath the wildlife pond. Well locations (Figure 1) were chosen to allow ground water monitoring both upgradient and downgradient of the wildlife pond based on the assumption of a predominantly north to south flow direction.

The wells were drilled and installed using a mobile drilling rig equipped with hollow stem augers. The wells were installed and developed under the supervision of an Oregon Certified Engineering Geologist. Soil classifications were generally consistent with the Unified Soil Classification System. Boring logs and well construction schematics ("as built") for each well are attached as Appendix B. The wells were constructed of two inch diameter PVC casing which included a ten foot screened section in the saturated zone.

The top of the PVC casing on each well was notched on the north side and surveyed to provide a reference for measurement of water levels.

Total depth of the wells ranged from 15.5 to 20.5 feet below the ground surface (Table 8). The top of the screened interval was placed close to the depth at which saturated sediments were encountered during drilling. Relatively inert silica sand was placed in the annular space around the screened section up to about 2 feet above the top of the screened interval. The annular seal above the filter packed zone consists of hydrated bentonite.

Prior to sampling, the wells were developed to reduce the disturbances caused by drilling and improve the hydraulic connection between native materials and the well. Well development was performed at least 24 hours after installation by surging, bailing and pumping. Development proceeded until sediment yield and turbidity of the water in each well were reduced and pH and electrical conductivity had stabilized. The volume of water removed during development ranged from 30 to 80 gallons.

Hydrogeologic Observations. The elevation of the ground surface around the pond ranges from about 136 feet at well W1 on the north side to 129 feet at well W3 at the southern end indicating a gentle slope to the south of approximately 0.3 percent (or about 15 feet per mile). Jackson Bottom Slough is a surface drainage lying south and west of the pond. Its course was probably altered during construction of present Highway 219. It formerly came into the pond area from the northeast near the location of well W5. It appears that, at one time, it was connected to a marshy area east of the pond.

Boring logs for the monitoring wells show that sediments underlying Jackson Bottom consist of a stratified sequence of fine textured sediments (Appendix A). From the ground surface to a depth of 5 to 7.5 feet, the soil consists of brown, silty clay and clayey silt. The clay content generally decreases with depth. Below this depth, the sediments consist of stratified deposits of dark gray, micaceous silt, sandy silt, silty sand, and sand with trace silt. The sand is fine grained and poorly graded. Thin beds of clayey silt up to 6 inches in thickness are present in some areas. A greater percentage of sand was observed in borings for wells W1 and W2. This sequence of lithologies is generally consistent with that found in the borings drilled as part of the constructed wetland investigation east of the wildlife pond (Scientific Resources, Inc., 1990) and in other drillers logs for borings in the vicinity.

The uppermost silty clay and clayey silt layers were damp to moist at the time of drilling. The depth to first saturation coincided with the transition to the coarser textured silts and sandy silts at depths from about 5 to 7.5 feet. The depth to first saturation in the boring for well W1 was more gradual. It occurred within a sequence of silty clay and clayey silts above the dark gray silts which occurred at about 11 feet.

Static water levels measured in the week following installation were slightly above the depth of first saturation encountered during drilling. The difference ranged from a rise of approximately 1 foot in well W3 to about 2.7 feet in well W1. The potentiometric surface observed initially in the wells corresponds to a depth ranging from 6.1 feet below the ground surface in well W5 to 2.5 feet in well W4. Static water level measurements (Table 8) were measured during the sampling rounds using an electronic water level sensing device. These data were used to assess the ground water gradients and infer flow directions. The difference between the lowest measured static water levels (September 5) and the highest levels (November 13) indicated a rise in the water levels that ranged from 1.9 in well W1 to 4.2 feet in well W3. Contour maps of the potentiometric surface of the ground water for the lowest and highest measured levels are presented in Figure 4. The horizontal flow direction is inferred to be normal to the steepest decline in head. The potentiometric surface in September indicated a flow direction to the south-southeast. The measured gradients ranged from about 13 to 35 feet per mile.

The potentiometric surface for November showed a general flattening of the gradient (compared to September) to about 13 feet per mile. The inferred flow direction changed from a south-southwest flow direction at the north end of the pond to a slightly south-southeast flow direction at the south end.

Saturated hydraulic conductivity beneath the wildlife pond is expected to vary as a result of lateral and vertical differences in the soil types as well as seasonal changes in the hydraulic head distribution. An average ground water velocity of 120 feet per year was estimated for the uppermost aquifer during investigations of the constructed wetland east of the wildlife pond (Scientific Resources, Inc., 1990). This estimate was based on an average conductivity of 3×10^{-3} cm/sec (from aquifer tests and review of well log data), an aquifer thickness of 50 feet, hydraulic gradient of 50 feet per mile and a porosity of 25 percent. The hydraulic conductivity beneath the wildlife pond is assumed to be of the same order of magnitude as the estimate made for the constructed wetland. Using the maximum estimated hydraulic gradient observed for the wildlife pond (35 feet per mile) and the other parameters listed above, an average horizontal ground water velocity of approximately 90 feet per year is estimated for the shallow ground water beneath the wildlife pond.

Water sampling. Five rounds of water samples were taken between July and November, 1990. Monitoring wells were purged before sampling to remove stagnant water from the well. The wells were purged using a teflon bailer or a low-speed peristaltic pump. Electrical conductivity, pH, and temperature were monitored during purging. Measured values were found to stabilize after about 1.5 borehole volumes were removed, but a volume of about 3 borehole volumes was removed each time. Water samples were obtained following purging using a teflon bailer and placed in sample bottles. The samples were retained on ice in the field and then stored in the refrigerator at the Hillsboro West WWTP prior to pick up by USA personnel for delivery to the Water Quality Laboratory.

Table 9 presents results of the water quality analyses for ground water and surface water sampling. The sampling plan was developed to provide assessments of 1) constituent removal in the pond (comparison of north end and south end samples); 2) background surface water quality (the Jackson Bottom Slough); 3) background ground water quality (Wells 1 and 5); and 4) downgradient impacts (Wells 2, 3, and 4). Results are as follows:

1. The maximum mean nitrate/nitrite concentrations occurred in the samples of the influent (9.6 mg/l) and the north end of the pond (3.8 mg/l). The mean concentration for this parameter diminished to 0.01 mg/l, the lowest value for all sampling points, in samples from the south end of the wildlife pond. The concentration of nitrate/nitrite in samples from the monitoring wells was less than 0.07 mg/l except for well W2 in which 0.25 mg/l was found. The mean concentration in samples from Jackson Bottom Slough was 0.22 mg/l.

The nitrate data show excellent treatment of effluent within the wildlife pond. In fact, the south end of the pond had lower nitrate concentration than the Jackson Bottom Slough. Ground water nitrate was not elevated above background with one exception. Well 2 had an average concentration similar to that of the Jackson Bottom Slough. While both these values are much smaller than Oregon Ground Water Numerical Reference Values (OAR 340-40 see Appendix C), this may indicate an impact. Given the prevailing southerly ground water flow direction, it may be that this is related to nearby irrigation practices. If this is the case, irrigation management changes are likely to lessen the impact.

2. The highest concentrations of soluble phosphorus occurred in the samples of the influent from the north end of the pond in which mean concentrations were 5.3 mg/l. The lowest mean concentration of soluble phosphorus was in the Jackson Bottom Slough (0.18 mg/l). Soluble phosphorus was not detected in water samples from the south end of the pond or in ground water samples from the monitoring wells in concentration of greater than 1.3 mg/l.

Monitoring results for phosphorus were similar to nitrate patterns. The pond showed a beneficial treatment effect (better in the summer than fall) and no clear evidence of ground water concentrations above background. Soluble phosphorus levels were, however, relatively high. Although there is evidence that suggests such levels are controlled more by soil properties than constituent loading, these concentrations must be assessed as to their potential impact on the river as well as on beneficial uses of ground water.

3. The highest mean TKN concentration was found in samples from the north end of the wildlife pond (4.8 mg/l), however the reported concentrations from this sampling point ranged from 1.3 to 8 mg/l. Comparable concentrations for TKN occurred in samples of the influent. The mean concentrations for samples from the monitoring wells ranged from 1.19 in Well W2 to 3.04 in Well 3. TKN results showed a smaller

treatment effect in the pond than was observed for nitrate or phosphorus. The average concentrations for the south end of the pond, the Jackson Bottom Slough, and all monitoring wells were not significantly different.

4. The maximum mean chloride concentration was in well W3 (94.25 mg/l). The chloride concentration varied in the range of 44.6 to 79.4 mg/l in samples of the influent, water from the pond at both ends, and the monitoring wells. Exceptions were upgradient wells W1 and W5 in which the mean concentrations were 14.0 and 17.25, respectively.

Chloride, a conservative ground water tracer, gives fairly clear evidence that the shallow ground water near the wildlife pond is affected by effluent. Downgradient concentrations were much lower than the ground water reference levels but clearly elevated above background.

5. The lowest mean concentration for total dissolved solids (TDS) for all sampling points was in samples from Jackson Bottom Slough (167 mg/l). TDS concentrations in samples from the wildlife pond and influent ranged from approximately 244 to 309 mg/l. The mean concentration in ground water well samples ranged from 238 to 784 mg/l. The ground water numerical guidance value for TDS is 500 mg/l. The average concentration of TDS for all wells and sampling dates was 470 mg/l. This value is higher than the average influent to the wildlife pond - 309 mg/l. There are at least three possible explanations for this: 1) there are unknown TDS sources in the area; 2) elevated TDS concentrations are the result of evaporative concentration of irrigation water; 3) collection of some particulate matter during sampling resulted in abnormally high measured values.

HYDROLOGY OF THE JACKSON BOTTOM AREA

Unified Sewerage Agency conducts a number of operations in Jackson Bottom that affect surface and subsurface hydrology. In this section, the hydrology of Jackson Bottom is summarized with respect to subsurface water losses, subsurface water quality, surface water quality, and seasonal changes in water supply.

Subsurface Water Availability

In previous sections, subsurface water loss rates were quantified and potential impacts were assessed. Table 10 presents a summary of subsurface water losses. Note that, although the daily irrigation leaching rate is between the two pond seepage rates, the total gallonage is much larger because of the acreage involved. The category "Other Losses" is included in the table because it is uncertain whether these losses are surface or subsurface.

There is relatively little information available regarding depth to ground water in Jackson

Bottom. The shallow wells around the wildlife pond were monitored from July through December, 1990. During that time, ground water levels first decreased, then increased through the fall. This pattern is common in Western Oregon where water supply declines during the dry part of the year and increases when fall rains begin. The autumn increase in water levels is perhaps hastened by management activities in Jackson Bottom. An example of this is the wet spot in irrigation area I near lysimeters 3 and 4. This is discussed further in the next section.

The effect of effluent distribution in Jackson Bottom on regional ground water movement is likely to be small. This is in part due to the proximity of the Tualatin River. The holding pond and irrigation area II are both very close to the river. It should also be noted that the total amount of water that could potentially be lost to the subsurface is not large. If the maximum loss were estimated as the sum of those entries in Table 10 plus 50% of the gross flow to the experimental wetland, the average loss per acre over the entire acres of Jackson Bottom would be 33 inches.

Surface Water

There are two creeks that run from USA property in Jackson Bottom to the Tualatin River: Jackson Bottom Slough and an unnamed creek entering USA property from the east (see Figure 1). This creek coming from the east receives drainage water from the subsurface drains in irrigation area II. It could also intercept other surface or subsurface flows from the Jackson Bottom Experimental Wetland.

The Jackson Bottom Slough could intercept water from several upgradient sources including wildlife ponds and irrigation area I. The wildlife pond just south of irrigation area I has a drainage way connecting it to Jackson Bottom Slough. This has a gate valve that is closed from May through October to prevent water flow and maintain pond level. During the winter of most years, the area around the gate valve washes out and the road is impassable. It is possible that the restriction of both surface and subsurface water in this area is responsible for the wet area near lysimeters 3 and 4 that occurs in October.

Subsurface Water Quality

Lysimeter and ground water monitoring well samples provide information about potential impacts on ground water (Tables 6 and 9). Results gathered to date show that nutrients were removed fairly efficiently from effluent. Chloride levels indicate that treated effluent does reach the shallow ground water. Constituent levels were well below ground water reference levels and do not impair the beneficial uses of ground water in the area. Because this is an existing facility, Oregon ground water rules allow elevations of chloride above background, as long as concentrations are below reference values. Therefore, the present impacts are probably acceptable. Nevertheless, continued monitoring is appropriate.

Surface Water Quality

Available data for Jackson Bottom include samples in Jackson Bottom Slough and the main wildlife pond. In the past, USA has collected water samples from a small creek that flows between the experimental wetland and irrigation area II (Table 11). The sample points were selected so that one is upstream of the experimental wetlands and another is downstream. Both of these are downgradient of the chain line coming from irrigation area II. These data, particularly for chloride and ammonia, show that both the irrigation area and the wetlands may influence stream water quality. There may be some direct surface runoff to the stream, but it is likely that much of the impact is subsurface drainage.

Surface water measurements made during Summer, 1990 (Table 9) were discussed previously. The Jackson Bottom Slough data do not show effects of USA effluent. The wildlife pond receives effluent but test results showed a marked reduction in nutrient concentrations at the south end. These water bodies have generally good water quality. A surface water monitoring program should be continued to insure that these water resources are not degrade.

RECOMMENDATIONS

Effluent storage, irrigation, and other reuse practices at the Hillsboro West WWTP have the potential to cause surface water and ground water impacts. Based on the data and analyses currently available, ground water impacts are small and not likely to adversely impact ground water quality. Because Jackson Bottom operations are innovative and will likely serve as models for management practices elsewhere, continued careful management is desirable.

The most pressing issues in Jackson Bottom are the need for better utilization of effluent reuse areas and the need for additional monitoring. 1990 irrigation application rates average 65 inches on 85 acres. If irrigation is expanded to the 155 acres available in Jackson Bottom, the same total irrigation amount would be 35 inches. Specific recommendations are:

1. **Record Keeping.** Improvements in record keeping are required to track management activities and maintain information necessary to evaluate and improve Jackson Bottom operations. Records regarding the water budget of the holding pond, wildlife pond, irrigation water distribution, and crop management are necessary. Table 12 gives a format suitable for this purpose. Additional flow meters (for irrigation system, all pond filling locations, return flow from experimental wetlands to holding pond) and a pond depth gauge are required for water measurements. Crop harvest measurements would require weighing trucks and performing some

analyses on crop tissue samples. A standardized time schedule for collecting and recording data should be established and maintained.

The raw data of Table 12 can be used to construct water budgets for all operations. The calculations required are those used in this report and the resulting dataset would clearly show how water is allocated (as in Table 1). More detailed analyses would result in estimates of subsurface infiltration and potential ground water impacts. Because operations are currently not adversely impacting the ground water, more costly monitoring practices can be minimized.

The record keeping indicated by Table 12 and the calculations used in this report should be programmed on USA computers to automate the calculation process. This would be a valuable step because it would allow the site manager to review the information during the season and use it for planning and schedule adjustments. Weekly or biweekly data input would be appropriate.

2. **Irrigation and Crop Management.** In addition to better record keeping, a better organized harvest plan and irrigation schedule should be adopted. In the past, access and ease of sprinkler setup have controlled crop management. In the future, operations should be run more like a commercial farming operation. Irrigation should be routinely moved around the available acreage. This would insure better water distribution and reduce leaching losses like those on irrigation area II in 1990. A more uniform irrigation application should also increase evaporative losses and decrease leaching, runoff, and ponding.

There are three techniques that can be implemented to increase evaporation rates. The first is more uniform application as mentioned above. All irrigation risers in Area I should be used because they are spaced appropriately for sequential irrigation system moves. Irrigation sets should be parallel to each other; the fan shaped array used in 1990 (Figure 2) is inefficient. Second, smaller irrigation volumes per unit area should be used. Although replacement of the Bauer irrigation units may be desirable in the future, they can be used more efficiently for the short term by simply speeding up their rate of travel. Faster travel will result in less irrigation per unit area per day but would result in the same daily total water use if the sprinkler systems were moved twice a day. When daily irrigation rate is decreased, a greater fraction of water applied will stay near the ground surface and evaporation will increase relative to percolation. Faster travel should also result in better field conditions and should make harvest operations easier. The third method to increase evaporative loss is more frequent harvest. When a standing crop is removed, crop water use is decreased. If, however, a week or so elapses before water is applied to that area, then crop water use recovers. Crop water use plus increased surface evaporation (caused by a decrease in shading) results in an overall increase in evapotranspiration and may increase nutrient uptake.

In the future, harvest should be increased and scheduled based on crop maturity. It will increase evaporative water loss as noted above and also result in removal of nutrients with the crop. This is an essential element of crop management. Removal of effluent constituents from Jackson Bottom is preferred to simply storing them as crop dry matter on the ground. USA personnel have already identified markets for grass hay as feed and for use as a soil amendment. Harvest operations should follow an orderly schedule tied to irrigation practices. Green chop harvest is preferred to minimize the time irrigation is withheld. Careful records of harvest weight should be maintained and crop tissue samples should be submitted to a laboratory for analyses.

Finally, more acreage should be irrigated and harvested. Potential ground water impacts will be reduced because use of more acreage will result in increased evaporation, less leaching loss, and more uptake of nutrients. A survey of available lands in Jackson Bottom identified approximately 70 acres adjoining areas I and II that could be used. Although some of the areas are wet enough to preclude full season use, partial season use would benefit the overall irrigation program. Because some of the expansion area is not improved for agriculture, the Bauer irrigation system would be an excellent choice for these areas.

3. **Monitoring.** There are advantages to continued monitoring of effluent reuse practices. First, Jackson Bottom ground water should be monitored to insure that system performance continues to be successful. Second, results obtained in Jackson Bottom can be used to guide other reuse activities. The following monitoring projects should be implemented:
 - A. Ground Water Monitoring. The monitoring wells already installed in Jackson Bottom (five near the wetland, and five near the wildlife pond) should be sampled quarterly on the same dates. Laboratory analyses should include the same parameters listed in Table 9. The two sets of existing wells are configured to assess impacts of the experimental wetland and wildlife pond. This network should be expanded to monitor a greater area in Jackson Bottom with additional shallow wells: a location further upgradient, a "point-of-compliance" location near the river, and one or two locations in the irrigation areas.
 - B. Surface Water Sampling. Samples from the wildlife pond, several locations along Jackson Bottom Slough, and the creek between the wetland and irrigation area II should be sampled quarterly. In addition, samples at several points along the Tualatin River should be sampled to assess any potential effects due to Jackson Bottom reuse activities or pond seepage. This expanded dataset is a priority because the database is currently inadequate to properly assess whether surface water impacts have occurred.
 - C. Irrigation Field Performance Monitoring. In 1990, the irrigation practices were successful. It is likely that improved irrigation scheduling and increased crop

harvest and removal will enhance system performance even more. This should be verified in Jackson Bottom so techniques can be confidently used at other sites. In addition to water budget analysis as performed in 1990, monitoring should be expanded to collect a dataset sufficient to develop budgets for nitrogen and phosphorus. The primary additions, would be periodic soil sampling, crop tissue sampling, and more careful harvest and irrigation record keeping. The lysimeter sampling schedule could be reduced to every second month. Laboratory analyses should be expanded to include those constituents measured in ground water samples (see Table 9).

- D. Detailed Site Survey. More detailed information is required about elevation of various features in Jackson Bottom: pond bottoms, local topography, river and creek levels, etc. This information is required for better characterization of surface and ground water hydrology.

REFERENCES

Hart, D. H. and R. C. Newcomb. 1965. Geology and Ground Water of the Tualatin Valley, Oregon. USGS Water Supply Paper 1697.

Linsley, R. K., M. A. Kohler, and J. L. H. Paulhus. 1982. Hydrology for Engineers. McGraw Hill, New York.

Scientific Resources, Inc. 1990. Report on monitoring of Jackson Bottom Experimental Wetland (JBEW), 1989: Final Report.

Tualatin Basin Consultants. 1990. Unified Sewerage Agency Wastewater Facilities Plan.

USDA Soil Conservation Service. 1982. Soil survey of Washington County, Oregon.

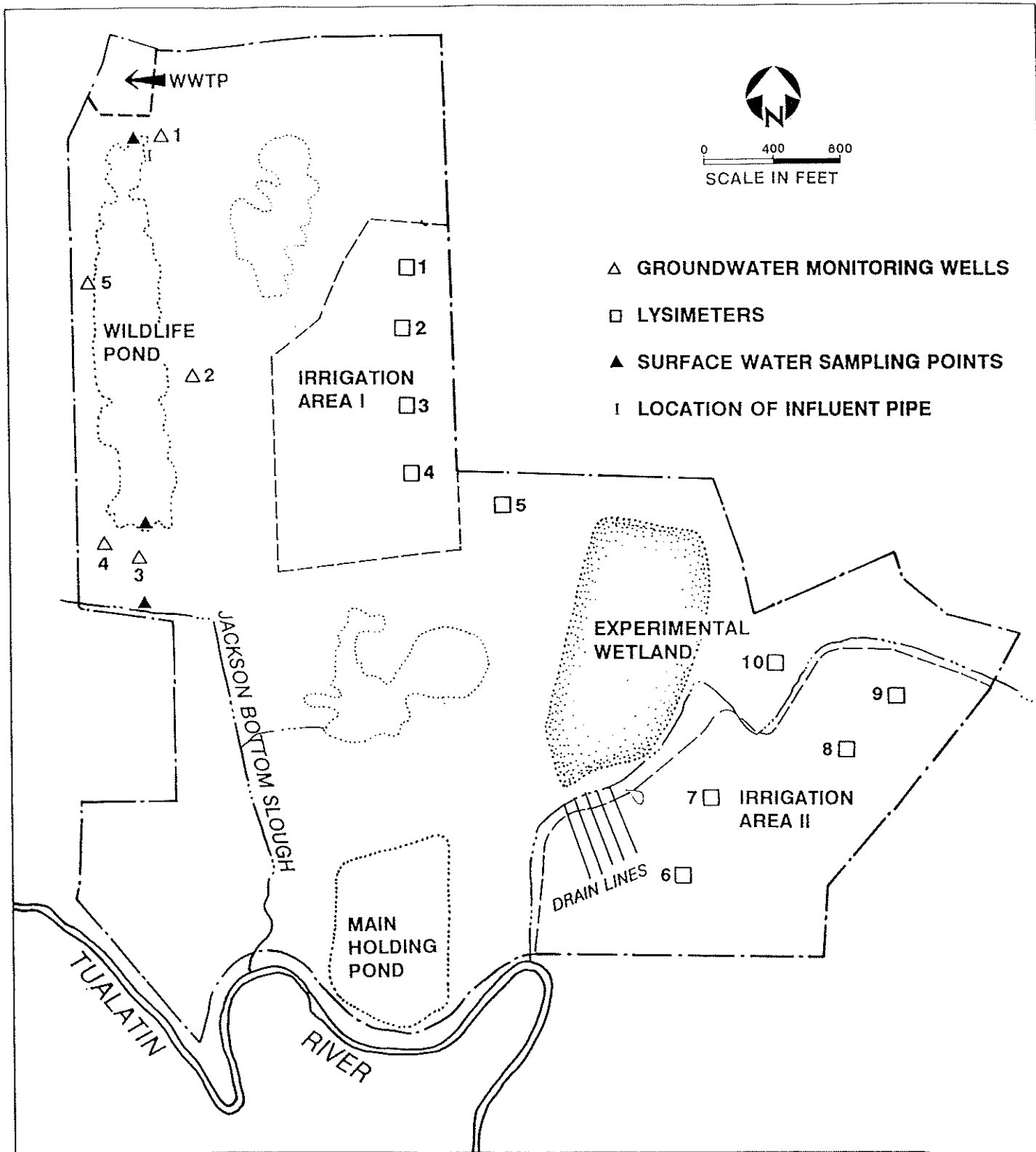


Figure 1.
JACKSON BOTTOM SITE MAP

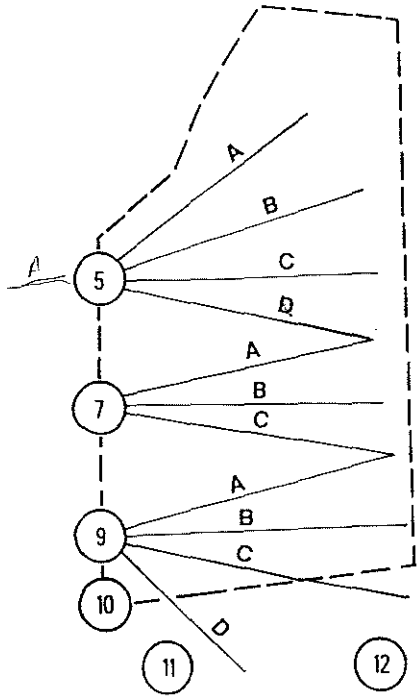
UNIFIED SEWERAGE AGENCY
HILLSBORO, OREGON
NOVEMBER 1990

CASCADE EARTH SCIENCES, Ltd.
PN 902013



AS

0 400 800
SCALE IN FEET



5 IRRIGATION RISERS
 — SPRINKLER PATHS

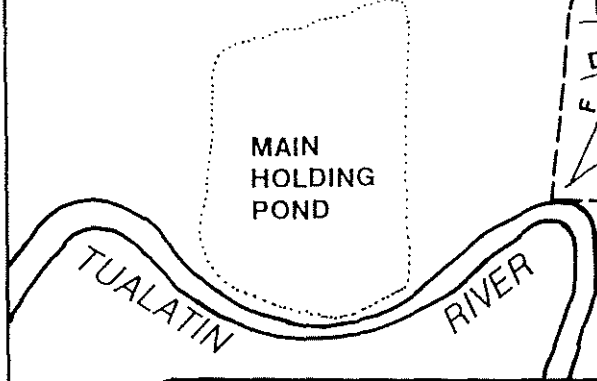
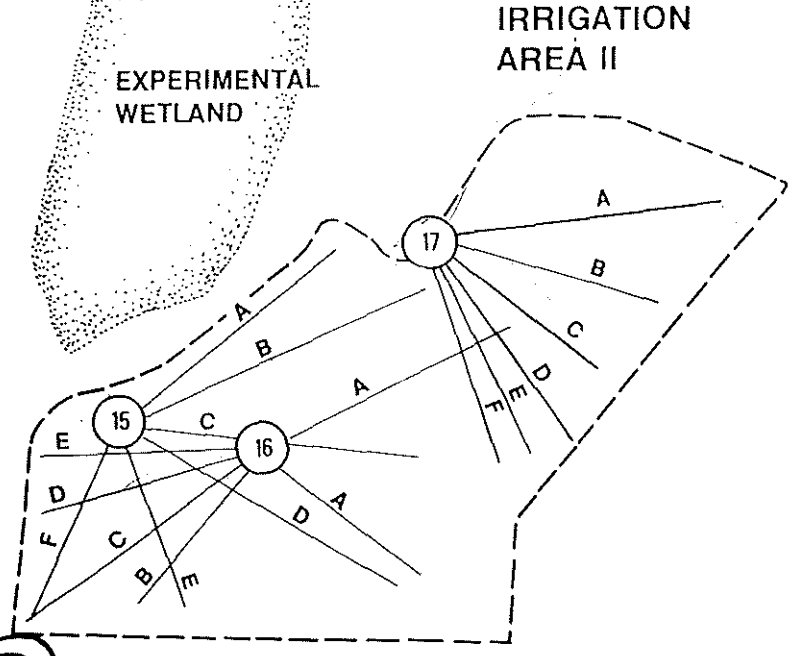
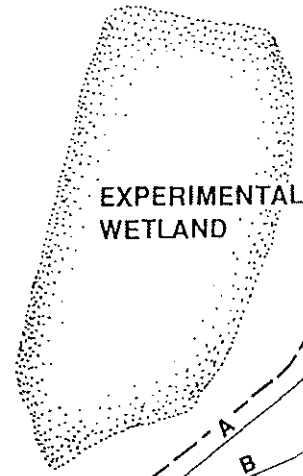


Figure 2.
JACKSON BOTTOM IRRIGATION AREAS
 (See Figure 1. for regional location)

UNIFIED SEWERAGE AGENCY
 HILLSBORO, OREGON
 NOVEMBER 1990

CASCADE EARTH SCIENCES, Ltd.
 PN 902013

Transfer Processing Log (Div 380)

T-7012
filed: 7-2-93
POU & POD
Cert# 12235

Reviewer's Name: V. Jaramillo Date: 3-24-06

Transfer #: T-7012 Type of Change: POU & POD

Originating Certificate: 12235 (Appl #: S-14812 Permit #: S-10791)

Date filed: 7-2-93
County: Washington WM District: #18-Darrel Hedin

Applicant's Name & Mailing Address: ~~Unified Sewerage Agency (USA)
Attn: Tom Vander Plaats
155 North First Ave, Ste 270, m/s 10
Hillsboro, OR 97124-3072~~

CWRE: Charles Spear #187

Now!
Clean Water Serv.
~~2550 SW Hillsboro Hwy~~
Hillsboro
16060 SW 85th Ave
Tigard, OR 97224

Transfer Workflow Maintenance: Has file been assigned to me? Y N (If No, Update Transfer Workflow.)

Check Application

- Type of change indicated clearly?
- Signed by applicants?
- Are fees due or to be refunded? ~~NO~~ If to be refunded, generate Request for Refund to be sent to WRD with Final Order. **→ Refund \$137 - see attached calculations.**
- Does the land use form match affected tax lots and is it signed by proper official?
- If a ditch company or district is involved, send them a copy of the application and map. **→ send copy to TVID. - doesn't look like it was sent yet.**
- If a POD is moving to a ditch owned by a company or organization, applicant may need to show permission from the ditch owner.

Check Ownership

- Check that deed/lot book report matches the "from" lands. **OK - this removed by Amendment Rcd 11-21-06. - Deed doesn't cover land/lots in Fir Grove Loops**
- Get current tax lot map. (If transfer application is several years old, contact assessor's office for current landowner)
- Is the applicant the owner of the "from" lands? (Update mailing address of applicant/owner if needed) **Revised (11-21-06) to remove all land under others' ownership. ("from") - that was NOT under their ownership.**
- Have all owners on the deed/lot book report signed the application? **NO**
- Is there a notarized, signed statement of consent from any landowners other than applicant? **NO**
- Is there a copy of written notification of transfer to each lien holder identified on deed/lot book report? **NO**
- Verify agent authority if applicant has not specifically signed a statement giving authorization for agent to work on his behalf.

→ Removed "from" land NOT under their ownership.

Check Application Map

- Does it have an original CWRE signature?
- Is the size and scale accurate and appropriate as per OAR 690-380-3100(1)(b)(c)&(d)?
- Are all authorized and proposed POD's/POA's and POU's shown and clearly labeled?
- Do the metes and bounds for the POD's/POA's properly describe the location on the map?
- Do map acres match the tabulation on the certificate? **NO OK - See Revised Map dated 11-21-06.**
- Pull final proof maps for the rights. Does application map match certificate FPS maps? **NO OK - See Revised Map dated 11-21-06.**
- Pull aerial photos, if needed (and available).
- Do the POD/POA dimensions match the location on map?
- Do the POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions?

Is Application complete?

- application form
- deed **-OK**
- map
- certificate
- evidence of use
- fees paid **-over paid**
- land-use form
- well logs **-N/A**
- Reviews/comments received? Watermaster ODFW GW **-N/A**

OK - No, but used reclaimed water, so OK by ORS 540.610(2)(h) - See also 7-2-93 cover letter to Appl.

Removed lots on Fir Grove Loops.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- Are only the authorized POD's/POA's and POU's to be transferred listed?
- Do application & certificate tabulations match? (check off on application and certificate copies and note corrections needed)
- Mark on certificate copy which acreage is being transferred and what will remain in each 1/4 1/4.

Max capacity = 515 gpm (1.15 cfs)

* See Report ("Potential Ground Water & Surface Water Impacts from Effluent Reuse Practices - February 4, 1991" - attached + Appl. description & capacity of delivery system. Rcvd 7-2-93 for

Is right valid and subject to transfer by applicant?

- Certificate 12235 -or- Proof accepted "to the satisfaction..."
- Has the right been exercised according to terms & conditions of certificate? NO - but has been using Reclaimed Water, so OK - ORS 540.610(2)(b) & See Appl cover letter dated 7-2-93
- Compare delivery system capacity against with the rate/duty of the right.
- Print plat card report. Are there conflicting water rights? Yes on "To" lands
- Is newspaper notice required? If so, generate a draft of the notice.
- Are there any rights that need to be canceled or diminished to supplemental? If so prepare an affidavit. - per 11-21-06 Amendment, have asked that Cert 12235 become Suppl. to Cert 35409. - will need to get

yes

Proposed POD Approx 6050 feet upstream on Tualatin River from Auth. POD. (approx 1.2 miles)

Deficiencies to be resolved:

-
-

Injury Determination

<input checked="" type="checkbox"/> Watermaster	Injury: Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Conditions: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
<input type="checkbox"/> ODFW	Injury: Y <input type="checkbox"/> N <input type="checkbox"/>	Conditions: Y <input type="checkbox"/> N <input type="checkbox"/>
<input type="checkbox"/> GW	Injury: Y <input type="checkbox"/> N <input type="checkbox"/>	Conditions: Y <input type="checkbox"/> N <input type="checkbox"/>

N/A

- Will the "from" lands be able to be dried up? Yes No
- Use Interactive Mapping to check for intervening PODs: No Yes
- Check relation to instream water rights: Moves into or within ISWR No problem
- Check movement related to reduction of flows to junior rights - 5 jr Certs & 1 jr permit

Certs: 38313, 41083, 47456, 45975 & 19492. & Permit S-35792

Determination: Enlargement? Yes No
 Injury? Yes No → to ISWR's 59692 & 72960

Approve -or- Reject

Conditions requested:

- Measurement devices: Required prior to use -or- "When in the judgment..."
- Fish screen (see ODFW comments)
- Other: - Can condition to limit quantity of water @ New POD to what was available @ Auth. POD to protect junior water rights.

Remarks:

Receiving Landowners (per T-7012 appl.)

• Ron & Diane Davis
 215 SW Wood St.
 Hillsboro, OR 97123

Potential Conflict on "To" Land

* See 11-21-06 Amendment

Applicant requests in "Response #5" - that the portion of the right transferred under Cert 12235 to become Suppl. to Cert 35409.

Processing Benchmarks:

Request for Comments

WRD Notice date: _____ Comments received? Y N

Deficiency Letter

Deficiency letter sent on _____ for _____

Response due date: _____

Draft Preliminary Determination

Generate Draft Preliminary Determination and Cover Letter (include deficiencies, determination & conditions).

Include statement that they need to submit a report of ownership and lien information? Y N
[see OAR 690-380-4010(5)]

DPD sent to applicant (date): _____ Comment deadline: _____

Response: Withdraw Proceed Amend _____

Transfer Workflow Updated with DPD "sent" date? Y N

Preliminary Determination

Preliminary recommendation: Approve _____ Reject _____

PD issue date: _____

WRD PD Notice date: _____

Newspaper Notice required? Y N Affidavit of Publication received? Y N

- Proposed POD is approx 6050 feet upstream from Auth. POD.

Last date of Publication in Newspaper: _____

Protest Period End date (30-days after last publication): _____

Protests filed? Y N Schedule Hearing? _____

Final Order

FO (& refund request) draft date: _____ Reviewed by: _____

Remaining Right Certificate draft date _____ Reviewed by _____

Transfer Workflow Maintenance:

Has file been assigned to Dorothy for Peer Review? Y N
(If No, Update Transfer Workflow.)

With Deficiency Letter Send:
• Copy of final proof map for Cert # 12235
• Copy of Cert # 12235
• Copy of Appl (T-7012) "from" & "to" maps

Water Right Transfer Completion Checklist

T-7012

Transfer Specialist: Lisa Jaramillo

Water Rights Affected

App File No.	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
S-14812	S-10791	12235	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	87875
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	

Copies Needed

** Assigned to 'Clean Water Services' on Jan 14, 2013
assigned to agent as Nutra Vogel for file T-11468*

Watermaster District: #18 – Darrell Hedin

CWRE No.: Jeffrey Jones, #450

Irrig Dist Name/Address: Tuatin Valley Irrigation District

Commentors Name/Address: _____

Draft PD

- DPD Mailed 1-5-07
- DPD Response 4-30-07
- Workflow

Preliminary Determination

- Electronic Files uploaded
- Preliminary Determination
- PD Cover letter
- Newspaper Notice (if required)
- Workflow/Date Sent to Salem
- File Folder updated
- Fee Refund Due
- Remaining Rights
- Public Notice, Salem
- Audit Sheet

Comments/Special Issues:

It appears the proposed POD change will result in injury to 2 instream water rights (Certificates 59692 and 72960). Will need to ask DEQ and ODFW whether they recommend consent to injury.

4-30-07 - Applicants requests to pursue Consent to Injury.

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: <u>ASP</u> Date: <u>12/14/06</u>	Reviewer: <u>PKS</u> Date: <u>5/7/07</u>	Reviewer: _____ Date: _____
Coordinator: _____ Date: _____	Coordinator: <u>ASP</u> Date: <u>5/24/07</u>	Coordinator: <u>ASP</u> Date: <u>12/21/12</u>

Comments/Special Issues:

ΔPOU, ΔPOD ok

DRAFT Final Order Review

Reviewer: ASP Date: 2/10/08
Coordinator: _____ Date: _____

Special Order Volume: _____, Pages _____

Final Order Signature Date: _____

WRIS clone correction needed



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

January 14, 2013

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

REFERENCE: Transfer Application T-7012

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dorothy Pedersen, by telephone at (503) 986-0890 or by e-mail at Dorothy.I.Pedersen@wrd.state.or.us.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

cc: Darrell C. Hedin, Watermaster Dist. #18

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-7012, Washington County	)	CHANGE IN POINT OF DIVERSION
	)	AND PLACE OF USE

Authority

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

Applicant

CLEAN WATER SERVICES
ATTN: STEPHEN E. KEBBE
16060 SW 85TH AVENUE
TIGARD, OR 97224

Receiving Landowners

RON AND DIANE DAVIS
9670 NW BEACH CT.
HILLSBORO, OR 97124

Findings of Fact

Background

1. The Unified Sewerage Agency filed a transfer application on July 2, 1993, to change the place of use and point of diversion under Certificate 12235. The Department assigned the application number T-7012.
2. On June 5, 2001, the Unified Sewerage Agency Board of Directors resolved and ordered (No. USA 01-30) that the name of Unified Sewerage Agency is changed to Clean Water Services.
3. The applicant initially proposed to transfer 70.4 acres which included several tax lots not owned by Clean Water Services. On November 21, 2006, the applicant amended the application and map to remove the tax lots not under their ownership, resulting in a proposed transfer of only 53.3 acres.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

Certificate: 12235 in the name of EDWARD H. FREUDENTHAL (perfected under Permit S-10791)

Use: IRRIGATION of 53.3 ACRES

Priority Date: NOVEMBER 26, 1932

Rate: 0.67 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre

Source: TUALATIN RIVER, tributary to WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
1 S	2 W	WM	7	SW NE	42	NONE SPECIFIED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	2 W	WM	7	NE NE	42	31.8
1 S	2 W	WM	7	NW NE	42	7.0
1 S	2 W	WM	7	SW NE	42	8.3
1 S	2 W	WM	7	SE NE	42	5.1
1 S	2 W	WM	8	NW NW	42	1.1
TOTAL:						53.3

5. Transfer Application T-7012 proposes to move the authorized point of diversion approximately 1.2 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	3 W	WM	12	SE NE	1700 FEET SOUTH AND 1090 FEET WEST FROM THE NE CORNER OF SECTION 12

6. The location to which the place of use is proposed to move is already covered by a junior primary irrigation right (Certificate 35409, priority August 2, 1966). The applicant has indicated in correspondence received November 21, 2006, that they wish Certificate 12235, priority November 26, 1932, to become supplemental to the existing primary irrigation Certificate 35409 on the lands to which the right is transferred upon the issuance of a final order approving Transfer T-7012.

7. Transfer Application T-7012 also proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	1	SE NW	4.3
1 S	3 W	WM	1	NE SW	7.5
1 S	3 W	WM	1	NW SE	1.1
1 S	3 W	WM	12	NE NE	30.9
1 S	3 W	WM	12	NW NE	7.3
1 S	3 W	WM	12	SE NE	2.0
1 S	3 W	WM	12	NE NW	0.2
TOTAL:					53.3

8. Notice of the application for transfer was published on July 14, 1993, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

However, the Oregon Department of Fish and Wildlife (ODFW) did request inclusion of a condition requiring installation of proper fish screens. This request is based upon ODFW's determination that a fish screen is necessary at the new point of diversion and that the diversion is not currently equipped with an appropriate fish screen.

Transfer Review Criteria [OAR 690-380-4010(2)]

9. Water was not used within the five years prior to submittal of the transfer application on July 2, 1993, according to the terms and conditions of the right. Since the applicant purchased the property to which Certificate 12235 is appurtenant in 1985, the subject land has been irrigated with treated wastewater effluent known as reclaimed water. However, 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).
10. A diversion structure, ditch, pipeline and sprinklers sufficient to use the full amount of water allowed under the existing right are present.
11. The proposed change would not result in enlargement of the right.
12. There are several intervening points of diversion for junior water rights between the existing authorized point of diversion under Certificate 12235 and the proposed point of diversion. However, the use of water at the proposed point of diversion can be conditioned to avoid injury to the junior points of diversion by limiting the quantity of water diverted at the proposed point of diversion to the quantity of water lawfully available at the original point of diversion.
13. Instream Water Right Certificates 59692 and 72960 exist for the reach of the Tualatin River in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water rights during the months of June, July, August, September, October and November. Thus, the instream water rights would be injured as a result of the proposed change in point of diversion.
14. Instream Water Right Certificate 59692, established pursuant to ORS 537.346 at the request of the Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife, is for flows to be maintained in the Tualatin River and its tributaries above USGS Gage No. 14-2075 (being approximately river mile 2.0), at West Linn (SW ¼, Sec. 34, T2S, R1E, W.M.), measured at the gage. The date of priority of the right is May 25, 1966.
15. Instream Water Right Certificate 72960, established pursuant to ORS 537.341 at the request of the Oregon Department of Environmental Quality, is for flows to be maintained in the Tualatin River from river mile 52.8 (NE ¼, Sec. 9, T1S, R3W, W.M.) to the mouth at river mile 38.5 (NW ¼, Sec. 16, T1S, 2W, W.M.). The date of priority of the right is August 5, 1993.

16. Due to the potential for injury to instream water right Certificates 59692 and 72960, the Department mailed a draft Preliminary Determination proposing to deny Transfer Application T-7012 to the applicant on January 5, 2007. The draft Preliminary Determination set forth a deadline of February 5, 2007, in which the applicant could respond; however the deadline was extended to May 1, 2007, to allow the applicant time to assess the situation and decide whether or not to proceed with the transfer application.
17. On April 30, 2007, the Department received an e-mail from the applicant requesting the Department pursue consent to injury to the instream water rights as outlined in ORS 540.530 and OAR 690-380-5050, and requested the Department seek a recommendation from the agencies that requested the instream water rights.
18. On May 24, 2007, the Department issued a Preliminary Determination proposing to deny Transfer Application T-7012 due to the potential for injury to instream water right Certificates 59692 and 72960, unless Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife recommended the Department consent to the injury pursuant to ORS 540.530. Concurrent with issuance of the Preliminary Determination, the Department requested such a recommendation. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 29, 2007, and in The Hillsboro Argus newspaper on June 5, 12 and 19, 2007, 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.
19. On June 20 and July 24, 2008, the Oregon Department of Environmental Quality (DEQ) recommended that the Department consent to the injury of instream water right Certificates 59692 and 72960. DEQ determined the overall project benefits will offset the negative effects of the upstream point of diversion change and provide a net benefit to the resource, as long as certain conditions are met. The transfer will provide a net benefit to the purposes of the two instream water rights, provided the following conditions are satisfied:
 - a) The diversion of water at the original authorized point of diversion under Certificate 12235 is no longer allowed;
 - b) Concurrent with the approval of Transfer T-7012, 0.24 cfs of water under Certificate 20013 must be transferred instream from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River;
 - c) A water measurement device must be installed and maintained at the proposed point of diversion according to Water Resources Department requirements;
 - d) Riparian habitat shall be restored with native vegetation at the original authorized point of diversion under Certificate 12235 and at the new proposed point of diversion, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals; and

- e) Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.
20. On June 27 and July 30, 2008, the Oregon Department of Fish and Wildlife (ODFW) recommended that the Department consent to the injury of instream water right Certificate 59692. ODFW determined that the combined benefits of the transfer will provide a net benefit to the purposes of the instream water right, provided the following conditions are met:
- a) The diversion of water at the original authorized point of diversion under Certificate 12235 is no longer allowed;
 - b) Concurrent with the approval of Transfer T-7012, 0.24 cfs of water under Certificate 20013 must be transferred instream from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River;
 - c) If instream water right Certificate 59692 is not being met, the applicant must implement water conservation measures to reduce the impact to the instream water right;
 - d) Once reclaimed water is available, the 0.67 cfs of water involved in Transfer T-7012 (Certificate 12235) shall be transferred instream by the water user;
 - e) A water measurement device must be installed and maintained at the proposed point of diversion according to Water Resources Department requirements;
 - f) Prior to diverting water, the water user shall install a fish screen at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) and National Marine Fisheries Service's design and construction standards. The diversion may be eligible for cost share assistance under ODFW's cost share program. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screen was installed to the state's criteria. The water user shall maintain and operate the fish screen at the point of diversion consistent with ODFW's operational and maintenance standards. This condition must be included in the new certificate;
 - g) Riparian habitat shall be restored with native vegetation at the original authorized point of diversion under Certificate 12235 and at the new proposed point of diversion, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals; and
 - h) Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.

21. Notice of the opportunity to comment on the recommendations to consent to injury of the instream water rights was published on August 5, 2008, in the Department's weekly notice pursuant to OAR 690-380-5050(4). No comments were received.
22. On September 12, 2008, the Department sent a *draft* final order for T-7012 to the applicant for review. The applicant responded on October 16 and December 12, 2008, and requested that the language in Finding #20-c and Condition #11 be modified as follows:

*If instream water right Certificate 59692 is not being met, the ~~applicant~~ **landowner** must implement ~~water conservation measures~~ **efficient irrigation practices** to reduce the impact to the instream water right.*" The applicant also requested that the language in Finding #20-d and Condition #12 be modified as follows:

*Once reclaimed water is available, ~~the 0.67 cfs~~ **0.73 cfs** of water involved in ~~Transfer T-7012 (Certificate 12235)~~ **under Certificate 35409** shall be transferred instream by the water user.*
23. On October 7, 2008 and May 19, 2009, ODFW concurred with the language modifications proposed by the applicant.
24. On October 8, 2008, DEQ concurred with the language modifications proposed by the applicant.
25. Considering ODFW and DEQ's acceptance of the proposed language modifications, the applicant requested on May 19, 2009, that the Department proceed with the issuance of a final order for Transfer T-7012.
26. On August 16, 2012, the Department approved T-10785, creating an instream right 0.21 cfs of the needed 0.24 cfs for mitigation in the reach of the Tualatin River from the point of diversion at approximately River Mile 55 to the Mouth. The order was recorded at Special Order Volume 88, page 370.
27. On August 27, 2012, Clean Water Services submitted Transfer Application T-11468, proposing to transfer an additional 0.03 cfs instream in the Tualatin River from the same point of diversion to the mouth, to make up the additional mitigation requirement.
28. On December 31, 2012, concurrent with this order for T-7012, the Department is approving T-11468, adding 0.03 cfs to the instream rights in the reach of the Tualatin River from approximately River Mile 55 to the Mouth.

Conclusions of Law

The Water Resources Department consents to injury of the instream water rights under Certificates 59692 and 72960. The changes in point of diversion and place of use proposed in Transfer Application T-7012 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and 690-380-5030.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in Transfer Application T-7012 are approved. The transferred portion of the right evidenced by Certificate 12235 becomes supplemental to the right evidenced by Certificate 35409 at the new place of use.
2. Concurrent with the approval of Transfer T-7012, 0.03 cfs of water under Certificate 22048 is being transferred instream from the point of diversion at approximately River Mile 55 downstream to the mouth of the Tualatin River through approval of T-11468. This adds to the instream right for 0.21 cfs of water under Certificate 87718 that was created instream from the same point of diversion to the mouth through approval of T-10785.
3. The right to the use of the water under Transfer T-7012 is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 12235 and any related decree.
4. Water Right Certificate 12235 is cancelled.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The diversion of water at the original authorized point of diversion under Certificate 12235 is no longer allowed.
7. Prior to diverting water, the water user shall install a fish screen at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) and National Marine Fisheries Service's design and construction standards. The diversion may be eligible for cost share assistance under ODFW's cost share program. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screen was installed to the state's criteria. The water user shall maintain and operate the fish screen at the point of diversion consistent with ODFW's operational and maintenance standards. This condition must be included in the new certificate confirming completion of this transfer.
8. Prior to diverting water, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
9. Riparian habitat shall be restored with native vegetation at the original authorized point of diversion under Certificate 12235 and at the new proposed point of diversion, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals.

10. Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.
11. If, at any time, instream water right Certificate 59692 is not being met, the landowner shall implement efficient irrigation practices to reduce the impact to the instream water right.
12. Once reclaimed water is available, 0.73 cfs of water under Certificate 35409 shall be transferred instream by the water user.
13. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2014**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
14. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 31 day of December, 2012.


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

Mailing date: _____

STATE OF OREGON
 COUNTY OF WASHINGTON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EDWARD H. FREUDENTHAL
 HILLSBORO, OREGON

confirms the right to use the waters of TUALATIN RIVER, tributary to WILLAMETTE RIVER, for IRRIGATION of 19.2 ACRES.

This right was perfected under Permit S-10791. The date of priority is NOVEMBER 26, 1932. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.24 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 S	2 W	WM	7	SW NE	George Sigler DLC 42

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	2 W	WM	5	SW SW	42	10.5
1 S	2 W	WM	6	SE SE	42	3.2
1 S	2 W	WM	7	NE NE	42	2.8
1 S	2 W	WM	8	NW NW	42	2.7

This certificate describes that portion of the water right confirmed by Certificate 12235, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered 12-31-12 approving Transfer Application T-7012.

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

WITNESS the signature of the Water Resources Director, affixed December 31, 2012


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

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

Partial mitigation for T-7012 consent to injury ODFW recommendation

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

Authority

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

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

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

Applicant
CLEAN WATER SERVICES
ATTN: STEPHEN KEBBE
2550 SW HILLSBORO HWY
HILLSBORO, OR 97123

Agent
SCHWABE, WILLIAMSON & WYATT, P.C.
ATTN: MARTHA O. PAGEL
530 CENTER STREET NE, SUITE 400
SALEM, OR 97301

Findings of Fact

Background

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

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

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

Use: IRRIGATION of 19.0 ACRES

Priority Date: MARCH 5, 1946

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

Source: TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Points of Diversion:

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

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	DLC	ACRES
1 S	3 W	WM	8	NE NW	44	17.1
1 S	3 W	WM	8	NW NW	44	1.9
TOTAL:						19.0

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

Voluntary Partial Cancellations of a Water Right

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

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

Use: IRRIGATION of 10.0 ACRES

Priority Date: MARCH 5, 1946

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

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

Source: TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Points of Diversion:

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

Authorized Place of Use:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusions of Law

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

Now, therefore, it is ORDERED:

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

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

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

<i>Period</i>	<i>Rate (cfs)</i>
June 23 through September 30	0.21

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

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

Dated at Salem, Oregon this 16 day of August, 2012.



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

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

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

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

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

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

To the Mouth of the Tualatin River.

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

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

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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

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



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

Dorothy Pedersen

From: Darrell Hedin
Sent: Tuesday, June 07, 2011 1:49 PM
To: Bill Fujii; Laura Wilke; Dorothy Pedersen
Cc: Bill Ferber
Subject: T-10785

Attachments: Fernhill Wetland #2a.jpg; Fernhill Wetland #2b.jpg

In response to Martha's letter of June 3 supporting T-10785 to address her comments on page 2 under, "additional factual information."

It would be my opinion that the underlying irrigation right has been **forfeited** from nonuse. This pond is only filled with reuse water during the winter from overflow and as you can see it is dry during the irrigation season. CWS is restricted by deq in any release that could get to the Tualatin River in the summer months and pipes the effluent to the Hillsboro facility during this period. I know you can classify land as a "wetland" and maybe include the plants even though it may not be wet but not so with calling it irrigated and only valid if used from May1-Sept 30.

Does reuse water take the place of natural flow from the Tualatin River because the source water under this irrigation right is the Tualatin and that hasn't been exercised on this property for years?

Darrell

Darrell C. Hedin
Watermaster, District 18
OWRD-NW Region
1400 SW Walnut ST # 240
Hillsboro, OR 97123
503.846.7780
www.oregon.gov/owrd



Taylor Way



Fernhill Wetland #2

SW Fernhill Rd



SW Geiger Rd

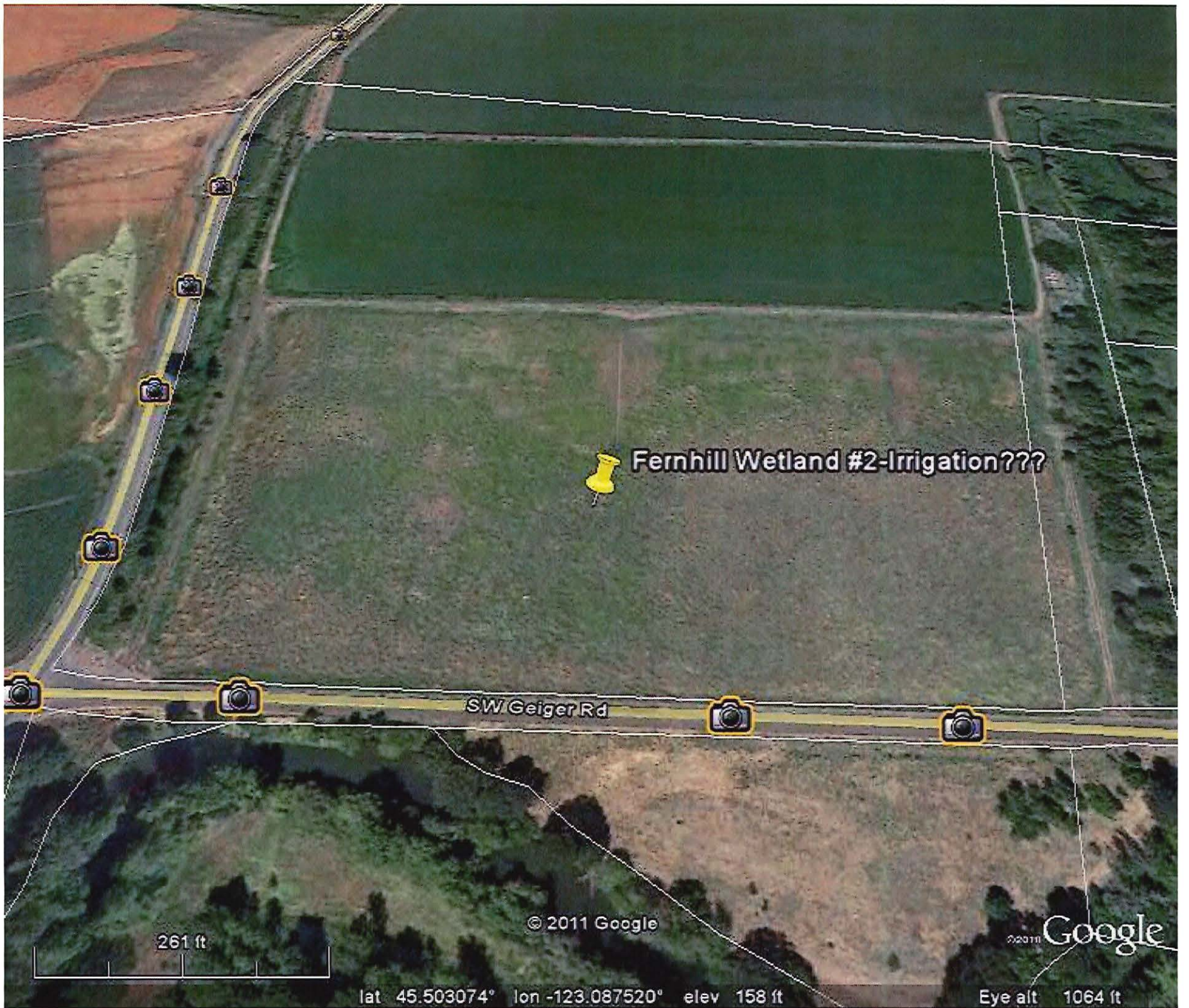
1073 ft

© 2011 Google

Google

lat 45.505635° lon -123.086206° elev 155 ft

Eye alt 3866 ft



Dorothy Pedersen

From: Bill Fujii
Sent: Wednesday, February 02, 2011 4:30 PM
To: Laura Wilke; Dorothy Pedersen
Subject: Friday's meeting suggested agenda
overview of actions requested

- 1) Reclaimed Water - Without specific recycled water plan from the Discharge permit registrations of reclaimed water are not accepted.
- 2) Instream actions - the proposed instream actions require an "in lieu" of reclaimed water irrigation
- 3 Transfers - the group of actions requested are part of a package contained in a transfer application
- 4) Alternatives - discuss what alternatives are available and the process to obtain them

Laura Wilke

From: Darrell Hedin
Sent: Tuesday, January 25, 2011 9:49 AM
To: Laura Wilke
Subject: RE: CWS - instream transfer for mitigation

Laura,
No reclaimed water and yes they lease this property to a farmer who irrigates.

Darrell C. Hedin
Watermaster, District 18
OWRD-NW Region
1400 SW Walnut ST # 240
Hillsboro, OR 97123
503.846.7780
www.oregon.gov/owrd

From: Laura Wilke
Sent: Tuesday, January 25, 2011 9:45 AM
To: Bill Fujii; Dorothy Pedersen; Darrell Hedin
Subject: FW: CWS - instream transfer for mitigation

Dorothy, Bill - FYI. I've printed out copies of the associated certs and paper maps.

Thanks Darrell - This will probably help in our conversation with Martha and Steve next week. Do you know if they're using water under these rights or do we have another reclaimed water situation?

Laura

From: Darrell Hedin
Sent: Tuesday, January 25, 2011 9:36 AM
To: Laura Wilke
Subject: RE: CWS - instream transfer for mitigation

Laura,
There is a portion of P-16830 to the south and west that is still available and not part of this transfer. Also CWS owns property just to the west with Permit 14836 which is just upstream.

Darrell

Darrell C. Hedin
Watermaster, District 18
OWRD-NW Region
1400 SW Walnut ST # 240
Hillsboro, OR 97123
503.846.7780
www.oregon.gov/owrd

From: Laura Wilke
Sent: Monday, January 24, 2011 11:06 AM
To: Darrell Hedin
Cc: Dorothy Pedersen; Bill Fujii

Subject: CWS - instream transfer for mitigation

Darrell:

Just wanted to let you know that Bill, Dorothy and I have a meeting scheduled to sit down with Martha and Steve K to discuss the proposed denial of the instream transfer (T-10785) for CWS on Feb 4th.

Had a follow up question for you - is there any other water right that they could transfer to instream use that would help them meet the mitigation requirements they have for T-7012? Just wondering if we had any alternative suggestions for them.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

STATE OF OREGON
COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. W. NELSON

of Route 1, Forest Grove, 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 for the purpose of irrigation under Permit No. 16830 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 March 5, 1946

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 0.92 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44 and Govt. Lots 3, 4, & 5, Section 8, Township 1 South, Range 3 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ 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:

- 0.8 acre in Lot 6 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
- 24.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
- 11.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
- 7.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
- 1.2 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
- 2.4 acres in Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
- 21.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
- 8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
- 4.4 acres in Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
- 4.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
- 6.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
- 1.8 acres in Lot 7 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 8
Township 1 South, Range 3 West, W. M.

Land on which water is to be used is a part of that more explicitly described by applicant as follows:

Beginning at a point on the W. boundary of the Wm. Yates and wife D.L.C. No. 44, T. 1 S., R. 3 W., W. M., 38.35 chs. S. of the NW cor. of same, this being the NW Cor. of the S $\frac{1}{2}$ of said claim, running thence E. on the diversion line of the claim 25.18 chains to the recognized NE corner of said S $\frac{1}{2}$, thence S. on the E. boundary of said claim 36.25 chs. to the angular corner on the W. boundary of the Wm. Geiger Jr., D.L.C. No. 47, thence S. 61°53' E. 13.70 chains to the reentrant corner of said claim, thence S. 18.28 chains, more or less, to an iron pipe from which the SW cor. of said Claim bears S. 1.22 chains distant, thence W. 5.24 chains to the most northern corner of the tract formerly owned by Mrs. T. J. Thorp, conveyed to David Harper by

deed recorded in Book 117, of Deeds Page 205, Records of Washington County, Oregon, thence S. 37° W. 5.50 chains, to angular corner of said tract; thence S. 22.00 chains to a point 1.00 chains to a point 1.00 chains W. of the 1/4 section cor. on S. boundary of said Sec. 8, thence W. on said Sec. line 29.00 chs., more or less, to the E. boundary of the land conveyed to C. W. and M. M. Dixon by deed recorded in Book 80 of Deeds, page 69, Records of Washington County, Oregon; thence Northward on said E. boundary 27.99 chs. to the NE corner thereof, thence N. 66° W. 4.00 chains to the center of Tualatin River; thence up stream, in the center thereof, to its intersection by the eastern boundary of the Alvin T. Smith DIC, thence N. 39° 45' E. 28.88 chains to angular corner of said claim thence N. 18° W. 32.30 chains to intersection with the true W boundary of said Yates DIC, and thence N. 1° 15' E. 3.80 chains to the place of beginning, excepting a tract heretofore conveyed to Washington County by deed recorded in book 131 of Deeds Page 578 records of Washington County, Oregon

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

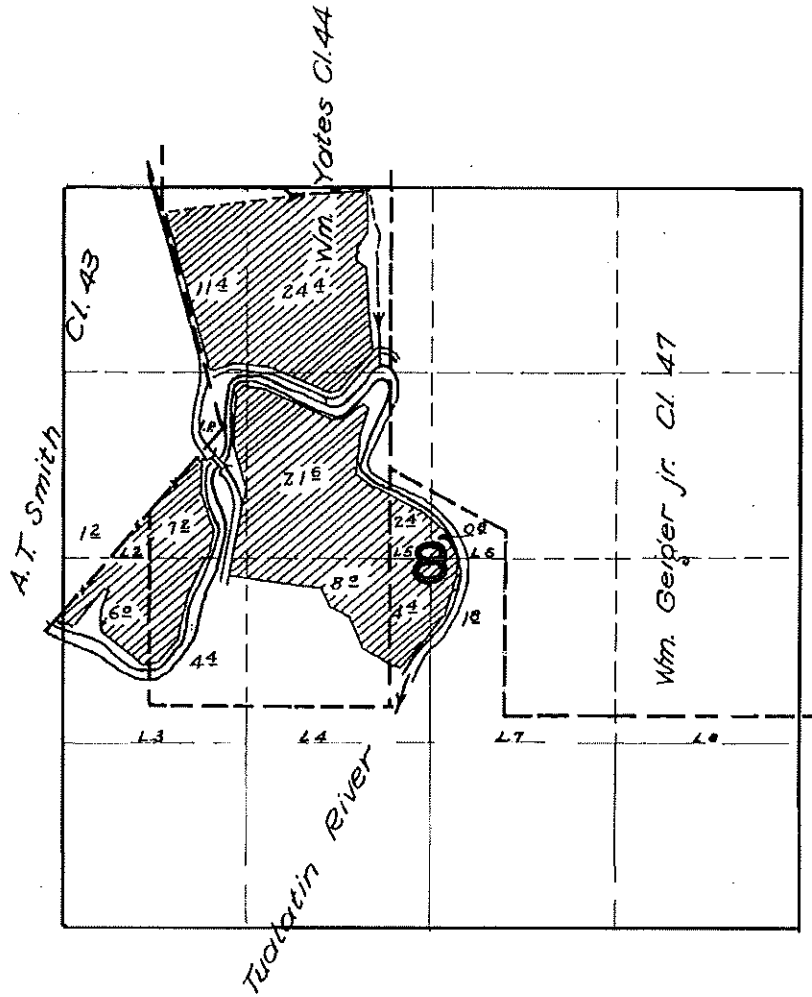
WITNESS the signature of the State Engineer, affixed

this 31st day of March, 19 53.

CHAS. E. STRICKLIN

State Engineer

T.I.S.R.3W.W.M.



FINAL PROOF SURVEY

UNDER

Application No. 21453 Permit No. 16830

IN NAME OF

J. W. NELSON

Surveyed May 23, 1952, by H. L. COFFMAN

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLENN W. ZURCHER
P.O. BOX 266
FOREST GROVE, OREGON 97116

confirms the right to use the waters of GALES CREEK AND THE TUALATIN RIVER, a tributary of WILLAMETTE RIVER, for the purpose of IRRIGATING 200.0 ACRES.

The right has been perfected under Permit 14836. The date of priority is APRIL 10, 1941. The right is limited to not more than 1.50 CUBIC FEET PER SECOND, BEING 0.25 CUBIC FOOT PER SECOND FROM TUALATIN RIVER, AND 1.25 CUBIC FEET PER SECOND FROM GALES CREEK, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

GALES CREEK - NE 1/4 NW 1/4, AS PROJECTED WITHIN DLC 43, SE 1/4 SW 1/4, AS PROJECTED WITHIN HARPER DLC 51, TUALATIN RIVER - LOT 3 (SE 1/4 SE 1/4), SECTION 7, T 1 S, R 3 W, W.M.

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

The right 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, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

SW 1/4 SE 1/4 10.5 ACRES
 AS PROJECTED WITHIN SMITH DLC 43
 SECTION 6

NW 1/4 NE 1/4 18.8 ACRES
 SW 1/4 NE 1/4 18.7 ACRES
 NE 1/4 NW 1/4 20.1 ACRES
 SW 1/4 NW 1/4 0.2 ACRE
 SE 1/4 NW 1/4 35.6 ACRES
 NE 1/4 SW 1/4 18.0 ACRES

ALL AS PROJECTED WITHIN SMITH DLC 43

NE 1/4 SW 1/4 7.7 ACRES
 NW 1/4 SW 1/4 0.4 ACRE
 SE 1/4 SW 1/4 0.1 ACRE

ALL AS PROJECTED WITHIN HARPER DLC 51

SE 1/4 SW 1/4 0.3 ACRE
 NE 1/4 SE 1/4 1.0 ACRE
 NW 1/4 SE 1/4 36.4 ACRES
 SW 1/4 SE 1/4 25.3 ACRES
 SE 1/4 SE 1/4 6.1 ACRES

ALL AS PROJECTED WITHIN SMITH DLC 43

LOT 2 (SW 1/4 SE 1/4) 0.3 ACRE
 LOT 3 (SE 1/4 SE 1/4) 0.5 ACRE

SECTION 7

TOWNSHIP 1 SOUTH, RANGE 3 WEST, W.M.

This certificate is issued to confirm the remaining right and a change in PLACE OF USE approved by an order of the Water Resources Director entered JUNE 15, 1977, and supersedes certificate 17149, State Record of Water Right Certificates.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

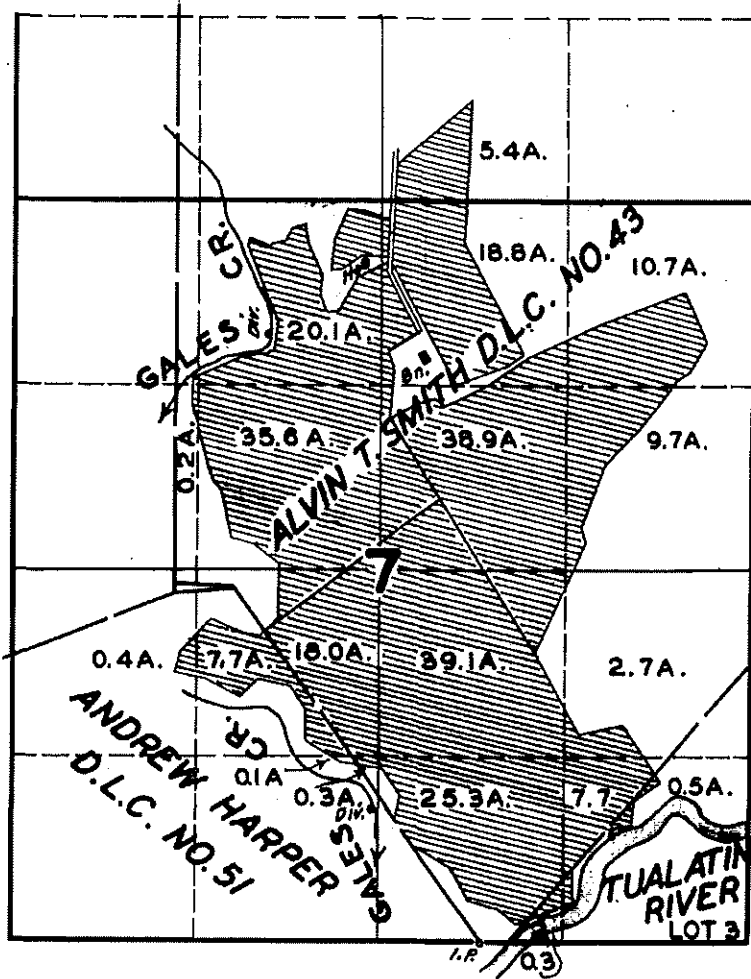
WITNESS the signature of the Water Resources Director, affixed this date FEBRUARY 9, 1989.

/s/ WILLIAM B. YOUNG
 Water Resources Director

Recorded in State Record of Water Right Certificates numbered 59991

T-3614.BE

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



FINAL PROOF SURVEY UNDER

Application No. 19257... Permit No. 14836...
IN NAME OF

.....**GLENN W. ZURCHER**.....

Surveyed **MAY 24, 1948**, by **JAS. E. BUNNELL**



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

September 12, 2008

CLEAN WATER SERVICES
ATTN: STEPHEN E. KEBBE
16060 SW 85TH AVENUE
TIGARD, OR 97224

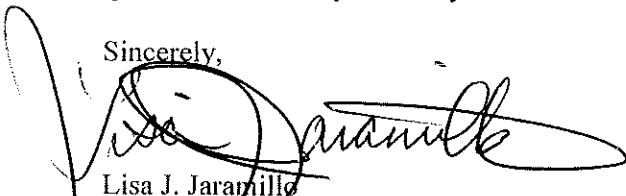
SUBJECT: Transfer Application T-7012

Enclosed, please find the *draft* Final Order indicating that, based upon recommendations from the Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife to consent to the injury of instream water right Certificates 59692 and 72960, the Department intends to approve Transfer Application T-7012. This *draft* is intended to provide you with an opportunity to comment on our findings, conclusions and conditions 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.

Please note that the recommendations to consent to the injury of instream water right Certificates 59692 and 72960 are contingent upon the submittal and approval of an instream transfer application for 0.24 cfs under Certificate 20013 from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River. A final order approving this Transfer Application T-7012 may only be issued concurrently with a final order approving the instream transfer of the 0.24 cfs under Certificate 20013.

Please don't hesitate to contact me at (503) 986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us if you have any questions or if I may be of any further assistance.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist

cc: Transfer T-7012
Darrell Hedin, Watermaster Dist. #18
Tom Vanderplaat, Clean Water Services, 16060 SW 85th Avenue, Tigard, OR 97224
Ron & Diane Davis (*Receiving Landowners*), 215 SW Wood Street, Hillsboro OR 97123
Jeffrey Jones, CWRE #450, Murray, Smith & Assoc. Inc., 121 SW Salmon, Suite 900, Portland, OR 97204
DEQ, Attn: Sally Puent, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201
DEQ, Attn: Avis Newell, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201
ODFW, Attn: Bruce McIntosh, 3406 Cherry Avenue NE, Salem, OR 97303
ODFW, Attn: Jill Zarnowitz, 3406 Cherry Avenue NE, Salem, OR 97303
ODFW, Attn: Rick Kepler, 3406 Cherry Avenue NE, Salem, OR 97303
ODFW, Attn: Danette Ehlers, 17330 SE Evelyn Street, Clackamas, OR 97015

encs



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

In the Matter of Transfer Application	)	DRAFT FINAL ORDER
T-7012, Washington County	)	APPROVING A CHANGE IN
	)	POINT OF DIVERSION AND
	)	PLACE OF USE

Authority

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

Applicant

CLEAN WATER SERVICES
ATTN: STEPHEN E. KEBBE
16060 SW 85TH AVENUE
TIGARD, OR 97224

Receiving Landowners

RON AND DIANE DAVIS
215 SW WOOD STREET
HILLSBORO, OR 97123

Findings of Fact

Background

1. The Unified Sewerage Agency filed a transfer application on July 2, 1993, to change the place of use and point of diversion under Certificate 12235. The Department assigned the application number T-7012.
2. On June 5, 2001, the Unified Sewerage Agency Board of Directors resolved and ordered (No. USA 01-30) that the name of Unified Sewerage Agency is changed to Clean Water Services.
3. The applicant initially proposed to transfer 70.4 acres which included several tax lots not owned by Clean Water Services. On November 21, 2006, the applicant amended the application and map to remove the tax lots not under their ownership, resulting in a proposed transfer of only 53.3 acres.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. The portion of the right to be transferred is as follows:
Certificate: 12235 in the name of EDWARD H. FREUDENTHAL (perfected under Permit S-10791)
Use: IRRIGATION of 53.3 ACRES
Priority Date: NOVEMBER 26, 1932
Rate: 0.67 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: ONE-EIGHTIETH of one cfs per acre
Source: TUALATIN RIVER, tributary to WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
1 S	2 W	WM	7	SW NE	42	NONE SPECIFIED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	2 W	WM	7	NE NE	42	31.8
1 S	2 W	WM	7	NW NE	42	7.0
1 S	2 W	WM	7	SW NE	42	8.3
1 S	2 W	WM	7	SE NE	42	5.1
1 S	2 W	WM	8	NW NW	42	1.1
TOTAL:						53.3

5. Transfer Application T-7012 proposes to move the authorized point of diversion approximately 1.2 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	3 W	WM	12	SE NE	1700 FEET SOUTH AND 1090 FEET WEST OF THE NE CORNER OF SECTION 12

6. Transfer Application T-7012 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	1	SE NW	4.3
1 S	3 W	WM	1	NE SW	7.5
1 S	3 W	WM	1	NW SE	1.1
1 S	3 W	WM	12	NE NE	30.9
1 S	3 W	WM	12	NW NE	7.3
1 S	3 W	WM	12	SE NE	2.0
1 S	3 W	WM	12	NE NW	0.2
TOTAL:					53.3

7. Notice of the application for transfer was published on July 14, 1993, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife (ODFW) did request inclusion of a condition requiring installation of proper fish screens. This request is based upon ODFW's determination 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.

Transfer Review Criteria [OAR 690-380-4010(2)]

8. Water was not used within the five years prior to submittal of the transfer application on July 2, 1993, according to the terms and conditions of the right. Since the applicant purchased the property to which Certificate 12235 is appurtenant in 1985, the subject land has been irrigated with treated wastewater effluent known as reclaimed water. However, 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).
9. A diversion structure, ditch, pipeline and sprinklers sufficient to use the full amount of water allowed under the existing right are present.
10. The location to which the place of use is proposed to move is already covered by a junior primary irrigation right (Certificate 35409, priority August 2, 1966). The applicant has indicated in correspondence received November 21, 2006, that they wish the lands proposed for transfer under the senior primary irrigation right (Certificate 12235, priority November 26, 1932) to become supplemental to the existing primary irrigation Certificate 35409 upon the issuance of a final order approving Transfer T-7012.
11. The proposed change would not result in enlargement of the right.
12. There are several intervening points of diversion for junior water rights between the existing authorized point of diversion under Certificate 12235 and the proposed point of diversion. However, the use of water at the proposed point of diversion can be conditioned to avoid injury to the junior points of diversion by limiting the quantity of water diverted at the proposed point of diversion to the quantity of water lawfully available at the original point of diversion.
13. Instream Water Right Certificates 59692 and 72960 exist for the reach of the Tualatin River in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water rights during the months of June, July, August, September, October and November. Thus, the instream water rights would be injured as a result of the proposed change in point of diversion.
14. Instream Water Right Certificate 59692, established pursuant to ORS 537.346 at the request of the Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife, is for flows to be maintained in the Tualatin River and its tributaries above USGS Gage No. 14-2075 (being approximately river mile 2.0), at West Linn (SW ¼, Sec. 34, T2S, R1E, W.M.), measured at the gage. The date of priority of the right is May 25, 1966.
15. Instream Water Right Certificate 72960, established pursuant to ORS 537.341 at the request of the Oregon Department of Environmental Quality, is for flows to be maintained in the Tualatin River from river mile 52.8 (NE ¼, Sec. 9, T1S, R3W, W.M.) to the mouth at river mile 38.5 (NW ¼, Sec. 16, T1S, 2W, W.M.). The date of priority of the right is August 5, 1993.

16. Due to the potential for injury to instream water right Certificates 59692 and 72960, the Department mailed a draft Preliminary Determination proposing to deny Transfer Application T-7012 to the applicant on January 5, 2007. The draft Preliminary Determination set forth a deadline of February 5, 2007, in which the applicant could respond; however the deadline was extended to May 1, 2007, to allow the applicant time to assess the situation and decide whether or not to proceed with the transfer application.
17. On April 30, 2007, the Department received an e-mail from the applicant requesting the Department pursue consent to injury to the instream water rights as outlined in ORS 540.530 and OAR 690-380-5050, and requested the Department seek a recommendation from the agencies that requested the instream water rights.
18. On May 24, 2007, the Department issued a Preliminary Determination proposing to deny Transfer Application T-7012 due to the potential for injury to instream water right Certificates 59692 and 72960, unless Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife recommended the Department consent to the injury pursuant to ORS 540.530. Concurrent with issuance of the Preliminary Determination, the Department requested such a recommendation. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 29, 2007, and in *The Hillsboro Argus* newspaper on June 5, 12 and 19, 2007, 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.
19. On June 20 and July 24, 2008, the Oregon Department of Environmental Quality (DEQ) recommended that the Department consent to the injury of instream water right Certificates 59692 and 72960. DEQ determined the overall project benefits will offset the negative effects of the upstream point of diversion change and provide a net benefit to the resource, as long as certain conditions are met. The transfer will provide a net benefit to the purposes of the two instream water rights, provided the following conditions are satisfied:
 - a) The diversion of water at the original authorized point of diversion under Certificate 12235 is no longer allowed;
 - b) Concurrent with the approval of Transfer T-7012, 0.24 cfs of water under Certificate 20013 must be transferred instream from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River;
 - c) A water measurement device must be installed and maintained at the proposed point of diversion according to Water Resources Department requirements;
 - d) Riparian habitat shall be restored with native vegetation at the original authorized point of diversion under Certificate 12235 and at the new proposed point of diversion, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals; and

- e) Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.
20. On June 27 and July 30, 2008, the Oregon Department of Fish and Wildlife (ODFW) recommended that the Department consent to the injury of instream water right Certificate 59692. ODFW determined that the combined benefits of the transfer will provide a net benefit to the purposes of the instream water right, provided the following conditions are met:
- a) The diversion of water at the original authorized point of diversion under Certificate 12235 is no longer allowed;
 - b) Concurrent with the approval of Transfer T-7012, 0.24 cfs of water under Certificate 20013 must be transferred instream from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River;
 - c) If instream water right Certificate 59692 is not being met, the applicant must implement water conservation measures to reduce the impact to the instream water right;
 - d) Once reclaimed water is available, the 0.67 cfs of water involved in Transfer T-7012 (Certificate 12235) shall be transferred instream by the water user;
 - e) A water measurement device must be installed and maintained at the proposed point of diversion according to Water Resources Department requirements;
 - f) 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) and National Marine Fisheries Service's 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 diversion may be eligible for cost share assistance under ODFW's cost share program. 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. This condition must be included in the new certificate(s);
 - g) Riparian habitat shall be restored with native vegetation at the original authorized point of diversion under Certificate 12235 and at the new proposed point of diversion, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals; and

- h) Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.
21. Notice of the opportunity to comment on the recommendations to consent to injury of the instream water rights was published on August 5, 2008, in the Department's weekly notice pursuant to OAR 690-380-5050(4). No comments were received.
 22. On _____, 2008, the Department sent a *draft* final order for T-7012 to the applicant for review. The applicant responded on _____, 2008, and requested that the Department proceed with issuance of a final order for Transfer T-7012.

Conclusions of Law

The Water Resources Department consents to injury of the instream water rights under Certificates 59692 and 72960. The changes in point of diversion and place of use proposed in Transfer Application T-7012 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and 690-380-5030.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in Transfer Application T-7012 are approved.
2. Concurrent with the approval of Transfer T-7012, 0.24 cfs of water under Certificate 20013 is being transferred instream from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River through approval of T-_____.
3. The right to the use of the water under Transfer T-7012 is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 12235 and any related decree.
4. Water Right Certificate 12235 is cancelled.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The diversion of water at the original authorized point of diversion under Certificate 12235 is no longer allowed.
7. 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) and National Marine Fisheries Service's 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 diversion may be eligible for cost share assistance under ODFW's cost share program. 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. This condition must be included in the new certificate(s).

8. Prior to diverting water, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
9. Riparian habitat shall be restored with native vegetation at the original authorized point of diversion under Certificate 12235 and at the new proposed point of diversion, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals.
10. Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.
11. If, at any time, instream water right Certificate 59692 is not being met, the applicant shall implement water conservation measures to reduce the impact to the instream water right.
12. Once reclaimed water is available, the 0.67 cfs of water involved in Transfer T-7012 (Certificate 12235) shall be transferred instream by the water user.
13. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 20__**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
14. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this _____ day of _____ 2008.

DRAFT

Phillip C. Ward, Director

Mailing date: _____

Lisa Jaramillo

From: Danette Ehlers [Danette.L.Ehlers@state.or.us]
Sent: Wednesday, July 30, 2008 11:35 AM
To: Lisa Jaramillo
Cc: Jill Zarnowitz
Subject: FW: Transfer T - 7012
Attachments: Transfer T - 7012.pdf

Lisa,

Thank you for your phone call concerning ODFW's consent to injury for transfer T-7012 (attached). It was ODFW's understanding at the time of submission that the proposed upstream transfer amount was 0.6 cfs from Certificate 12235. You have informed me that the full amount of the transfer is actually 0.67 cfs. In the consent to injury of Certificate 59692, it is ODFW'S intention that the full amount (0.67 cfs) be referenced, not merely the amount currently listed (0.6 cfs). Therefore, anywhere that the transfer amount is listed as 0.6 cfs should be replaced with 0.67 cfs. Thank you for clarifying this misunderstanding.

Danette

Danette Ehlers
Assistant District Fish Biologist
ODFW, North Willamette Watershed District
17330 SE Evelyn St.
Clackamas, OR 97015
phone: (971) 673-6013
fax: (971) 673-6071
danette.lehlers@state.or.us

From: Kristeen Volpa
Sent: Wednesday, June 25, 2008 11:46 AM
To: Rick Kepler; Tom Murtagh; Jeff Boechler; Danette Ehlers
Cc: Jill Zarnowitz
Subject: Transfer T - 7012



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

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June 24, 2008

Debbie Colbert, Senior Policy Administrator
Oregon Water Resources Department
North Mall Office Bldg.
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

RE: Transfer T-7012, United Sewerage Agency (now Clean Water Services), Tualatin River

Dear Debbie,

The Water Resources Department (WRD) has determined that approval of water right transfer T-7012, United Sewerage Agency (now Clean Water Services), Applicant, would result in potential injury to in-stream water right Certificate 59692 on the Tualatin River, a tributary of the Willamette River. Fish resources in the Tualatin River include federally listed (threatened) Upper Willamette winter steelhead, cutthroat trout, Pacific lamprey, and coho, among other resident fish species. The Tualatin River is also a water quality limited 303(d) listed stream. Pursuant to ORS 540.530(c), the Applicant has requested that WRD seek consent to injury of the in-stream water right from the Oregon Department of Fish and Wildlife (ODFW). This statute directs that ODFW may consent to the injury if a net benefit to the resource results, consistent with the in-stream water right.

The ODFW has evaluated the proposed transfer and has determined that, if conditioned as described in the attached analysis, the combined benefits of the transfer provide a net benefit, which offsets the injury to the in-stream water right caused by the transfer (see attachment).

Sincerely,

Bruce McIntosh
Assistant Administrator
Inland Fisheries

cc: Danette Ehlers/Tom Murtagh/Jeff Boechler
Jill Zarnowitz/Rick Kepler, Fish Division
Steve Kebbe, Clean Water Services, 2550 SW Hillsboro Hwy, Hillsboro, OR 97123
Michael McCord, WRD District 16 Watermaster
Sally Puente, Technical Services, DEQ
Alyssa Mucken, WRD Transfer Case Worker

Attachment

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JUN 27 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

51000-801000-06



**OREGON DEPARTMENT OF FISH AND WILDLIFE
CONSENT TO INJURY TO AN IN-STREAM WATER RIGHT FOR
WATER RIGHT TRANSFER T-7012**

Transfer Application Background

Water right transfer T-7012 proposes to move 0.6^{0.67} cubic feet per second (cfs) (Certificate 12235, priority date of November 26, 1932) upstream on the Tualatin River approximately 1.3 miles, potentially injuring the Instream Water Right (ISWR) protected by Certificate 59692. The Applicant has agreed to transfer this 0.6^{0.67} cfs to a new landowner as part of a property sale (Davis Tool property). The landowner of the Davis Tool property has an existing water right for 1.04 cfs (Certificate 35409, priority date of August 2, 1966) and will utilize the transferred water for supplemental irrigation only. However, the proposed supplemental right has the earlier priority date and is the senior water right.

There is a low likelihood of impact to ISWR Certificate 59692 due to controlled water releases from Henry Hagg Lake. This stored water is used by Clean Water Services to augment flow in the lower Tualatin River in order to enhance water quality and help the river meet water quality standards set in the Tualatin River Subbasin Total Maximum Daily Load (TMDL).

The Applicant proposes to mitigate the potential injury to Certificate 59692 by transferring 0.24 cfs from Certificate 20013 (approximately river mile 57) instream. Certificate 20013 is upstream of the Davis Tool property, providing additional water in the Tualatin River for over fifty miles to the mouth. In addition, the proposed upstream transfer is for supplemental irrigation and will only periodically be utilized when the primary right is regulated. The Applicant and Watermaster have both stated that the primary right is only regulated about once every five years. When the supplemental right is not being used, it will provide an additional 0.6^{0.67} cfs instream. Currently, the Applicant does not use the full amount of surface water for Certificates 12235 and 20013, as much of the use has been replaced with reclaimed water. The Applicant is also hopeful that the 0.6^{0.67} cfs to be transferred upstream will cease to pose a potential injury within the next five years, as the use of reclaimed water on the Davis Tool property is increased or completely replaces surface water use.

Instream Water Right

Tualatin River ISWR Certificate 59692 (priority date May 25, 1966) maintains an instream flow for the purpose of supporting aquatic life and minimizing pollution. It is to be maintained in the Tualatin River and its tributaries above USGS gage No. 14-2075, at West Linn, measured at the gage. See Table 1 for ISWR flow levels.

Table 1. Certificate 59692 (Tualatin River) flows by month with fish life history stage (/ denotes flow changes halfway through the month). Months are shaded for potential irrigation season injury to the ISWR.

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Cert. 59692	30	30	30	30	30	20	20/15	15	15	30	30	30
Flow in cfs												
Water Available¹	805	1060	886	454	120	-117	-247	-267	-212	-81.8	-34.9	469
Steelhead												
spawning		◆	◆	◆	◆							
incubation		◆	◆	◆	◆	◆						
juv. Rear 2 yr	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Juv.migration		◆	◆	◆	◆	◆						
Adult migr	◆	◆	◆	◆								◆
Cutthroat T.												
spawning	◆	◆	◆									
incubation	◆	◆	◆	◆								
juv. rear	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Juv.migration		◆	◆	◆	◆	◆						
Adult migr												
Coho Salmon												
spawning	◆									◆	◆	◆
incubation	◆	◆	◆							◆	◆	◆
juv. Rear, 1yr	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Juv.migration		◆	◆	◆	◆	◆						
Adult migr										◆	◆	◆
Lamprey												
spawning				◆	◆	◆	◆					
incubation					◆	◆	◆	◆				
juv. Rear, 6yr	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Juv.migration		◆	◆	◆								
Adult migr			◆	◆	◆	◆	◆	◆	◆	◆		

Fish Resources

Native migratory fish present in the Tualatin River include Upper Willamette winter steelhead (federally listed - threatened), cutthroat trout, and likely Pacific lamprey. Winter steelhead are the primary species of concern. Coho salmon, though non-indigenous, are also present, as are numerous resident fish species.

¹ Oregon Water Resources Department's Water Availability Report System (WARS) 80% exceedance level, December 13, 2006.

The transfer reach of the Tualatin River is primarily a migratory corridor for adult salmonids, though resident cutthroat trout and juvenile winter steelhead originating from upstream spawning areas likely rear seasonally.

Most spawning occurs further upstream in steeper gradient areas and tributaries. Adult spawning winter steelhead generally are present from late February to May, with most fry emerging through June. See Table 1 for life history chart. Adult spawning coho salmon generally are present from late October to January, with most fry emerging February through March. Juvenile coho rear in the system, possibly year-round depending on water quality. In addition, cutthroat trout spawn from late January through early March, with juveniles residing year-round. Pacific lamprey may spawn in the area from approximately April through July, with juveniles rearing year-round in the system for up to six years. All species make seasonal migrations within the system.

Habitat

During an August 28, 2007 site visit, Tom Murtagh, District Fish Biologist, and Danette Ehlers, Assistant District Fish Biologist, examined the habitat on the Tualatin River near the existing point of diversion (POD). The transfer reach provides habitat for both migrating adult spawners and juvenile rearing. The transfer reach is a low gradient meandering system with heavy agricultural land use. Stream function and instream habitat has been degraded. Flows in summer are affected by irrigation and other uses, though stored releases from Henry Hagg Lake for irrigation have served to alleviate some impacts.

The Tualatin River is on the Oregon Department of Environmental Quality's 303(d) list for multiple criteria and a TMDL plan has been developed for the subbasin.

Conclusions

From the information supplied above, ODFW determined that habitat in the Tualatin River was Category 2 based on ODFW's Habitat Mitigation Policy (OAR 635-415-0025). This "is essential habitat for a fish or wildlife species, population, or *unique assemblage* of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage." (Emphasis added.) The mitigation goal for Category 2 habitat is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality. In addition, ORS 540.530(c) directs that ODFW may only consent to the injury if a net benefit to the resource results, consistent with the ISWR.

Based on the analysis below, ODFW has determined that T-7012 provides a net benefit to the purposes of the ISWR. If the recommendations and proposed conditions outlined below are applied to the transfer, ODFW can consent to injury of ISWR 59692 and ensure that the net benefit is maintained for the life of the project.

1. The injury to the ISWR by the upstream transfer of ^{0.67}0.6 cfs for 1.3 miles will be mitigated by the instream transfer of Certificate 20013 in the following manner:

- a. The ^{0.67}0.6 cfs injury to 1.3 miles of the Tualatin River is mitigated by the addition of 0.24 cfs for 3.25 miles.
- b. The addition of 0.24 cfs for over fifty miles to the mouth of the Tualatin River provides the net benefit required for Category 2 habitat and to meet ORS 540.530(c). To prevent injury to the ISWR and to ensure mitigation is maintained for this transfer:
 1. If the ISWR 59692 is not being met, the Applicant must implement water conservation measures to reduce the impact.
 2. Once reclaimed water is available, the ^{0.67}0.6 cfs from transfer T-7012 (Certificate 12235) must be transferred instream.

Also required as a matter of law:

1. Fish screening of the new POD is required because fish are present in the Tualatin River. Fish screens must meet ODFW and National Marine Fisheries Service criteria. Since federally listed Upper Willamette winter steelhead are present, screens must be in place prior to diverting water from the new POD. These diversions may be eligible for ODFW's fish screening cost share program. This condition must be placed on the water right certificate(s).
2. Install means to prevent and contain any spill or leakage of fuel and oil for any diesel or gasoline pumps or generators to run pumps. If a spill occurs, the fuel or oil must be disposed of in a proper hazardous waste facility or other manner in accordance with water quality and hazardous waste laws.

Conditions

Based on the mitigation and net benefit analysis above, the following suggested conditions are necessary to provide mitigation and a net benefit needed for ODFW to consent to injury of ISWR 59692 from T-7012 and include fish screening conditions required by law.

- 1) The existing POD associated with Certificate 12235 is no longer authorized and is permanently transferred to Davis Tool property to prevent injury to the ISWR Certificate 59692 from this transfer.
- 2) The 0.24 cfs from Certificate 20013 must be transferred instream at the same time T-7012 becomes effective and must remain instream to the mouth of the Tualatin River.
- 3) If the ISWR 59692 is not being met, the Applicant must implement water conservation measures to reduce the impact.

- 0.67
- 4) The 0.6 cfs from transfer T-7012 (Certificate 12235) must be transferred instream once reclaimed water is available.
 - 5) A water measurement device must be installed on the transfer POD according to WRD requirements.
 - 6) 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) and National Marine Fisheries Service 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 diversion may be eligible for cost share assistance under ODFW's cost share program. 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. This condition must be included in the new certificate(s).
 - 7) Riparian habitat at the original POD and disturbed by the installation of the new POD on the Tualatin River must be restored with native vegetation to assist with temperature reduction, reducing sediments and erosion, and preventing leaching of agricultural chemicals.
 - 8) Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.

Conditions (1) through (4) above are necessary to provide mitigation and a net benefit so that the ODFW may consent to injury of ISWR Certificate 59692 on the Tualatin River; conditions (5) through (8) are necessary as a matter of law, including meeting fish screen/by-pass requirements under ORS 540.530.



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

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June 24, 2008

Debbie Colbert, Senior Policy Administrator
Oregon Water Resources Department
North Mall Office Bldg.
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266



RE: Transfer T-7012, United Sewerage Agency (now Clean Water Services), Tualatin River

Dear Debbie,

The Water Resources Department (WRD) has determined that approval of water right transfer T-7012, United Sewerage Agency (now Clean Water Services), Applicant, would result in potential injury to in-stream water right Certificate 59692 on the Tualatin River, a tributary of the Willamette River. Fish resources in the Tualatin River include federally listed (threatened) Upper Willamette winter steelhead, cutthroat trout, Pacific lamprey, and coho, among other resident fish species. The Tualatin River is also a water quality limited 303(d) listed stream. Pursuant to ORS 540.530(c), the Applicant has requested that WRD seek consent to injury of the in-stream water right from the Oregon Department of Fish and Wildlife (ODFW). This statute directs that ODFW may consent to the injury if a net benefit to the resource results, consistent with the in-stream water right.

The ODFW has evaluated the proposed transfer and has determined that, if conditioned as described in the attached analysis, the combined benefits of the transfer provide a net benefit, which offsets the injury to the in-stream water right caused by the transfer (see attachment).

Sincerely,

Bruce McIntosh
Assistant Administrator
Inland Fisheries

cc: Danette Ehlers/Tom Murtagh/Jeff Boechler
Jill Zarnowitz/Rick Kepler, Fish Division
Steve Kebbe, Clean Water Services, 2550 SW Hillsboro Hwy, Hillsboro, OR 97123
Michael McCord, WRD District 16 Watermaster
Sally Puente, Technical Services, DEQ
✓ Alyssa Mucken, WRD Transfer Case Worker

Attachment

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JUN 27 2008

WATER RESOURCES DEPT
SALEM, OREGON

51000-801000-06



**OREGON DEPARTMENT OF FISH AND WILDLIFE
CONSENT TO INJURY TO AN IN-STREAM WATER RIGHT FOR
WATER RIGHT TRANSFER T-7012**

Transfer Application Background

Water right transfer T-7012 proposes to move 0.6 cubic feet per second (cfs) (Certificate 12235, priority date of November 26, 1932) upstream on the Tualatin River approximately 1.3 miles, potentially injuring the Instream Water Right (ISWR) protected by Certificate 59692. The Applicant has agreed to transfer this 0.6 cfs to a new landowner as part of a property sale (Davis Tool property). The landowner of the Davis Tool property has an existing water right for 1.04 cfs (Certificate 35409, priority date of August 2, 1966) and will utilize the transferred water for supplemental irrigation only. However, the proposed supplemental right has the earlier priority date and is the senior water right.

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Instream Water Right

Tualatin River ISWR Certificate 59692 (priority date May 25, 1966) maintains an instream flow for the purpose of supporting aquatic life and minimizing pollution. It is to be maintained in the Tualatin River and its tributaries above USGS gage No. 14-2075, at West Linn, measured at the gage. See Table 1 for ISWR flow levels.

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JUN 27 2008
WATER RESOURCES DEPT
SALEM, OREGON

Table 1. Certificate 59692 (Tualatin River) flows by month with fish life history stage (/ denotes flow changes halfway through the month). Months are shaded for potential irrigation season injury to the ISWR.

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incubation		◆	◆	◆	◆	◆						
juv. Rear 2 yr	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Juv.migration		◆	◆	◆	◆	◆						
Adult migr	◆	◆	◆	◆								◆
Cutthroat T.												
spawning	◆	◆	◆									
incubation	◆	◆	◆	◆								
juv. rear	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Juv.migration		◆	◆	◆	◆	◆						
Adult migr												
Coho Salmon												
spawning	◆									◆	◆	◆
incubation	◆	◆	◆							◆	◆	◆
juv. Rear, 1yr	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Juv.migration		◆	◆	◆	◆	◆						
Adult migr										◆	◆	◆
Lamprey												
spawning				◆	◆	◆	◆					
incubation					◆	◆	◆	◆				
juv. Rear, 6yr	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Juv.migration		◆	◆	◆								
Adult migr			◆	◆	◆	◆	◆	◆	◆	◆		

Fish Resources

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Habitat

During an August 28, 2007 site visit, Tom Murtagh, District Fish Biologist, and Danette Ehlers, Assistant District Fish Biologist, examined the habitat on the Tualatin River near the existing point of diversion (POD). The transfer reach provides habitat for both migrating adult spawners and juvenile rearing. The transfer reach is a low gradient meandering system with heavy agricultural land use. Stream function and instream habitat has been degraded. Flows in summer are affected by irrigation and other uses, though stored releases from Henry Hagg Lake for irrigation have served to alleviate some impacts.

The Tualatin River is on the Oregon Department of Environmental Quality's 303(d) list for multiple criteria and a TMDL plan has been developed for the subbasin.

Conclusions

From the information supplied above, ODFW determined that habitat in the Tualatin River was Category 2 based on ODFW's Habitat Mitigation Policy (OAR 635-415-0025). This "is essential habitat for a fish or wildlife species, population, or *unique assemblage* of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage." (Emphasis added.) The mitigation goal for Category 2 habitat is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality. In addition, ORS 540.530(c) directs that ODFW may only consent to the injury if a net benefit to the resource results, consistent with the ISWR.

Based on the analysis below, ODFW has determined that T-7012 provides a net benefit to the purposes of the ISWR. If the recommendations and proposed conditions outlined below are applied to the transfer, ODFW can consent to injury of ISWR 59692 and ensure that the net benefit is maintained for the life of the project.

1. The injury to the ISWR by the upstream transfer of 0.6 cfs for 1.3 miles will be mitigated by the instream transfer of Certificate 20013 in the following manner:

- a. The 0.6 cfs injury to 1.3 miles of the Tualatin River is mitigated by the addition of 0.24 cfs for 3.25 miles.
- b. The addition of 0.24 cfs for over fifty miles to the mouth of the Tualatin River provides the net benefit required for Category 2 habitat and to meet ORS 540.530(c). To prevent injury to the ISWR and to ensure mitigation is maintained for this transfer:
 1. If the ISWR 59692 is not being met, the Applicant must implement water conservation measures to reduce the impact.
 2. Once reclaimed water is available, the 0.6 cfs from transfer T-7012 (Certificate 12235) must be transferred instream.

Also required as a matter of law:

1. Fish screening of the new POD is required because fish are present in the Tualatin River. Fish screens must meet ODFW and National Marine Fisheries Service criteria. Since federally listed Upper Willamette winter steelhead are present, screens must be in place prior to diverting water from the new POD. These diversions may be eligible for ODFW's fish screening cost share program. This condition must be placed on the water right certificate(s).
2. Install means to prevent and contain any spill or leakage of fuel and oil for any diesel or gasoline pumps or generators to run pumps. If a spill occurs, the fuel or oil must be disposed of in a proper hazardous waste facility or other manner in accordance with water quality and hazardous waste laws.

Conditions

Based on the mitigation and net benefit analysis above, the following suggested conditions are necessary to provide mitigation and a net benefit needed for ODFW to consent to injury of ISWR 59692 from T-7012 and include fish screening conditions required by law.

- 1) The existing POD associated with Certificate 12235 is no longer authorized and is permanently transferred to Davis Tool property to prevent injury to the ISWR Certificate 59692 from this transfer.
- 2) The 0.24 cfs from Certificate 20013 must be transferred instream at the same time T-7012 becomes effective and must remain instream to the mouth of the Tualatin River.
- 3) If the ISWR 59692 is not being met, the Applicant must implement water conservation measures to reduce the impact.

- 4) The 0.6 cfs from transfer T-7012 (Certificate 12235) must be transferred instream once reclaimed water is available.
- 5) A water measurement device must be installed on the transfer POD according to WRD requirements.
- 6) 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) and National Marine Fisheries Service 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 diversion may be eligible for cost share assistance under ODFW's cost share program. 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. This condition must be included in the new certificate(s).
- 7) Riparian habitat at the original POD and disturbed by the installation of the new POD on the Tualatin River must be restored with native vegetation to assist with temperature reduction, reducing sediments and erosion, and preventing leaching of agricultural chemicals.
- 8) Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.

Conditions (1) through (4) above are necessary to provide mitigation and a net benefit so that the ODFW may consent to injury of ISWR Certificate 59692 on the Tualatin River; conditions (5) through (8) are necessary as a matter of law, including meeting fish screen/by-pass requirements under ORS 540.530.

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SALEM, OREGON



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

Northwest Region
2020 SW 4th Ave, Suite 400
Portland, OR 97201
(503)229-5263
FAX (503)229-6945

July 23, 2008

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

RECEIVED

JUL 24 2008

WATER RESOURCES DEPT.
SALEM, OREGON

RE: Water Right Transfer Application T-7012

Dear Ms. Jaramillo:

As we discussed, I am providing this letter to clarify some details of the June 18, 2008 letter from Sally Puent to Debbie Colbert, describing DEQ's consent to injury for water right transfer T-7012. The same text of the June 18th letter is included below, but the amount of the requested water right transfer has been changed from 0.6 cfs to 0.67 cfs. DEQ wishes to clarify that we intended to consent to injury for the entire requested amount of 0.67 cfs, and regrets that the original letter did not accurately represent the amount of the transfer request.

The Department of Environmental Quality (DEQ) has received notice that the Water Resources Department (WRD) has made a finding that if approved, Water Right Transfer 7012 would result in injury to instream water rights 59692 and 72960. Water Right 59692 is held by Water Resources for the joint interests of DEQ and Oregon Department of Fish and Wildlife (ODFW). This right dates back to 1966 for 20 cfs between June 1 and July 15, for 15 cfs for the July 16- September 30 time period, and for 30 cfs for the remainder of the year. Water Resources holds instream water right 72960 for DEQ to address water pollution abatement. This right dates back to 1993 for 75 cfs year-round. Both instream water rights are measured near the mouth of the Tualatin, and both include upstream reaches of the Tualatin River that encompass the reach in question for T-7012.

Water right transfer T-7012 proposes to move 0.67 cfs (Certificate 12235, priority date of November 26, 1932) upstream on the Tualatin River approximately 1.3 miles, potentially injuring Instream Water Right (ISWR) protected by Certificates 59692 and 72960. The Applicant has agreed to transfer this 0.67 cfs to a new landowner as part of a property sale (Davis Tool property). The landowner of the Davis Tool property has an existing water right for 1.04 cfs (Certificate 35409, priority date of August 2, 1966) and will utilize the transferred water for supplemental irrigation only. The priority date of the supplemental right (1932) is the senior water right. Currently, the Applicant does not use the full amount of surface water for Certificates 12235 and 20013, as much of the use has been replaced with reclaimed water.

The Applicant proposes to mitigate the injury to Certificate 59692 by transferring 0.24 cfs from Certificate 20013 (approximately river mile 57) instream. This Certificate is upstream of the Davis Tool property, providing additional water in the Tualatin River for over fifty miles to the mouth. In addition, the proposed upstream transfer is for supplemental irrigation and will only periodically be utilized when the primary right is regulated. The Applicant and Watermaster have both stated that the primary right is only regulated about once every five years. When the supplemental right is not being used, it will provide an additional 0.67 cfs instream. The Applicant is also hopeful that the 0.67 cfs to be transferred upstream will cease to pose a potential injury within the next five years, as the use of reclaimed water on the Davis Tool property is increased or completely replaces surface water use.

Based on the analysis below, DEQ has determined that T-7012 provides a net benefit to the purposes of the two Instream Water Rights. If the proposed conditions outlined below are applied to the transfer, DEQ can consent to injury of ISWR 59692 and 72960 and can ensure that the net benefit is maintained for the life of the project.

1. The injury to the ISWR by the upstream transfer of 0.67 cfs for 1.3 miles will be mitigated by the instream transfer of Certificates 20013
 - a. The addition of 0.14 cfs (Certificate 20013) for over fifty miles to the mouth of the Tualatin River provides a net benefit for Tualatin River from Forest Grove to the mouth of the Tualatin.
 - b. The water right transfer allows a withdrawal of 0.67 cfs which is larger than 0.24 cfs instream water right conversion. However, this withdrawal impacts the Tualatin River for only 1.5 miles, while the instream conversion will benefit the river for 57 miles.
 - c. The T-7012 transfer changes the nature of the 0.67 cfs withdrawal from a primary water right to a secondary water right that will be called upon approximately every 5 years.

In addition, DEQ encourages the Applicant to pursue the use of reclaimed water for the land affected by this transfer and to transfer the irrigation rights instream to benefit fish, wildlife and water quality as reclaimed water fulfills the needs met by this water right transfer.

Conditions

Based on the mitigation and net benefit analysis above, the following suggested conditions are necessary to provide mitigation and a net benefit needed for DEQ to consent to injury of ISWR 59692 and 72960 from T-7012.

- 1) The existing point of diversion (POD) associated with Certificate 12235 is no longer authorized and is permanently transferred to Davis Tool property to prevent injury to the ISWR Certificate 59692 from this transfer.
- 2) The 0.24 cfs from Certificate 20013 must be transferred instream at the same time T-7012 becomes effective.
- 3) A water measurement device must be installed on the transfer POD according to WRD requirements.
- 4) Riparian habitat at the original POD and disturbed by the installation of the new POD on the Tualatin River must be restored with native vegetation to assist with temperature reduction, to reduce sediment and erosion, and to prevent leaching of agricultural chemicals.
- 5) Diesel or gasoline powered pumps and their generators must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.

Thank you for the opportunity to comment on this water right transfer. If you have any questions, please contact me at (503)229-6018, or Newell.Avis@deq.state.or.us.

Sincerely,



Avis Newell
Tualatin Basin Coordinator

cc: Steve Kebbe, Clean Water Services
Danette Ehlers, ODFW
Sally Puent, DEQ



Lisa Jaramillo

From: NEWELL Avis [Avis.Newell@state.or.us]
Sent: Wednesday, July 23, 2008 9:43 AM
To: JARAMILLO Lisa J
Subject: Clarification letter for T-7012
Attachments: Davis tool xfer 7012 clarify.doc

Here is an electronic copy of the letter, Hard copy should go out to you in the mail today.
Sorry for the mistake--
Avis

<<Davis tool xfer 7012 clarify.doc>>



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

Northwest Region
2020 SW 4th Ave, Suite 400
Portland, OR 97201
(503)229-5263
FAX (503)229-6945

July 23, 2008

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

RE: Water Right Transfer Application T-7012

Dear Ms. Jaramillo:

As we discussed, I am providing this letter to clarify some details of the June 18, 2008 letter from Sally Puent to Debbie Colbert, describing DEQ's consent to injury for water right transfer T-7012. The same text of the June 18th letter is included below, but the amount of the requested water right transfer has been changed from 0.6 cfs to 0.67 cfs. DEQ wishes to clarify that we intended to consent to injury for the entire requested amount of 0.67 cfs, and regrets that the original letter did not accurately represent the amount of the transfer request.

The Department of Environmental Quality (DEQ) has received notice that the Water Resources Department (WRD) has made a finding that if approved, Water Right Transfer 7012 would result in injury to instream water rights 59692 and 72960. Water Right 56962 is held by Water Resources for the joint interests of DEQ and Oregon Department of Fish and Wildlife (ODFW). This right dates back to 1966 for 20 cfs between June 1 and July 15, for 15 cfs for the July 16- September 30 time period, and for 30 cfs for the remainder of the year. Water Resources holds instream water right 72960 for DEQ to address water pollution abatement. This right dates back to 1993 for 75 cfs year-round. Both instream water rights are measured near the mouth of the Tualatin, and both include upstream reaches of the Tualatin River that encompass the reach in question for T-7012.

Water right transfer T-7012 proposes to move 0.67 cfs (Certificate 12235, priority date of November 26, 1932) upstream on the Tualatin River approximately 1.3 miles, potentially injuring Instream Water Right (ISWR) protected by Certificates 59692 and 72960. The Applicant has agreed to transfer this 0.67 cfs to a new landowner as part of a property sale (Davis Tool property). The landowner of the Davis Tool property has an existing water right for 1.04 cfs (Certificate 35409, priority date of August 2, 1966) and will utilize the transferred water for supplemental irrigation only. The priority date of the supplemental right (1932) is the senior water right. Currently, the Applicant does not use the full amount of surface water for Certificates 12235 and 20013, as much of the use has been replaced with reclaimed water.

The Applicant proposes to mitigate the injury to Certificate 59692 by transferring 0.24 cfs from Certificate 20013 (approximately river mile 57) instream. This Certificate is upstream of the Davis Tool property, providing additional water in the Tualatin River for over fifty miles to the mouth. In addition, the proposed upstream transfer is for supplemental irrigation and will only periodically be utilized when the primary right is regulated. The Applicant and Watermaster have both stated that the primary right is only regulated about once every five years. When the supplemental right is not being used, it will provide an additional 0.67 cfs instream. The Applicant is also hopeful that the 0.67 cfs to be transferred upstream will cease to pose a potential injury within the next five years, as the use of reclaimed water on the Davis Tool property is increased or completely replaces surface water use.

Based on the analysis below, DEQ has determined that T-7012 provides a net benefit to the purposes of the two Instream Water Rights. If the proposed conditions outlined below are applied to the transfer, DEQ can consent to injury of ISWR 59692 and 72960 and can ensure that the net benefit is maintained for the life of the project.

1. The injury to the ISWR by the upstream transfer of 0.67 cfs for 1.3 miles will be mitigated by the instream transfer of Certificates 20013
 - a. The addition of 0.14 cfs (Certificate 20013) for over fifty miles to the mouth of the Tualatin River provides a net benefit for Tualatin River from Forest Grove to the mouth of the Tualatin.
 - b. The water right transfer allows a withdrawal of 0.67 cfs which is larger than 0.24 cfs instream water right conversion. However, this withdrawal impacts the Tualatin River for only 1.5 miles, while the instream conversion will benefit the river for 57 miles.
 - c. The T-7012 transfer changes the nature of the 0.67 cfs withdrawal from a primary water right to a secondary water right that will be called upon approximately every 5 years.

In addition, DEQ encourages the Applicant to pursue the use of reclaimed water for the land affected by this transfer and to transfer the irrigation rights instream to benefit fish, wildlife and water quality as reclaimed water fulfills the needs met by this water right transfer.

Conditions

Based on the mitigation and net benefit analysis above, the following suggested conditions are necessary to provide mitigation and a net benefit needed for DEQ to consent to injury of ISWR 59692 and 72960 from T-7012.

- 1) The existing point of diversion (POD) associated with Certificate 12235 is no longer authorized and is permanently transferred to Davis Tool property to prevent injury to the ISWR Certificate 59692 from this transfer.
- 2) The 0.24 cfs from Certificate 20013 must be transferred instream at the same time T-7012 becomes effective.
- 3) A water measurement device must be installed on the transfer POD according to WRD requirements.
- 4) Riparian habitat at the original POD and disturbed by the installation of the new POD on the Tualatin River must be restored with native vegetation to assist with temperature reduction, to reduce sediment and erosion, and to prevent leaching of agricultural chemicals.
- 5) Diesel or gasoline powered pumps and their generators must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.

Thank you for the opportunity to comment on this water right transfer. If you have any questions, please contact me at (503)229-6018, or Newell.Avis@deq.state.or.us.

Sincerely,

Avis Newell
Tualatin Basin Coordinator

cc: Steve Kebbe, Clean Water Services
Danette Ehlers, ODFW
Sally Puent, DEQ





Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

Northwest Region
2020 SW 4th Ave, Suite 400
Portland, OR 97201
(503)229-5263
FAX (503)229-6945

June 18, 2008

Debbie Colbert
Senior Policy Coordinator
Water Resources Department
North Mall Office Building
725 Summer Street, NE, Suite A
Salem, Oregon 97301-1266

RE: Water Right Transfer Application T-7012

Dear Ms. Colbert:

The Department of Environmental Quality (DEQ) has received notice that the Water Resources Department (WRD) has made a finding that if approved, Water Right Transfer 7012 would result in injury to instream water rights 59692 and 72960. Water Right 59692 is held by Water Resources for the joint interests of DEQ and Oregon Department of Fish and Wildlife (ODFW). This right dates back to 1966 for 20 cfs between June 1 and July 15, for 15 cfs for the July 16- September 30 time period, and for 30 cfs for the remainder of the year. Water Resources holds instream water right 72960 for DEQ to address water pollution abatement. This right dates back to 1993 for 75 cfs year-round. Both instream water rights are measured near the mouth of the Tualatin, and both include upstream reaches of the Tualatin River that encompass the reach in question for T-7012.

Water right transfer T-7012 proposes to move 0.6 cfs (Certificate 12235, priority date of November 26, 1932) upstream on the Tualatin River approximately 1.3 miles, potentially injuring Instream Water Right (ISWR) protected by Certificates 59692 and 72960. The Applicant has agreed to transfer this 0.6 cfs to a new landowner as part of a property sale (Davis Tool property). The landowner of the Davis Tool property has an existing water right for 1.04 cfs (Certificate 35409, priority date of August 2, 1966) and will utilize the transferred water for supplemental irrigation only. The priority date of the supplemental right (1932) is the senior water right. Currently, the Applicant does not use the full amount of surface water for Certificates 12235 and 20013, as much of the use has been replaced with reclaimed water.

The Applicant proposes to mitigate the injury to Certificate 59692 by transferring 0.24 cfs from Certificate 20013 (approximately river mile 57) instream. This Certificate is upstream of the Davis Tool property, providing additional water in the Tualatin River for over fifty miles to the mouth. In addition, the proposed upstream transfer is for supplemental irrigation and will only periodically be utilized when the primary right is regulated. The Applicant and Watermaster have both stated that the primary right is only regulated about once every five years. When the supplemental right is not being used, it will provide an additional 0.6 cfs instream. The Applicant is also hopeful that the 0.6 cfs to be transferred upstream will cease to pose a potential injury within the next five years, as the use of reclaimed water on the Davis Tool property is increased or completely replaces surface water use.

Based on the analysis below, DEQ has determined that T-7012 provides a net benefit to the purposes of the two Instream Water Rights. If the proposed conditions outlined below are applied to the transfer, DEQ can consent to injury of ISWR 59692 and 72960 and can ensure that the net benefit is maintained for the life of the project.

1. The injury to the ISWR by the upstream transfer of 0.6 cfs for 1.3 miles will be mitigated by the instream transfer of Certificates 20013

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SALEM, OREGON

- a. The addition of 0.14 cfs (Certificate 20013) for over fifty miles to the mouth of the Tualatin River provides a net benefit for Tualatin River from Forest Grove to the mouth of the Tualatin.
- b. The water right transfer allows a withdrawal of 0.6 cfs which is larger than 0.24 cfs instream water right conversion. However, this withdrawal impacts the Tualatin River for only 1.5 miles, while the instream conversion will benefit the river for 57 miles.
- c. The T-7012 transfer changes the nature of the 0.6 cfs withdrawal from a primary water right to a secondary water right that will be called upon approximately every 5 years.

In addition, DEQ encourages the Applicant to pursue the use of reclaimed water for the land affected by this transfer and to transfer the irrigation rights instream to benefit fish, wildlife and water quality as reclaimed water fulfills the needs met by this water right transfer.

Conditions

Based on the mitigation and net benefit analysis above, the following suggested conditions are necessary to provide mitigation and a net benefit needed for DEQ to consent to injury of ISWR 59692 and 72960 from T-7012.

- 1) The existing point of diversion (POD) associated with Certificate 12235 is no longer authorized and is permanently transferred to Davis Tool property to prevent injury to the ISWR Certificate 59692 from this transfer.
- 2) The 0.24 cfs from Certificate 20013 must be transferred instream at the same time T-7012 becomes effective.
- 3) A water measurement device must be installed on the transfer POD according to WRD requirements.
- 4) Riparian habitat at the original POD and disturbed by the installation of the new POD on the Tualatin River must be restored with native vegetation to assist with temperature reduction, to reduce sediment and erosion, and to prevent leaching of agricultural chemicals.
- 5) Diesel or gasoline powered pumps and their generators must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.

Thank you for the opportunity to comment on this water right transfer. If you have any questions, please contact Avis Newell at (503)229-6018.

Sincerely,



Sally Puent
Manager, Technical Services Section

cc: Steve Kebbe, Clean Water Services
Danette Ehlers, ODFW



Recommendation to Consent to Injury

Pursuant to ORS 540.530(1)(c) and OAR 690-380-5050, the state agency that requested establishment of an instream water right has recommended that the Water Resources Department consent to the injury of the instream water right resulting from a proposed change in point of diversion. Copies of the transfer documents and the state agency's recommendation are available for viewing at the Salem office of the Water Resources Department.

Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendation. The comments or request for a meeting must be received on or before September 04, 2008. To review the recommendation, contact the Water Resources Department Transfers Section. Written comments and requests for a public meeting should be mailed to Transfers Section, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1271 or faxed to 503-986-0903.

T 7012 filed by Clean Water Services, Attn: Stephen Kebbe, 16060 SW 85th Avenue, Tigard, OR 97224, proposes changes in point of diversion and place of use under Certificate 12235. The applicant proposes to move the point of diversion approximately 1.2 miles upstream in the Tualatin River and to change the place of use to Sec. 1 and 12, T. 1S, R. 3W, WM. The Water Resources Department (WRD) determined that the transfer would injure instream water right Certificates 59692 and 72960.

The Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Environmental Quality (DEQ) concluded that the transfer would result in a net benefit to the resource if conditioned to: 1) Specify that the diversion of water at the original authorized point of diversion (POD) under Certificate 12235 is no longer allowed; 2) Require that, concurrent with approval of T-7012, 0.24 cfs under Certificate 20013 be transferred instream from the authorized POD downstream to the mouth of the Tualatin River; 3) Require the installation and maintenance of a water measurement device at the new proposed POD; 4) Require the installation, operation and maintenance of a fish screening and/or by-pass device, as appropriate, at the new proposed POD; 5) Require that riparian habitat shall be restored with native vegetation at the original authorized POD under Certificate 12235 and at the new proposed POD, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals; 6) Require that diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil; 7) Require that if instream water right Certificate 59692 is not being met, the applicant must implement water conservation measures to reduce the impact; and 8) Require that the 0.67 cfs from Transfer T 7012 (Certificate 12235) must be transferred instream once reclaimed water is available.

Copies of WRD's Preliminary Determination proposing denial of the transfer and ODFW and DEQ's recommendations are available for viewing at the Salem office of the Water Resources Department. Any person may review the recommendation and submit written comments or may submit a written request for a public meeting to review the recommendation. The comments or request for a meeting must be received by WRD on or before Thursday, September 4, 2008. WRD will provide copies of any comments submitted in response to this notice to ODFW and DEQ. If a meeting is requested, WRD will schedule a joint public meeting with ODFW and DEQ to review the recommendation. To review the recommendation, contact Lisa Jaramillo at 503-986-0880 or by e-mail at Lisa.J.Jaramillo@ wrd.state.or.us. Written comments and requests for a public meeting should be mailed to Attn: Lisa Jaramillo, Water Resources Department, 725 Summer St NE, Suite A, Salem, OR 97301-1266 or faxed to 503-986-0903.

T-7012

Lisa Jaramillo

From: Steve Kebbe [KebbeS@CleanWaterServices.org]
Sent: Friday, June 22, 2007 1:06 PM
To: Lisa Jaramillo
Subject: Transfer T-7012 -- Hillsboro Argus affidavit of publication
Attachments: 20070621153027902 (2).pdf

Lisa,

We have an original affidavit that we are sending to you.

Steve

From: Jane Nishizaki
Sent: Thursday, June 21, 2007 3:40 PM
To: Steve Kebbe
Subject: Hillsboro Argus affidavit of publication

<<20070621153027902 (2).pdf>>

Here is the pdf version of the Hillsboro Argus affidavit of publication for your use.

Jane

• Last date of newspaper publication = 6-19-07.

• Protest Deadline = 7-19-07

Lisa Jaramillo

From: Jill Zarnowitz [Jill.Zarnowitz@state.or.us]
Sent: Wednesday, June 20, 2007 8:26 AM
To: JARAMILLO Lisa J
Subject: FW: T-7012 Tualatin R. Clean Water Services

Lisa,

This transfer will take a while as the circumstances have changed somewhat for the applicant and they may have other options for supplemental irrigation.

Jill

Jill Zarnowitz, Water Policy Coordinator
Oregon Department of Fish and Wildlife
Fish Division, Water Quantity/Quality Program
3406 Cherry Avenue NW
Salem, Oregon 97303
Tel. 503-947-6092
Fax 503-947-6070
E-mail: jill.zarnowitz@state.or.us
WEB: www.dfw.state.or.us

From: Danette Ehlers
Sent: Tue 6/19/2007 4:21 PM
To: Jill Zarnowitz; Tom Murtagh
Subject: RE: T-7012 Tualatin R. Clean Water Services

I just spoke with Steve Kebbe...he wants to set up a meeting with Tom or I and Dennis Ades (DEQ) in the next **few months** to discuss mitigation options. They are in no hurry, and would ideally like to tie this in with the Jackson Bottom reclaimed water program. They are still working out the kinks and will contact me again when ready to present.

Danette Ehlers
Assistant District Fish Biologist
ODFW, North Willamette Watershed District
17330 SE Evelyn St.
Clackamas, OR 97015
phone: (971) 673-6013
fax: (971) 673-6071
danette.l.ehlers@state.or.us

From: Jill Zarnowitz
Sent: Tuesday, June 19, 2007 2:36 PM
To: Danette Ehlers; Tom Murtagh
Subject: T-7012 Tualatin R. Clean Water Services

Hello Danette and Tom,

Fish Division received official notification from WRD requesting consent to injury to an instream

6/20/2007

water right from T-7012, an upstream POD transfer by Clean Water Services for supplemental irrigation of another landowner's property at the mouth of Dairy Creek. I understand that you met with CWS last fall to discuss mitigation. Did you develop any proposals? Was DEQ working or discussing with you. Give me a call or send an e-mail to discuss.

I assume that you don't need the documents, since at least Danette is on the cc list.

Take care,

Jill

Jill Zarnowitz
Water Policy Coordinator
Fish Division
Oregon Department of Fish and Wildlife
3406 Cherry Avenue NE
Salem, Oregon 97303
Tel. 503-947-6092
Fax 503-947-6070
jill.zarnowitz@state.or.us
<http://www.dfw.state.or.us/>

6/20/2007

No. _____

[Copy of Notice to be pasted here]

Affidavit of Publication

In the _____ Court c

State of Oregon
for the
County of Washington

Notice of Preliminary Determination for Water Right Transfer T-7012

T-7012 filed by Clean Water Service, Attn: Steve Kebbe, 16060 SW 85th Ave., Tigard, OR 97224, proposes a change in point of diversion and place of use under Certificate 12235. The right allows the use of 0.67 cfs (priority date November 26, 1932) from the Tualatin River in Sec. 7, T1S, R2W, W.M., for irrigation of 53.3 acres in Sec. 7 and 8. The applicant proposes to move the point of diversion on the Tualatin River approximately 1.2 miles upstream (Sec. 12, T1S, R3W, W.M.) and change the place of use to Sec. 1 and 12, T1S, R3W, W.M.

The Water Resources Department has concluded that the proposed transfer appears not to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 due to injury of instream right certificates 59692 and 72960. Per applicant request, the Department is seeking a recommendation from ODFW and DEQ to consent to the injury under OAR 690-380-5050. Transfer T-7012 will be denied unless ODFW and DEQ recommend that the Department consent to injury of the instream rights due to a net benefit to the resource. If ODFW and DEQ recommend the Department consent to injury of the instream water rights, the Department will issue an order to approve the transfer, unless protests are filed.

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) 986-0881. The last date of newspaper publication is June 19, 2007.

(Jun. 5, 12, 19, 2007)

STATE OF OREGON, COUNTY OF WASHINGTON, ss.

I, Gary B. Stutzman, being first duly sworn, depose and say that I am the Managing Editor of THE HILLSBORO ARGUS, a newspaper of general circulation as defined by ORS 193.010 and 193.020; printed and published at Hillsboro, in the aforesaid county and state; that the Public Notice, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three insertion(s) in the following issue(s):
June 5, 12, 19, 2007



Affidavit of Publicat The Hillsboro Argu

Filed _____, 20__

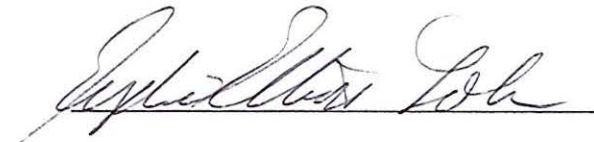
Clerk

Deputy

From the Office of

Attorney for _____

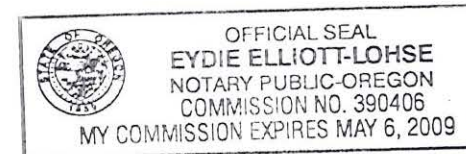
Subscribed and sworn to before me this 19th day
of June, 2007.



RECEIVED

JUN 27 2007

WATER RESOURCES DEPT
SALEM, OREGON



T7012

RECEIVED

JUL - 2 1993

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

WATER RESOURCES DEPT.
OREGON

Applicant: UNIFIED SEWERAGE AGENCY (USA) ATTN: TOM VANDERPLAAT

Mailing Address: 155 NORTH FIRST AVENUE - SUITE 270 - M/S 10

HILLSBORO OREGON 97124-3072 / 503-648-8621 FAX: 503-640-3525
City or town State Zip Phone

Type of change: PLACE OF USE: POINT OF DIVERSION
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? NO If not, list name below:
(Yes, No)

B) Was the water right determined by a court decree? NO
(Yes, No)

1. If yes, list the title of the proceedings: N/A

2. Certificate No: _____

C) Was the water right acquired by a water permit? YES
(Yes, No)

1. If yes, list the Permit No: 10791

2. Certificate No: 12235

D) Date of priority right: NOVEMBER 26, 1932

E) What are your reasons for the proposed changes? INCREASE AVAILABILITY OF WATER ON LATER PRIORITY - DATED LANDS

F) The water will be completely applied to the proposed use on or before: OCTOBER 1, 1996

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? TUALATIN RIVER

B) Describe the authorized point of diversion: /S

Location in Reference to Survey Corner	1/4,1/4 of Section	Section	Township	Range
2010 FT S & 2620 FT W OF THE	SW, NE	7	1S	2W
NE CORNER OF SECTION 7	SEE ATTACHED			

C) What is the name of the ditch used? N/A

D) What is the use to which the water is applied? IRRIGATION

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4,1/4 of Section	No. of acres irrigated
1S	2W	5	SWSW	10.5
1S	2W	6	SESE	3.2
1S	2W	8	NWNW	3.8
1S	2W	7	NENE	34.6
SEE ATTACHED FOR ADDITIONAL INFORMATION				

F) Is the land within an irrigation district? Yes X No
If Yes, which district? TUALATIN VALLEY IRRIGATION DISTRICT

G) County WASHINGTON COUNTY

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4,1/4 of Section	Section	Township	Range
1700 FT SOUTH & 1090 FT WEST OF	SENE	12	1S	3W
THE NE CORNER OF SECTION 12				

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? YES
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
N/A	N/A	N/A
N/A	N/A	N/A

D) What is the use to which the water will be applied? SUPPLEMENTED IRRIGATION

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
1S	3W	1	NESE	4.6
1S	3W	1	NWSE	11.3
1S	3W	1	NESW	7.5
1S	3W	1	SENE	4.3
1S	3W	1	SWNE	2.3

SEE PAGE 3 OF SUPPLEMENT

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:
RON AND DIANE DAVIS

215 SW WOOD STREET / HILLSBORO, OREGON 97123

* 6. REMARKS: * QUESTION 2: 2.1 ACRES IN SWNE OF SECTION 7 NOT INVOLVED IN TRANSFER

I (we) UNIFIED SEWERAGE AGENCY (USA), applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 24 day of JUNE, 19 93.

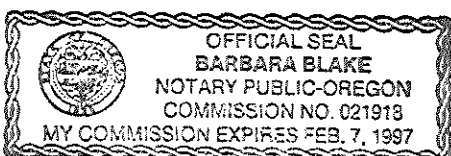
[Signature]
(Signature)
GENERAL MANAGER

(Signature)

Subscribed and sworn to before me

[Signature]
Notary Public for Oregon
My commission expires: 2-7-97

(Notarial Seal)



RECEIVED

JUL - 2 1993

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT WATER RESOURCES DEPT.
 SALEM, OREGON

Applicant: UNIFIED SEWERAGE AGENCY (USA) ATTN: TOM VANDERPLAAT

Mailing Address: SEE PAGE 1

City or town _____ State _____ Zip _____ Phone _____

Type of change: _____
 (In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT SEE PAGE 1

A) Is the water right in your name? _____ If not, list name below:
 (Yes, No)

B) Was the water right determined by a court decree? _____
 (Yes, No)

- 1. If yes, list the title of the proceedings: _____
- 2. Certificate No: _____

C) Was the water right acquired by a water permit? _____
 (Yes, No)

- 1. If yes, list the Permit No: _____
- 2. Certificate No: _____

D) Date of priority right: _____, 19____

E) What are your reasons for the proposed changes? _____

F) The water will be completely applied to the proposed use on or before: _____, 19____

2. LOCATION OF AUTHORIZED USE SEE PAGE 1

A) What is the source of water (river, stream, well)? _____

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4,1/4 of Section	Section	Township	Range
SEE PAGE 1				

C) What is the name of the ditch used? _____

D) What is the use to which the water is applied? _____

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4,1/4 of Section	No. of acres irrigated
1S	2W	7	NWNE	7.0
1S	2W	7	SENE	5.1
1S	2W	7	SWNE	8.3 * SEE REMARKS P2
			TOTAL	72.5

F) Is the land within an irrigation district? Yes _____ No _____
 If Yes, which district? _____

G) County _____

3. LOCATION OF PROPOSED USE: SEE PAGE 1

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4,1/4 of Section	Section	Township	Range

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____ (Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
SEE PAGE 2		

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
1S	3W	12	NENE	30.9
1S	3W	12	NWNE	7.3
1S	3W	12	SENE	2.0
1S	3W	12	NENW	0.2
			TOTAL	70.4

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- W2* C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

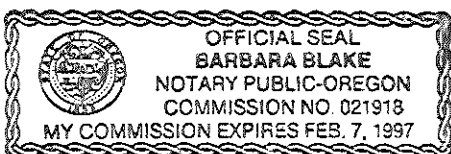
SEE PAGE 2 OF 4

6. REMARKS: SEE PAGE 2 OF 4

I (we) UNIFIED SEWERAGE AGENCY (USA), applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 24 day of JUNE, 1993.

[Signature]
 GENERAL MANAGER (Signature)

 (Signature)



(Notarial Seal)

Subscribed and sworn to before me

[Signature]
 Notary Public for Oregon
 My commission expires: 2-7-97



Oregon

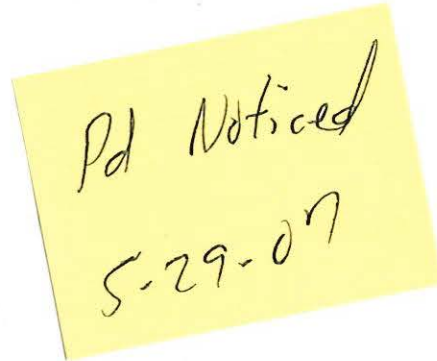
Theodore R. Kulongoski, Governor

Water Resources Department

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

May 23, 2007

CLEAN WATER SERVICES
ATTN: STEPHEN E. KEBBE
16060 SW 85TH AVENUE
TIGARD, OR 97224



SUBJECT: Transfer Application T-7012

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department has concluded that approval of the changes in points of diversion and place of use proposed in T-7012 would result in injury to instream water rights 59692 and 72960. Consistent with your request that we seek a recommendation from the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Environmental Quality (DEQ) on whether we should consent to the injury to the instream water rights, we are proceeding with that process concurrently with issuance of the preliminary determination.

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.

Additionally, because the proposed new point of diversion is more than ¼ mile from the authorized points of diversion, notice of the application must be published in a local newspaper having a general circulation in the area of the water right. You are responsible for publication of the public notice in your local newspaper. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). Please have the newspaper insert the date of last publication in the proper place.

After publication, an affidavit specifying the dates the notice was published must be provided to the Department. Typically, the newspaper will prepare and mail an affidavit of publication to the Department, however you will want to request specifically that they do so. The newspaper should mail the affidavit to me at the address above by **Monday, July 9, 2007.**

The Water Resources Department holds instream water rights in trust for the benefit of the people of Oregon. Under ORS 540.530(c), we may approve the transfer only if the agencies that requested the instream water right(s) conclude that the changes proposed will result in net benefits to the resources protected by the instream water right, and recommend that we consent to the injury of the right. Please contact the agency staff person to whom the agency review letter has been sent, to discuss whether you may be able to assist in providing information needed for the analysis.

After we have received a recommendation from ODFW and DEQ on whether to consent to the injury, provided no protests have been filed, we will issue an order either:

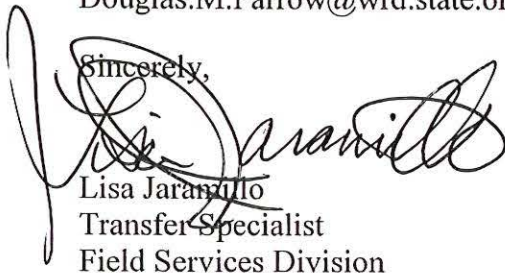
- Approving the transfer with conditions, if any, identified in the agency recommendations as necessary to ensure that the change will result in net benefits, or
- Reaffirming our decision that the instream water right would be injured and denying the transfer.

The timing for issuance of the order will depend on the availability of information needed by ODFW and DEQ to perform the net benefits analysis upon which their recommendation must be based, and the time necessary to allow public review and comment on the recommendation. You are not authorized to use water from the proposed points of diversion pending a final decision by the Department on your transfer application.

If a protest is filed in response to the Department's weekly notice or the newspaper notice, 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 Doug Parrow of the Department staff at 503-986-0881 or Douglas.M.Parrow@wrд.state.or.us if you have any questions.

Sincerely,



Lisa Jaramillo
Transfer Specialist
Field Services Division

enclosures

cc: **Transfer T-7012**
Darrell Hedin, Dist 18 Watermaster
Tom Vanderplaatt, Clean Water Services, 16060 SW 85th Ave., Tigard, OR 97224
Jeff Jones (CWRE #540), Murrary, Smith and Assoc., 121 SW Salmon, Ste. 900, Portland, OR 97204

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-7012, Washington County	)	PROPOSING DENIAL OF A CHANGE
	)	IN POINT OF DIVERSION AND
	)	PLACE OF USE

Authority

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

Applicant

CLEAN WATER SERVICES
ATTN: STEPHEN E. KEBBE
16060 SW 85TH AVENUE
TIGARD, OR 97224

Receiving Landowners

RON AND DIANE DAVIS
215 SW WOOD STREET
HILLSBORO, OR 97123

Findings of Fact

1. The Unified Sewerage Agency filed a transfer application on July 2, 1993, to change the place of use and point of diversion under Certificate 12235. The Department assigned the application number T-7012.
2. On June 5, 2001, the Unified Sewerage Agency Board of Directors resolved and ordered (No. USA 01-30) that the name of Unified Sewerage Agency is changed to Clean Water Services.
3. The applicant initially proposed to transfer 70.4 acres which included several tax lots not owned by Clean Water Services. On November 21, 2006, the applicant amended the application and map to remove the tax lots not under their ownership, resulting in a proposed transfer of only 53.3 acres.

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.
--

4. The portion of the right to be transferred is as follows:
Certificate: 12235 in the name of EDWARD H. FREUDENTHAL (perfected under Permit S-10791)
Use: IRRIGATION of 53.3 ACRES
Priority Date: NOVEMBER 26, 1932
Rate: 0.67 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: ONE-EIGHTIETH of one cfs per acre
Source: TUALATIN RIVER, tributary to WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
1 S	2 W	WM	7	SW NE	42	NONE SPECIFIED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	2 W	WM	7	NE NE	42	31.8
1 S	2 W	WM	7	NW NE	42	7.0
1 S	2 W	WM	7	SW NE	42	8.3
1 S	2 W	WM	7	SE NE	42	5.1
1 S	2 W	WM	8	NW NW	42	1.1
TOTAL:						53.3

5. Transfer Application T-7012 proposes to move the authorized point of diversion approximately 1.2 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	3 W	WM	12	SE NE	1700 FEET SOUTH AND 1090 FEET WEST OF THE NE CORNER OF SECTION 12

6. Transfer Application T-7012 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
1 S	3 W	WM	1	SE NW	4.3	
1 S	3 W	WM	1	NE SW	7.5	
1 S	3 W	WM	1	NW SE	1.1	
1 S	3 W	WM	12	NE NE	30.9	
1 S	3 W	WM	12	NW NE	7.3	
1 S	3 W	WM	12	SE NE	2.0	
1 S	3 W	WM	12	NE NW	0.2	
TOTAL:						53.3

7. Notice of the application for transfer was published on July 14, 1993, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife (ODFW) did request inclusion of a condition requiring installation of proper fish screens. This request is based upon ODFW's determination 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.

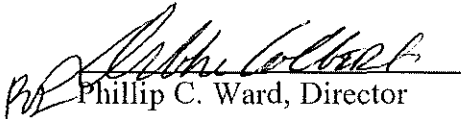
8. Water was not used within the five years prior to submittal of the transfer application on July 2, 1993, according to the terms and conditions of the right. Since the applicant purchased the property to which Certificate 12235 is appurtenant in 1985, the subject land has been irrigated with treated wastewater effluent known as reclaimed water. However, 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).
9. A diversion structure, ditch, pipeline and sprinklers sufficient to use the full amount of water allowed under the existing right are present.
10. The location to which the place of use is proposed to move is already covered by a junior primary irrigation right (Certificate 35409, priority August 2, 1966). The applicant has indicated in correspondence received November 21, 2006, that they wish the lands proposed for transfer under the senior primary irrigation right (Certificate 12235, priority November 26, 1932) to become supplemental to the existing primary irrigation Certificate 35409 upon the issuance of a final order approving Transfer T-7012.
11. The proposed change would not result in enlargement of the right.
12. There are several intervening points of diversion for junior water rights between the existing authorized point of diversion under Certificate 12235 and the proposed point of diversion. However, the use of water at the proposed point of diversion can be conditioned to avoid injury to the junior points of diversion by limiting the quantity of water diverted at the proposed point of diversion to the quantity of water lawfully available at the original point of diversion.
13. Instream Water Right Certificates 59692 and 72960 exist for the reach of the Tualatin River in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water rights during the months of June, July, August, September, October and November. Thus, the instream water rights would be injured as a result of the proposed change in point of diversion.
14. Instream Water Right Certificate 59692, established pursuant to ORS 537.346 at the request of the Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife, is for flows to be maintained in the Tualatin River and its tributaries above USGS Gage No. 14-2075 (being approximately river mile 2.0), at West Linn (SW ¼, Sec. 34, T2S, R1E, W.M.), measured at the gage. The date of priority of the right is May 25, 1966.
15. Instream Water Right Certificate 72960, established pursuant to ORS 537.341 at the request of the Oregon Department of Environmental Quality, is for flows to be maintained in the Tualatin River from river mile 52.8 (NE ¼, Sec. 9, T1S, R3W, W.M.) to the mouth at river mile 38.5 (NW ¼, Sec. 16, T1S, 2W, W.M.). The date of priority of the right is August 5, 1993.

16. Due to the potential for injury to instream water right Certificates 59692 and 72960, the Department mailed a draft preliminary determination proposing to deny Transfer Application T-7012 to the applicant on January 5, 2007. The draft preliminary determination set forth a deadline of February 5, 2007, in which the applicant could respond; however the deadline was extended to May 1, 2007, to allow the applicant time to assess the situation and decide whether or not to proceed with the transfer application.
17. On April 30, 2007, the Department received an e-mail from the applicant requesting the Department pursue consent to injury to the instream water rights as outlined in ORS 540.530 and OAR 690-380-5050, and requested the Department seek a recommendation from the agencies that requested the instream water rights.

Determination and Proposed Action

The changes in place of use and point of diversion proposed in Transfer Application T-7012 cannot be effected without injury to instream water right Certificates 59692 and 72960, as described in Finding #13 above. Pursuant to ORS 540.530, the application will be denied unless, on the recommendation of the Oregon Department of Fish and Wildlife and the Oregon Department of Environmental Quality, the Department consents to injury of instream water right Certificates 59965 and 81501.

Dated at Salem, Oregon this 24th day of May 2007.


Phillip C. Ward, Director

This Preliminary Determination was prepared by Lisa Jaramillo. If you have questions about the information in this document, you may reach me at 503-986-0880 or Lisa.J.Jaramillo@wrdd.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-7012**

T-7012 filed by Clean Water Service, Attn: Steve Kebbe, 16060 SW 85th Ave., Tigard, OR 97224, proposes a change in point of diversion and place of use under Certificate 12235. The right allows the use of 0.67 cfs (priority date November 26, 1932) from the Tualatin River in Sec. 7, T1S, R2W, W.M., for irrigation of 53.3 acres in Sec. 7 and 8. The applicant proposes to move the point of diversion on the Tualatin River approximately 1.2 miles upstream (Sec. 12, T1S, R3W, W.M.) and change the place of use to Sec. 1 and 12, T1S, R3W, W.M.

The Water Resources Department has concluded that the proposed transfer appears not to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 due to injury of instream right certificates 59692 and 72960. Per applicant request, the Department is seeking a recommendation from ODFW and DEQ to consent to the injury under OAR 690-380-5050. Transfer T-7012 will be denied unless ODFW and DEQ recommend that the Department consent to injury of the instream rights due to a net benefit to the resource. If ODFW and DEQ recommend the Department consent to injury of the instream water rights, the Department will issue an order to approve the transfer, unless protests are filed.

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) 986-0881. The last date of newspaper publication is ***[DATE OF LAST PUBLICATION]***.



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

May 23, 2007

Oregon Department of Environmental Quality
Attn: Andy Schaedel, NW Region
2020 SW 4th Avenue
Portland, OR 97201

REFERENCE: Transfer Application T-7012

Dear Ms. Schroeder:

The Water Resources Department has determined that approval of water right transfer T-7012 would result in injury to instream water right Certificates 59692 and 72960 on Tualatin River, due to reduction of flow within the reach between the authorized POD and the upstream POD. The transfer involves a proposed new point of diversion at a location approximately 1.2 miles upstream from the authorized diversion point in the SW¼ of the NE¼ of Section 7, T1S, R2W, W.M.

The Department's streamflow model predicts that natural flow in Tualatin River is insufficient to meet the requirements of the instream rights during June through November each year. We have notified the applicant that we will request DEQ's recommendations on whether we should consent to the injury of the instream water right pursuant to ORS 540.530(c).

We hereby request a recommendation on whether we should consent to the injury to the instream water right that would result if water right transfer T-7012 were to be approved. We are enclosing a copy of the transfer application and other supporting information to assist you in determining if the project would result in net benefits to the resource and in preparing a recommendation. Please do not hesitate to contact Doug Parrow at 503-986-0881 or Douglas.M.Parrow@wr.d.state.or.us if you have questions or need additional information about the proposed transfer.

Sincerely,

Debbie L. Colbert
Senior Policy Coordinator

enclosures

cc: **Transfer T-7012**
Darrell Hedin, Dist 18 Watermaster
Clean Water Services, Attn: Steve Kebbe, 16060 SW 85th Ave., Tigard, OR 97224
Clean Water Services, Attn: Tom Vanderplaat, 16060 SW 85th Ave., Tigard, OR 97224
Jeff Jones (CWRE), Murray, Smith and Assoc., 121 SW Salmon, Ste. 900, Portland, OR 97204
Oregon DEQ, Attn: Denny Ades, 811 SW Sixth Ave., Portland, OR 97204
ODFW, Attn: Rick Kepler, 3406 Cherry Avenue NE, Salem, OR 97303





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

May 23, 2007

Oregon Department of Fish and Wildlife
Attn: Rick Kepler, Water Program Manager
3406 Cherry Avenue NE
Salem, OR 97303

REFERENCE: Transfer Application T-7012

Dear Mr. Kepler:

The Water Resources Department has determined that approval of water right transfer T-7012 would result in injury to instream water right Certificates 59692 and 72960 on Tualatin River, due to reduction of flow within the reach between the authorized POD and the upstream POD. The transfer involves a proposed new point of diversion at a location approximately 1.2 miles upstream from the authorized diversion point in the SW¼ of the NE¼ of Section 7, T1S, R2W, W.M.

The Department's streamflow model predicts that natural flow in Tualatin River is insufficient to meet the requirements of the instream rights during June through November each year. We have notified the applicant that we will request ODFW's recommendations on whether we should consent to the injury of the instream water right pursuant to ORS 540.530(c).

We hereby request a recommendation on whether we should consent to the injury to the instream water right that would result if water right transfer T-7012 were to be approved. We are enclosing a copy of the transfer application and other supporting information to assist you in determining if the project would result in net benefits to the resource and in preparing a recommendation. Please do not hesitate to contact Doug Parrow at 503-986-0881 or Douglas.M.Parrow@wr.d.state.or.us if you have questions or need additional information about the proposed transfer.

Sincerely,


Debbie L. Colbert
Senior Policy Coordinator

enclosures

cc: **Transfer T-7012**
Darrel Hedin, Dist 18 Watermaster
Clean Water Services, Attn: Steve Kebbe, 16060 SW 85th Ave., Tigard, OR 97224
Clean Water Services, Attn: Tom Vanderplaat, 16060 SW 85th Ave., Tigard, OR 97224
Jeff Jones (CWRE), Murray, Smith and Assoc., 121 SW Salmon, Ste. 900, Portland, OR 97204
ODFW, Attn: Steve Williams, Fresh Water Deputy Admin., 3406 Cherry Ave. NE, Salem, OR 97303
ODFW, Attn: Danette Ehlers, NW Region Office, 17330 SE Evelyn St., Clackamas, OR 97015
DEQ, Attn: Andy Schaedel, NW Region, 2020 SW 4th Avenue, Portland, OR 97201

Lisa Jaramillo

T-7012

From: Steve Kebbe [KebbeS@CleanWaterServices.org]
Sent: Monday, April 30, 2007 9:04 AM
To: Lisa Jaramillo
Subject: RE: Transfer Application T-7012

Lisa,

We have decided to pursue consent to injury.

Steve

From: Lisa Jaramillo [mailto:Lisa.J.JARAMILLO@wrdd.state.or.us]
Sent: Thursday, March 01, 2007 9:05 AM
To: Steve Kebbe
Subject: RE: Transfer Application T-7012

Steve,

That sounds reasonable. We will continue to keep this file on hold through May 1, 2007.

Thanks for the update,
Lisa

From: Steve Kebbe [mailto:KebbeS@CleanWaterServices.org]
Sent: Wednesday, February 28, 2007 10:00 AM
To: Lisa.J.JARAMILLO@wrdd.state.or.us
Subject: Transfer Application T-7012

-->

Lisa,

I have been working with Clean Water Services staff and with Dennis Ades of ODEQ to decide whether to pursue consent to injury for Transfer Application T-7012. However, I have not yet been able to meet with an ODFW representative. My plan is to meet with an ODFW representative, discuss ODEQ and ODFW comments with appropriate Clean Water Services staff, and then give you a response. Based on this plan, I request an extension to May 1, 2007, to decide whether to pursue consent to injury.

Steve

From: Lisa Jaramillo [mailto:Lisa.J.JARAMILLO@wrdd.state.or.us]
Sent: Wednesday, January 31, 2007 11:59 AM
To: Steve Kebbe
Subject: RE: Transfer Application T-7012

Hi Steve,

Your request for additional time is hereby granted. We will not proceed prior to March 1, 2007.

Lisa

From: Steve Kebbe [mailto:KebbeS@CleanWaterServices.org]
Sent: Wednesday, January 31, 2007 11:53 AM

4/30/2007

To: Lisa.J.JARAMILLO@wrd.state.or.us
Subject: Transfer Application T-7012

-->
Lisa,

Pursuant to your January 5, 2007, letter to me regarding Transfer Application T-7012, I request additional time to decide whether to pursue consent to injury. I request that the due date be changed from February 5 to March 1, 2007, to allow more time to consider the ramifications of the transfer.

Steve

4/30/2007

Lisa Jaramillo

From: Lisa Jaramillo [Lisa.J.JARAMILLO@wrд.state.or.us]
Sent: Thursday, March 01, 2007 9:05 AM
To: 'Steve Kebbe'
Subject: RE: Transfer Application T-7012

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Subject: Transfer Application T-7012

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Steve

From: Lisa Jaramillo [mailto:Lisa.J.JARAMILLO@wrд.state.or.us]
Sent: Wednesday, January 31, 2007 11:59 AM

3/7/2007

To: Steve Kebbe
Subject: RE: Transfer Application T-7012

Hi Steve,

Your request for additional time is hereby granted. We will not proceed prior to March 1, 2007.

Lisa

From: Steve Kebbe [mailto:KebbeS@CleanWaterServices.org]
Sent: Wednesday, January 31, 2007 11:53 AM
To: Lisa.J.JARAMILLO@wrdd.state.or.us
Subject: Transfer Application T-7012

-->

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Steve

3/7/2007

Lisa Jaramillo

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Sent: Wednesday, January 31, 2007 11:59 AM
To: 'Steve Kebbe'
Subject: RE: Transfer Application T-7012

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Lisa

From: Steve Kebbe [mailto:KebbeS@CleanWaterServices.org]
Sent: Wednesday, January 31, 2007 11:53 AM
To: Lisa.J.JARAMILLO@wrd.state.or.us
Subject: Transfer Application T-7012

-->

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Pursuant to your January 5, 2007, letter to me regarding Transfer Application T-7012, I request additional time to decide whether to pursue consent to injury. I request that the due date be changed from February 5 to March 1, 2007, to allow more time to consider the ramifications of the transfer.

Steve

2/14/2007

Lisa Jaramillo

From: Lisa Jaramillo [Lisa.J.JARAMILLO@wrd.state.or.us]
Sent: Wednesday, January 10, 2007 1:18 PM
To: kebbes@cleanwaterservices.org
Subject: ODFW and DEQ contacts

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Hello Steve,

Below is a list of contacts at ODFW and DEQ if you decide to pursue "consent to injury" to the instream water rights:

ODFW:

Rick Kepler, Water Program Manager – Ph # (503) 947-6084

Stephen Williams, Fresh Water Deputy Administrator – Ph # (503) 947-6209

Danette Ehlers, Asst. District Fish Biologist - Ph # (971) 673-6000

DEQ:

Denny Ades, Water Quality Dept. – Ph #503-229-6351

Please don't hesitate call me if I can help out in any way.

Lisa

1/10/2007



Oregon

Theodore R. Kulongoski, Governor

T-7012

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

January 5, 2007

Clean Water Services
Attn: Stephen E. Kebbe
16060 SW 85th Avenue
Tigard, OR 97224

SUBJECT: Transfer Application T-7012

Dear Mr. Kebbe:

Enclosed please find a draft of our Preliminary Determination regarding transfer application T-7012. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the proposed transfer will result in injury to two instream water rights (Certificates 59692 and 72960).

Concurrent with issuance of the signed Preliminary Determination, the Water Resources Department will request the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Environmental Quality (ODEQ) to make a recommendation on whether to consent to the injury of the instream water rights. The transfer will NOT be approved unless ODFW and ODEQ recommend that the Water Resources Department approve the transfer based on evaluation of a net benefit that will occur as a result of the proposed changes. You may be contacted if additional information is needed for the review. Based upon the agency recommendations and input during a public comment period, the Department will make a final determination on whether to approve the transfer, and a final order will be issued accordingly.

Alternatively, you will have the opportunity to protest the determination after the signed Preliminary Determination is issued, or you may request to withdraw the transfer application.

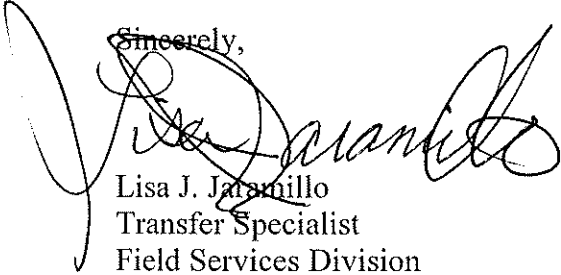
This draft Preliminary Determination is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer and whether you agree with the proposed action.

Issuance of the Preliminary Determination will occur after we receive your comments. Please submit your comments in writing or via e-mail by **Monday, February 5, 2007.**

Additionally, because the new point of diversion is more than ¼ mile from the authorized point of diversion, you will be responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right between the issuance of the Preliminary Determination and issuance of the Final Order. 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 on issuance of the Preliminary Determination.

Please do not hesitate to contact me at 503-986-0880 or Lisa.J.JARAMILLO@ wrd.state.or.us if you have questions.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: Transfer T-7012
Darrell Hedin, Watermaster Dist. 18
Tom VanderPlaat, Clean Water Services, 16060 SW 85th Avenue, Tigard, OR 97224
Jeff Jones (CWRE #450), Murray, Smith and Assoc., 121 SW Salmon, Ste. 900, Portland, OR 97204

enc

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

In the Matter of Transfer Application)
T-7012, Washington County)

D R A F T

) PRELIMINARY DETERMINATION
) PROPOSING DENIAL OF A CHANGE
) IN POINT OF DIVERSION AND
) PLACE OF USE

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.

Applicant

CLEAN WATER SERVICES
ATTN: STEPHEN E. KEBBE
16060 SW 85TH AVENUE
TIGARD, OR 97224

Receiving Landowners

RON AND DIANE DAVIS
215 SW WOOD STREET
HILLSBORO, OR 97123

Findings of Fact

1. The Unified Sewerage Agency filed a transfer application on July 2, 1993, to change the place of use and point of diversion under Certificate 12235. The Department assigned the application number T-7012.
2. On June 5, 2001, the Unified Sewerage Agency Board of Directors resolved and ordered (No. USA 01-30) that the name of Unified Sewerage Agency is changed to Clean Water Services.
3. The applicant initially proposed to transfer 70.4 acres which included several tax lots not owned by Clean Water Services. On November 21, 2006, the applicant amended the application and map to remove the tax lots not under their ownership, resulting in a proposed transfer of only 53.3 acres.

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

Certificate: 12235 in the name of EDWARD H. FREUDENTHAL (perfected under Permit S-10791)

Use: IRRIGATION of 53.3 ACRES

Priority Date: NOVEMBER 26, 1932

Rate: 0.67 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre

Source: TUALATIN RIVER, tributary to WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
1 S	2 W	WM	7	SW NE	42	NONE SPECIFIED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	2 W	WM	7	NE NE	42	31.8
1 S	2 W	WM	7	NW NE	42	7.0
1 S	2 W	WM	7	SW NE	42	8.3
1 S	2 W	WM	7	SE NE	42	5.1
1 S	2 W	WM	8	NW NW	42	1.1
TOTAL:						53.3

5. Transfer Application T-7012 proposes to move the authorized point of diversion approximately 1.2 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	3 W	WM	12	SE NE	1700 FEET SOUTH AND 1090 FEET WEST OF THE NE CORNER OF SECTION 12

6. Transfer Application T-7012 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	1	SE NW	4.3
1 S	3 W	WM	1	NE SW	7.5
1 S	3 W	WM	1	NW SE	1.1
1 S	3 W	WM	12	NE NE	30.9
1 S	3 W	WM	12	NW NE	7.3
1 S	3 W	WM	12	SE NE	2.0
1 S	3 W	WM	12	NE NW	0.2
TOTAL:					53.3

7. Notice of the application for transfer was published on July 14, 1993, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife (ODFW) did request inclusion of a condition requiring installation of proper fish screens. This request is based upon ODFW's determination 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.
8. Water was not used within the five years prior to submittal of the transfer application on July 2, 1993, according to the terms and conditions of the right. Since the applicant purchased the property to which Certificate 12235 is appurtenant in 1985, the subject land has been irrigated with treated wastewater effluent known as reclaimed water. However, 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).

9. A diversion structure, ditch, pipeline and sprinklers sufficient to use the full amount of water allowed under the existing right are present.
10. The location to which the place of use is proposed to move is already covered by a junior primary irrigation right (Certificate 35409, priority August 2, 1966). The applicant has indicated in correspondence received November 21, 2006, that they wish the lands proposed for transfer under the senior primary irrigation right (Certificate 12235, priority November 26, 1932) to become supplemental to the existing primary irrigation Certificate 35409 upon the issuance of a final order approving Transfer T-7012.
11. The proposed change would not result in enlargement of the right.
12. There are several intervening points of diversion for junior water rights between the existing authorized point of diversion under Certificate 12235 and the proposed point of diversion. However, the use of water at the proposed point of diversion can be conditioned to avoid injury to the junior points of diversion (see condition #3 under the "Determination and Proposed Action" section below).
13. Instream Water Right Certificates 59692 and 72960 exist for the reach of the Tualatin River in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water rights during the months of June, July, August, September, October and November. Thus, the instream water rights would be injured as a result of the proposed change in point of diversion.
14. Instream Water Right Certificate 59692, established pursuant to ORS 537.346 at the request of the Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife, is for flows to be maintained in the Tualatin River and its tributaries above USGS Gage No. 14-2075 (being approximately river mile 2.0), at West Linn (SW ¼, Sec. 34, T2S, R1E, W.M.), measured at the gage. The date of priority of the right is May 25, 1966.
15. Instream Water Right Certificate 72960, established pursuant to ORS 537.341 at the request of the Oregon Department of Environmental Quality, is for flows to be maintained in the Tualatin River from river mile 52.8 (NE ¼, Sec. 9, T1S, R3W, W.M.) to the mouth at river mile 38.5 (NW ¼, Sec. 16, T1S, 2W, W.M.). The date of priority of the right is August 5, 1993.

Determination and Proposed Action

The changes in place of use and point of diversion proposed in Transfer Application T-7012 cannot be effected without injury to instream water right Certificates 59692 and 72960, as described in Finding #13 above. Pursuant to ORS 540.530, the application will be denied unless, on the recommendation of the Oregon Department of Fish and Wildlife and the Oregon Department of Environmental Quality, the Department consents to injury of instream water right Certificates 59965 and 81501.

If the transfer is approved notwithstanding the Department's preliminary determination that the transfer will result in injury, the change and subsequent use of water shall be subject to the following conditions:

- 1. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 12235 and any related decree.*
- 2. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 3. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 4. The former place of use of the transferred water shall no longer receive water as part of these rights.*
- 5. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 6. 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 criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screen and/or by-pass device was installed to the state's criteria. 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.*
- 7. When satisfactory proof of the completed changes is received, a new certificate confirming the portion of the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2007.

D R A F T

Phillip C. Ward, Director

<p>This draft Preliminary Determination was prepared by Lisa Jaramillo. If you have questions about the information in this document, you may reach me at 503-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us.</p>



Oregon Department of Fish and Wildlife
North Willamette Watershed District

17330 SE Evelyn Street
Clackamas, Oregon 97015
Phone: (971) 673-6000
Fax: (971) 673-6071

To: Lisa Jaramillo

From: Danette Ehlers

Fax: 503-986-0903

Phone: _____

Pages: +3

Date: 12/20/06

RE: T-7012

CC: _____

Urgent

For Review

Please Comment

Please Reply

FYI

Comments:

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

Reference Transfer #: T-7012

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 Tualatin R., tributary to Willamette R.. Because,

the POD is moving upstream (cert. 72960)
(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 five boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

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.

The new Point of Diversion (POD) requires a fish screening and/or by-pass device and would be eligible for cost share assistance under ODFW's cost share program. (If this box is selected, provide contact information on the "Fish Screening and Passage Information" sheet.)

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 is eligible for screening cost share funds. However, funds may not be currently available. ODFW has indicated a grace period 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 cost share funding availability.

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

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

T-7012

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.

- The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to diverting water and is ~~not~~ eligible for cost share assistance under ODFW's cost share program. (If this box is selected, provide contact information on the "Fish Screening and Passage Information" sheet.) *maybe*

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 not currently equipped with an appropriate fish screening and/or by-pass device.

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 criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screen and/or by-pass device was installed to the state's criteria. 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.

- 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.

- A fish screen and/or by-pass device should not be required as a condition of the transfer approval.

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 not necessary to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted.

Condition: None.

Danette Ehlers

Signature

Danette L. Ehlers

Printed Name

Asst. District Fish Biologist

Title

971-673-6013

Phone

Oregon Department of Fish and Wildlife
Fish Screening and Passage Information

Transfer # 7-7012

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 will prevent 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: Bob Hair, Field Coordinator
Address: _____ 3561 Klindt Drive
City/State/Zip: _____ The Dalles, OR 97058
Phone: _____ (541) 296-8026

- 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: _____

Lisa Jaramillo

From: Lisa Jaramillo [Lisa.J.JARAMILLO@wrd.state.or.us]
Sent: Tuesday, December 12, 2006 3:01 PM
To: Danette.L.Ehlers@state.or.us
Subject: Water Right Transfer Review
Attachments: 7012-scanned-packet.pdf; ODFW Comment E-Form.pdf

Sent
12-12-06
by L. Jaramillo

-->

Hello Danette,

My name is Lisa Jaramillo and I am a water right transfer processor with the Water Resources Department. I am working on an old transfer request (T-7012) that was filed on July 2, 1993. It does not appear that an ODFW Review form was ever sent out from our Department to yours.

Would you please review the attached packet of scanned information and complete an ODFW Review Form for this transfer.

I really appreciate your help with this.

If you have any questions, please feel free to contact me by e-mail or phone. My phone number is 503-986-0880.

Thank you,

Lisa Jaramillo

12/12/2006

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDWARD H. FREUDENTHAL

of Hillsboro, 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 for the purpose of Irrigation under Permit No. 10791 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 November 26, 1932;

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 0.91 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 SW 1/4 NE 1/4 of Section 7, Township 1 South, Range 2 West, W. M., being within the George Sigler D.L.C. No. 42.

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 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:

- 10.5 acres in the SW 1/4 SW 1/4 Section 5
 - 3.2 acres in the SE 1/4 SE 1/4 Section 6
 - 34.6 acres in the NE 1/4 NE 1/4 Section 6
 - 7.0 acres in the NW 1/4 NE 1/4 Section 6
 - 5.1 acres in the SE 1/4 NE 1/4 Section 6
 - 8.3 acres in the SW 1/4 NE 1/4 Section 7
 - 3.8 acres in the NW 1/4 NW 1/4 Section 8
- Township 1 South, Range 2 West, being within the George Sigler D.L.C. No. 42.

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

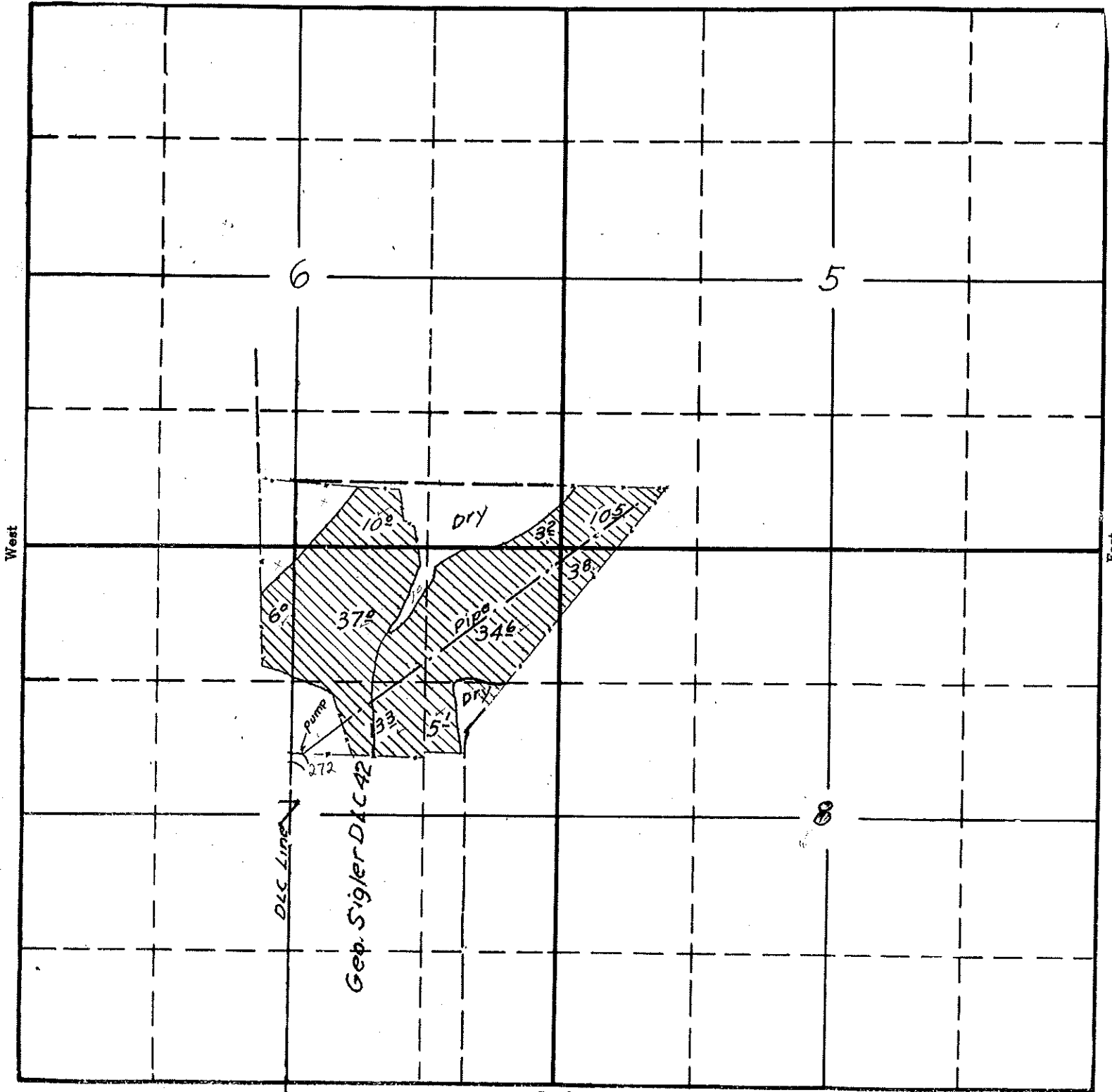
this 18th day of October, 1939

CLAS. E. STRICKLIN State Engineer

SECTION

TOWNSHIP 15, RANGE 2W, W. M.

North



South

APPLICATION No. { 14812
14435

PERMIT No. { ~~1064~~
10464
10791

COPY

T7012

RECEIVED

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT JUL - 2 1993

WATER RESOURCES DEPT.

Applicant: UNIFIED SEWERAGE AGENCY (USA) ATTN: TOM VANDERBEEK
Mailing Address: 155 NORTH FIRST AVENUE - SUITE 270 - M/S 10
HILLSBORO OREGON 97124-3072 / 503-648-8621 FAX: 503-640-3525
Type of change: PLACE OF USE: POINT OF DIVERSION
(In point of diversion: place of use; use heretofore made of the water)

Superseded
by
Amendment
Rd
11-21-06

1. WATER RIGHT

- A) Is the water right in your name? NO If not, list name below:
(Yes, No)
- B) Was the water right determined by a court decree? NO
(Yes, No)
 - 1. If yes, list the title of the proceedings: N/A
 - 2. Certificate No: _____
- C) Was the water right acquired by a water permit? YES
(Yes, No)
 - 1. If yes, list the Permit No: 10791
 - 2. Certificate No: 12235
- D) Date of priority right: NOVEMBER 26, 19 32
- E) What are your reasons for the proposed changes? INCREASE AVAILABILITY OF WATER ON LATER PRIORITY - DATED LANDS
- F) The water will be completely applied to the proposed use on or before: OCTOBER 1, 19 96

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? TUALATIN RIVER
- B) Describe the authorized point of diversion: /S

Location in Reference to Survey Corner	1/4,1/4 of Section	Section	Township	Range
2010 FT S & 2620 FT W OF THE	SW, NE	7	1S	2W
NE CORNER OF SECTION 7	SEE ATTACHED			
- C) What is the name of the ditch used? N/A
- D) What is the use to which the water is applied? IRRIGATION

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4,1/4 of Section	No. of acres irrigated
1S	2W	5	SWSW	10.5
1S	2W	6	SESE	3.2
1S	2W	8	NWNW	3.8
1S	2W	7	NENE	34.6
SEE ATTACHED FOR ADDITIONAL INFORMATION				

- F) Is the land within an irrigation district? Yes X No
If Yes, which district? TUALATIN VALLEY IRRIGATION DISTRICT
- G) County WASHINGTON COUNTY

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4,1/4 of Section	Section	Township	Range
1700 FT SOUTH: & 1090 FT WEST OF	SENE	12	1S	3W
THE NE CORNER OF SECTION 12				

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? YES
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
N/A	N/A	N/A
N/A	N/A	N/A

D) What is the use to which the water will be applied? SUPPLEMENTED IRRIGATION

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
1S	3W	1	NESE	4.6
1S	3W	1	NWSE	11.3
1S	3W	1	NESW	7.5
1S	3W	1	SESW	4.3
1S	3W	1	SWNE	2.3

4. EXHIBITS SEE PAGE 3 OF SUPPLEMENT

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

RON AND DIANE DAVIS
215 SW WOOD STREET / HILLSBORO, OREGON 97123

* 6. REMARKS: * QUESTION 2: 2.1 ACRES IN SWNE OF SECTION 7 NOT INVOLVED IN TRANSFER

I (we) UNIFIED SEWERAGE AGENCY (USA), applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 24 day of JUNE, 19 93.

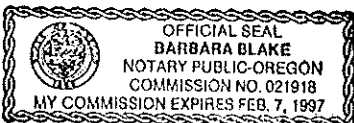
Harry A. Khatun
(Signature)
GENERAL MANAGER

(Signature)

Subscribed and sworn to before me

Barbara Blake
Notary Public for Oregon
My commission expires: 2.7.97

(Notarial Seal)



RECEIVED

JUL 19 1993

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

WATER RESOURCES DEPARTMENT
SALEM, OREGON

Applicant: UNIFIED SEWERAGE AGENCY (USA) ATTN: TOM VANDERPLAAT
Mailing Address: SEE PAGE 1

City or town _____ State _____ Zip _____ Phone _____
Type of change: _____
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT SEE PAGE 1

- A) Is the water right in your name? _____ If not, list name below: _____
(Yes, No)
- B) Was the water right determined by a court decree? _____ (Yes, No)
 - 1. If yes, list the title of the proceedings: _____
 - 2. Certificate No: _____
- C) Was the water right acquired by a water permit? _____ (Yes, No)
 - 1. If yes, list the Permit No: _____
 - 2. Certificate No: _____
- D) Date of priority right: _____, 19____
- E) What are your reasons for the proposed changes? _____
- F) The water will be completely applied to the proposed use on or before: _____, 19____

2. LOCATION OF AUTHORIZED USE SEE PAGE 1

- A) What is the source of water (river, stream, well)? _____
- B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
SEE PAGE 1				
- C) What is the name of the ditch used? _____
- D) What is the use to which the water is applied? _____

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
1S	2W	7	NWNE	7.0
1S	2W	7	SENE	5.1
1S	2W	7	SWNE	8.3 * SEE REMARKS P2
			TOTAL	72.5

- F) Is the land within an irrigation district? Yes _____ No _____
If Yes, which district? _____
- G) County _____

3. LOCATION OF PROPOSED USE: SEE PAGE 1

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
SEE PAGE 2		

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
1S	3W	12	NENE	30.9
1S	3W	12	NWNE	7.3
1S	3W	12	SENE	2.0
1S	3W	12	NENW	0.2
			TOTAL	70.4

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- ^{WUA} C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

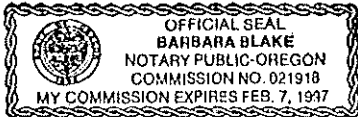
SEE PAGE 2 OF 4

6. REMARKS: SEE PAGE 2 OF 4

I (we) UNIFIED SEWERAGE AGENCY (USA), applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 24 day of JUNE, 1993.

[Handwritten Signature]
 GENERAL MANAGER (Signature)

 (Signature)



(Notarial Seal)

Subscribed and sworn to before me
[Handwritten Signature]

 Notary Public for Oregon
 My commission expires: 2-7-97

T. 1 S. R. 2 W. W. M.
 Washington County, Oregon
 April 1993

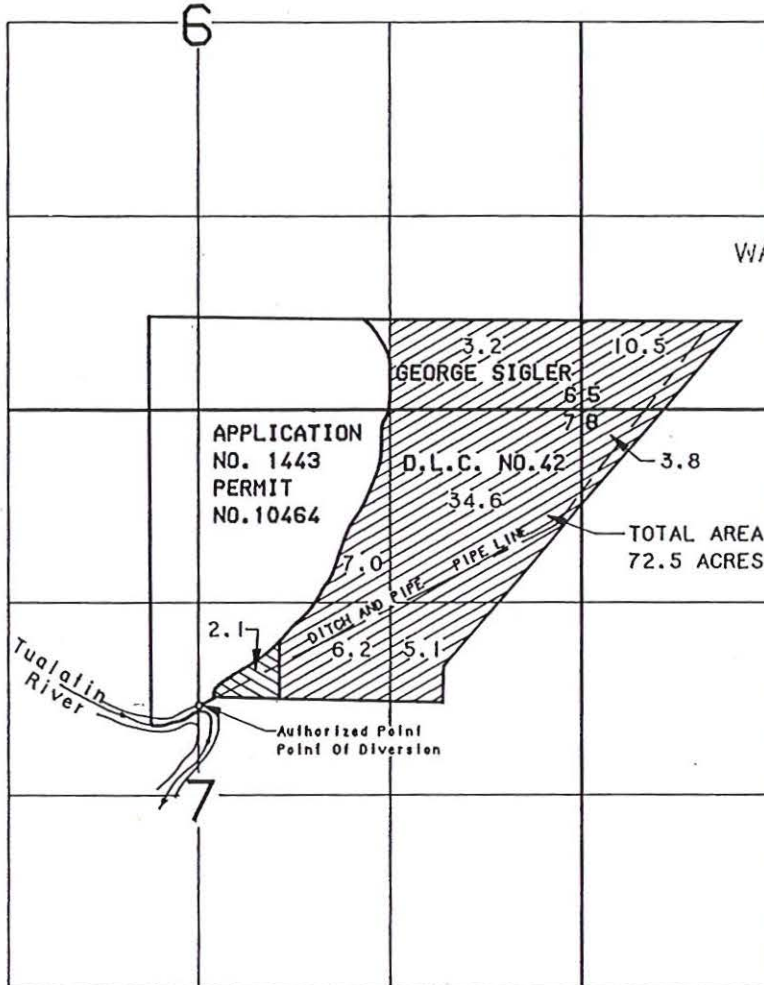


SCALE 1"=1320'

RECEIVED

JUL - 2 1993

WATER RESOURCES DEPT.
 SALEM, OREGON



*Superseded
 by
 Map
 Amendment
 R'cvd
 11-21-06*

(DIV. PT. 2010'S & 2620'W OF NE CORNER OF SECTION 7)



5/27/93

APPLICATION MAP
 for
 Water Right Transfer
 and
 Change in Point of Diversion
 for
 UNIFIED SEWERAGE AGENCY

- (Existing)
- Permit No. 10791 Being Transferred
- Permit No. 10791 (Primary) (No Change)

THIS MAP DOES NOT INTEND TO PROVIDE DIMENSIONS FOR THE EXACT LOCATION OF PROPERTY OR BOUNDARY LINES.

CHARLES E. SPEAR CWRE No. 187
 UNIFIED SEWERAGE AGENCY
 155 N. FIRST AVE. SUITE 270
 HILLSBORO, OREGON 97124

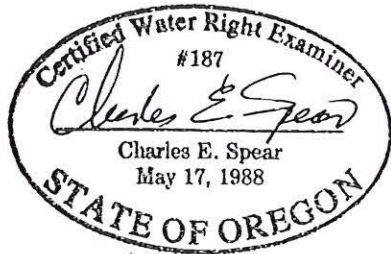
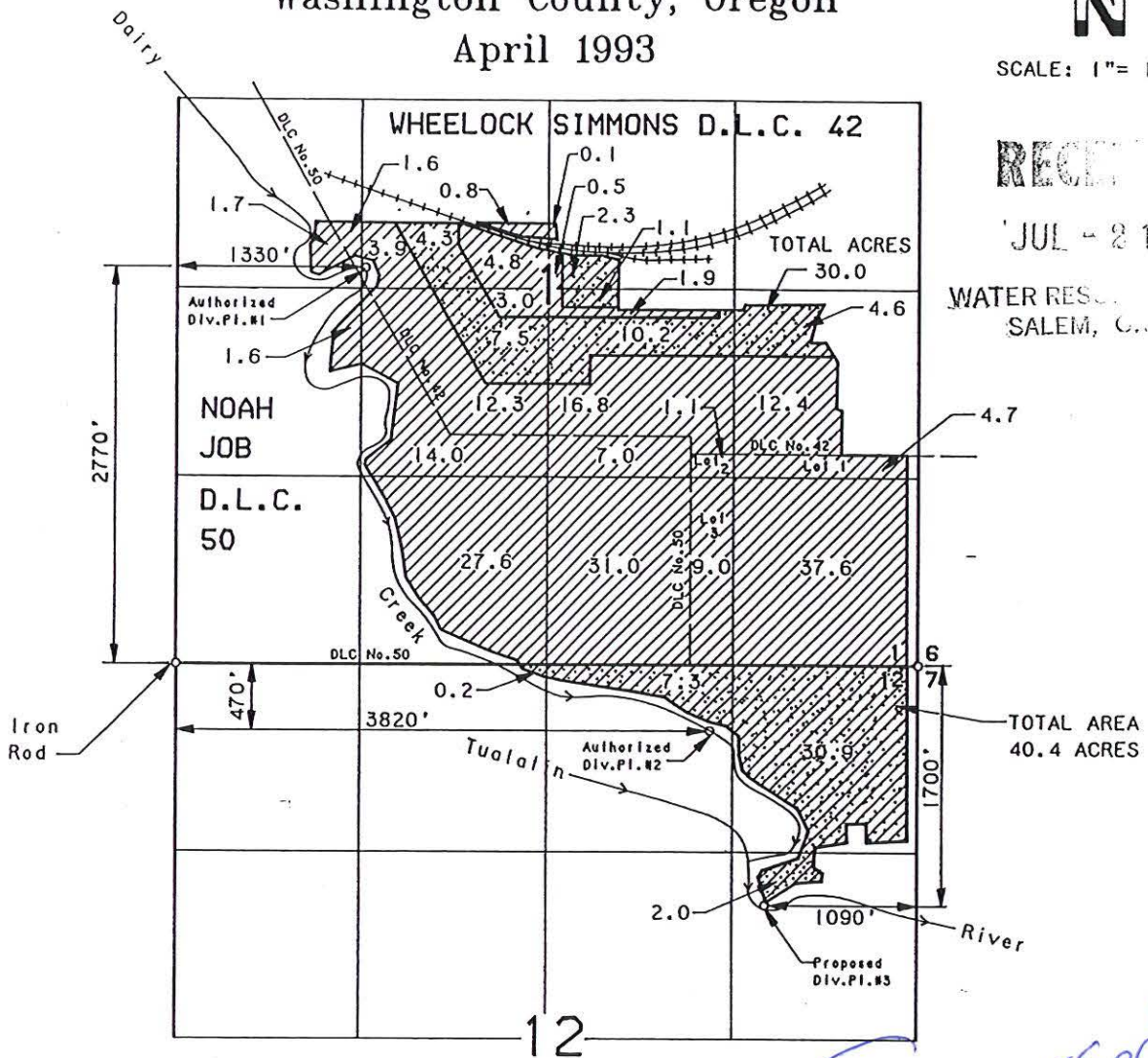
T. 1 S. R. 3 W. W. M.
 Washington County, Oregon
 April 1993



SCALE: 1" = 1320'

RECEIVED
 JUL - 2 1993

WATER RESOURCES
 SALEM, OREGON



5/27/93

APPLICATION MAP
 for
 Water Right Transfer
 and
 Change in Point of Diversion
 for
 UNIFIED SEWERAGE AGENCY

*Superseded
 by Map
 Amendment
 Rcvd
 11-21-06.*

- (Proposed)
- Permit No. 31814 (Dairy Creek)
- Permit No. 10791 Supplemental
- Permit No. 31814 (No Change)

THIS MAP DOES NOT INTEND TO PROVIDE
 DIMENSIONS FOR THE EXACT LOCATION
 OF PROPERTY OR BOUNDARY LINES.

CHARLES E. SPEAR CWRE No. 187
 UNIFIED SEWERAGE AGENCY
 155 N. FIRST AVE. SUITE 270
 HILLSBORO, OREGON 97124



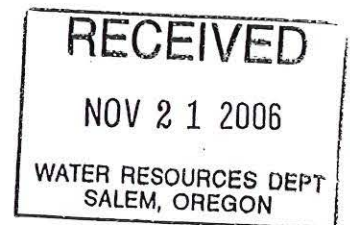
Murray Smith & Associates, Inc.
Engineers/Planners

121 S.W. Salmon, Suite 900 ■ Portland, Oregon 97204-2919 ■ PHONE 503.225.9010 ■ FAX 503.225.9022

06-0794.403
November 16, 2006

Amendment

Ms. Lisa J. Jaramillo
Water Rights Transfer Specialist
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271



Re: Clean Water Services - Water Rights Transfer Application T-7012

Dear Ms. Jarmillo:

On behalf of the Clean Water Services (District), we have reviewed your letter of April 4, 2006 in which you request clarifications, corrections and documentation regarding certain information supplied with the original transfer application for the above referenced transfer. As you indicated, these issues need to be resolved before the Oregon Water Resources Department (OWRD) can continue processing the District's transfer application. This letter and attachments, including the attached revised transfer maps, addresses each issue below in the same order as you presented them in your April 4th letter and amends the transfer application accordingly.

- Issue:** OWRD requests that either documentation be provided showing the District's name change from United Sewage Agency (USA) to Clean Water Services (CWS) or submit a "Request for Assignment" form.

Response: Please find enclosed "Attachment A" which documents the District's name change.

- Issue:** The deed supplied with the transfer application does not cover all of the area identified in the application where place of use (POU) land is proposed to be moved from, specifically the lots on and around Fir Grove Loop located northerly of the District owned parcel.

Response: Transfer T-7012 application is amended to include only Certificate No. 12235 POU area that falls entirely within the District owned property (Tax Lot 1S 3 7 100) as shown on the attached revised transfer maps and revised Section 2.E table in Item 4 below.

- Issue:** Transfer map identifying where POU land is to be moved from, submitted with original application, does not match the Final Proof map for the water right Certificate No. 12235. Submit revised map that matches the final proof survey map, stamped and signed by a Certified Water Rights Examiner (CWRE).

Response: Transfer T-7012 application is amended by replacing both water right transfer application maps dated April 1993 with the attached application maps dated November 2006.

4. **Issue:** The tables in Section 2.E and Section 3.E will need to be revised to reflect the changes in POU area to be transferred from as indicated in Items 2 and 3 above.

Response: Transfer T-7012 application is amended by replacing Section 2.E and Section 3.E tables, originally completed in the application received by OWRD on July 2, 1993, with the following revised tables:

Revised Table 2.E:

2. LOCATION OF AUTHORIZED USE

E) Give the location of the authorized area irrigated or place of use:

Township	Range	Section	1/4,1/4 Section	Acres
1S	2W	7	NE NE	31.8
1S	2W	7	NW NE	7.0
1S	2W	7	SW NE	8.3
1S	2W	7	SE NE	5.1
1S	2W	8	NW NW	1.1
TOTAL ACRES				53.3

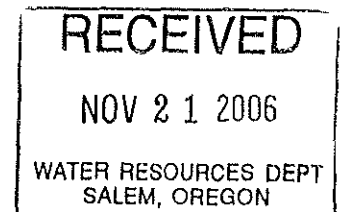
Revised Table 3.E:

3. LOCATION OF PROPOSED USE

E) Give the proposed location of the area irrigated or place of use:

Township	Range	Section	1/4,1/4 Section	Acres
1S	3W	1	SE NW	4.3
1S	3W	1	NE SW	7.5
1S	3W	1	NW SE	1.1
1S	3W	12	NE NE	30.9
1S	3W	12	NW NE	7.3
1S	3W	12	SE NE	2.0
1S	3W	12	NE NW	0.2
TOTAL ACRES				53.3

5. **Issue:** Regarding the application map for the proposed place of use, the overlapping land under Certificate No. 35409 with its more junior date of priority is considered supplemental to Certificate No. 12235, which has a more senior priority date, unless the water right holder designates otherwise.



Response: The District requests that the portion of the water right under Certificate No. 12235 proposed to be transferred be supplemental to the water right under Certificate No. 35409.


6. **Issue:** If the District decides to designate the proposed "to" POU land under Certificate No. 12235 as primary, all recorded owners for that portion of Certificate No. 35409 to be supplemental will need to consent to the change and submit an "Affidavit for partial Diminution of a Water Right" form for Certificate No. 35409. If, however, the District decides to designate the proposed "to" POU land under Certificate No. 12235 as supplemental to the water right under Certificate No. 35409, all the recorded deed owners for land under Certificate No. 12235 will need to consent to the change and submit an "Affidavit for Entire Diminution of a Water Right" form for Certificate No. 12235.

Response: As discussed in Item 5 above, the District proposes to designate the POU land under Certificate No. 12235 as supplemental to the water right under Certificate No. 35409. In addition, Items 2 and 4 above amends Transfer T-7012 application such that the proposed transfer includes only the portion of water right Certificate No. 12235 POU area that falls within the District owned property. As such, it is understood that the District is the only property owner that may need to complete a diminution of a water right affidavit for Certificate No. 12235. After our discussion with you in this regard, you agreed to allow the District to complete the diminution affidavit, if required, after the District's review of the OWRD draft preliminary determination for the subject transfer.

If you have any question or desire any further information, please do not hesitate to contact me at 503-225-9010. Thank you.

Sincerely,

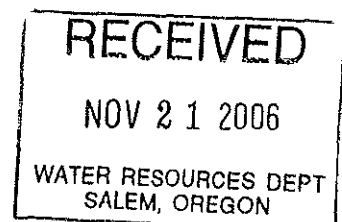
MURRAY, SMITH & ASSOCIATES, INC.


Jeff S. Jones, P.E., CWRE
Senior Engineer, Associate

JSJ:jsj

Enclosures

cc: Steve Kebbe, Clean Water Services
Tom VanderPlaat, Clean Water Services



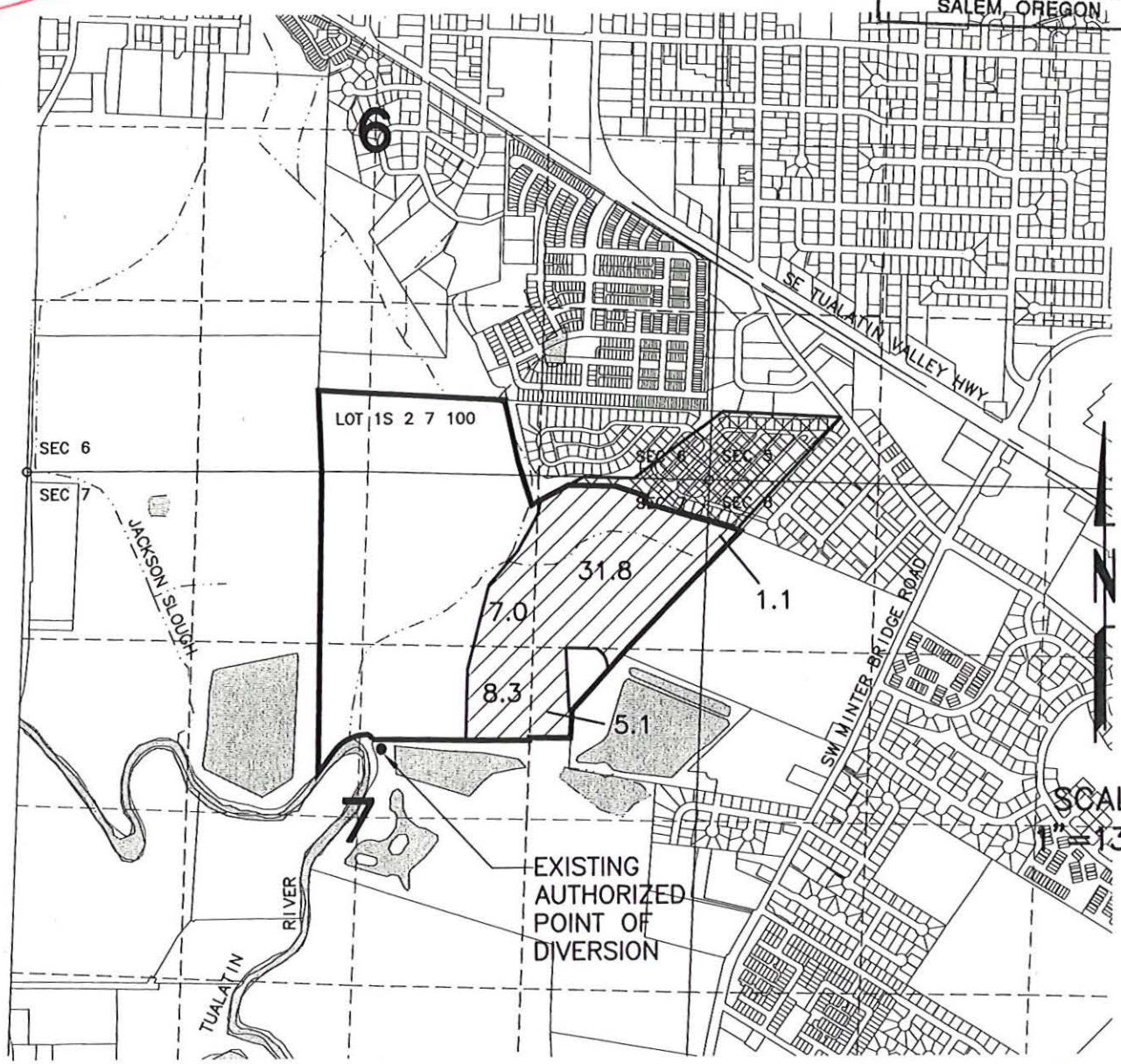
Current

T.1S.,R.2W.,W.M.
SECTIONS 6, 7 & 8

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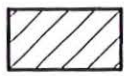
NOV 21 2006

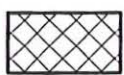
WATER RESOURCES DEPT
SALEM, OREGON



SCALE:
1" = 1320'

REVISED APPLICATION MAP FOR TRANSFER OF WATER RIGHT
 TRANSFER NO. T-7012
 EXISTING PLACE OF USE AND POINT OF DIVERSION
 IN THE NAME OF
CLEAN WATER SERVICES
WASHINGTON COUNTY

 CERTIFICATE NO. 12235
 EXISTING AREA PROPOSED
 FOR TRANSFER=53.3 ACRES

 CERTIFICATE NO. 12235
 NO CHANGE
 AREA=21.3 ACRES

NOVEMBER 2006



EXPIRES: 6.30.07

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.

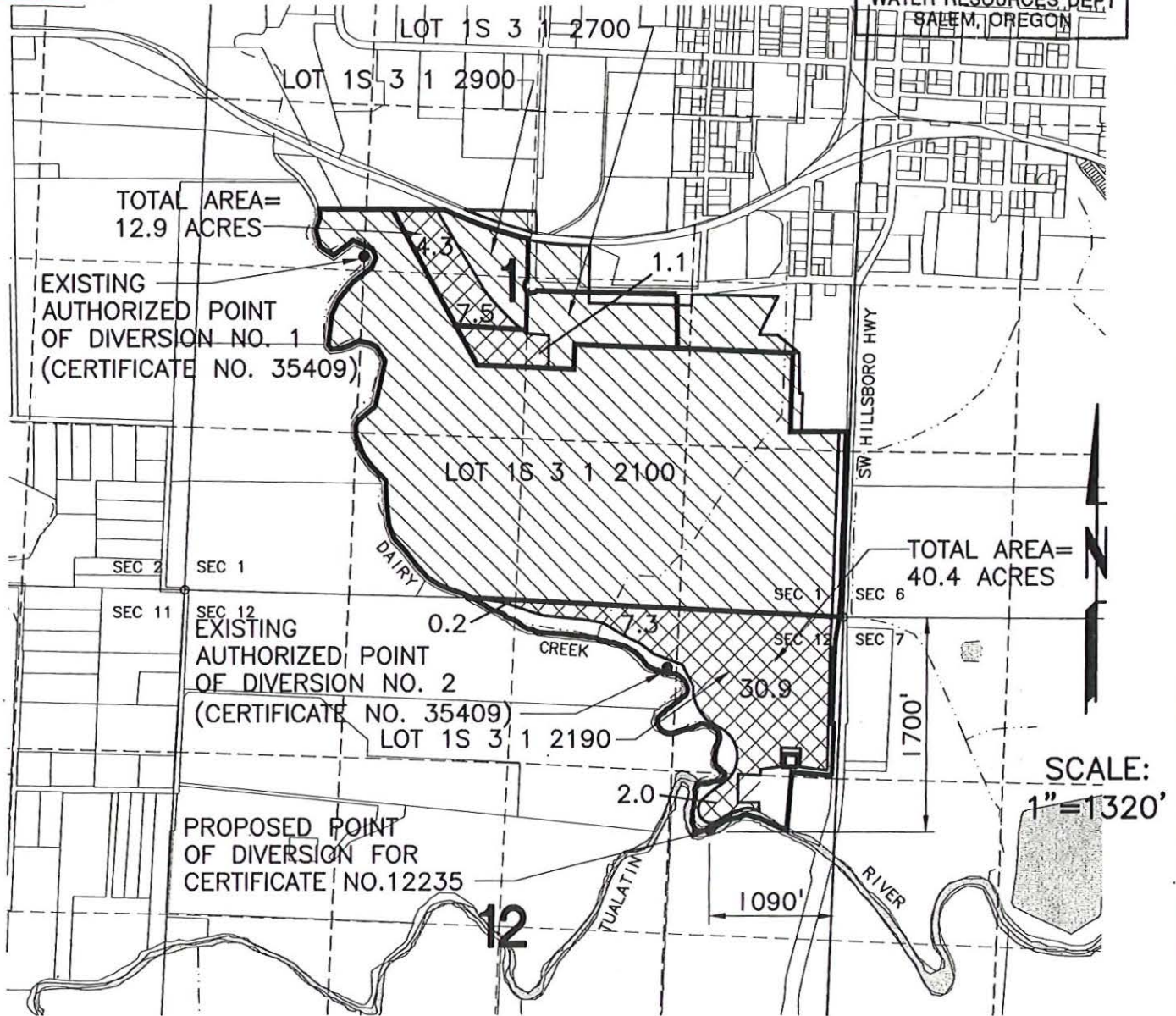
Current

T.1S.,R.3W.,W.M.
SECTIONS 1 & 12

RECEIVED

NOV 21 2006

WATER RESOURCES DEPT
SALEM, OREGON




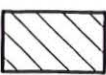
REVISED APPLICATION MAP FOR TRANSFER OF WATER RIGHT
TRANSFER NO. T-7012
PROPOSED PLACE OF USE AND POINT OF DIVERSION

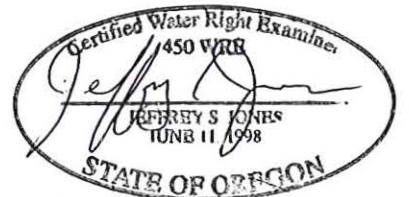
IN THE NAME OF

CLEAN WATER SERVICES
WASHINGTON COUNTY

NOVEMBER 2006

 CERTIFICATE NO. 12235
PROPOSED PLACE OF
USE—SUPPLEMENTAL TO
CERTIFICATE NO. 35409
TOTAL=53.3 ACRES

 CERTIFICATE NO. 35409
NO CHANGE
AREA=211.0 ACRES



EXPIRES: 6-30-07

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.

COPY

T7012

RECEIVED

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

JUL - 8 1993

WATER RESOURCES DEPT

Applicant: UNIFIED SEWERAGE AGENCY (USA) ATTN: TOM VANDERPLAAT
Mailing Address: 155 NORTH FIRST AVENUE - SUITE 270 - M/S 10
HILLSBORO OREGON 97124-3072 / 503-648-8621 FAX: 503-640-3525
Type of change: PLACE OF USE: POINT OF DIVERSION
(In point of diversion: place of use; use heretofore made of the water)

Current Revised Application per letter received from Applicant 11-21-06

1. WATER RIGHT

- A) Is the water right in your name? NO If not, list name below:
(Yes, No)
- B) Was the water right determined by a court decree? NO
(Yes, No)
 - 1. If yes, list the title of the proceedings: N/A
 - 2. Certificate No: _____
- C) Was the water right acquired by a water permit? YES
(Yes, No)
 - 1. If yes, list the Permit No: 10791
 - 2. Certificate No: 12235
- D) Date of priority right: NOVEMBER 26, 1932
- E) What are your reasons for the proposed changes? INCREASE AVAILABILITY OF WATER ON LATER PRIORITY - DATED LANDS
- F) The water will be completely applied to the proposed use on or before: OCTOBER 1, 1996

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? TUALATIN RIVER
- B) Describe the authorized point of diversion: /S

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
2010 FT S & 2620 FT W OF THE NE CORNER OF SECTION 7	SW, NE	7	1S	2W
SEE ATTACHED	SEE ATTACHED			
- C) What is the name of the ditch used? N/A
- D) What is the use to which the water is applied? IRRIGATION

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
1S	2W	5	SWSW	10.5 <i>Removed</i>
1S	2W	6	SESE	3.2 <i>Removed</i>
1S	2W	8	NWNW	3.8 <i>1.1</i>
1S	2W	7	NENE	34.6 <i>31.8</i>
SEE ATTACHED FOR ADDITIONAL INFORMATION				

- F) Is the land within an irrigation district? Yes X No
If Yes, which district? TUALATIN VALLEY IRRIGATION DISTRICT
- G) County WASHINGTON COUNTY

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
1700 FT SOUTH: & 1090 FT WEST OF THE NE CORNER OF SECTION 12	SENE	12	1S	3W

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? YES
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
N/A	N/A	N/A
N/A	N/A	N/A

D) What is the use to which the water will be applied? SUPPLEMENTED IRRIGATION

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
1S	3W	1	NESE	4.6 <i>Removed</i>
1S	3W	1	NWSE	11.3 <i>1.1</i>
1S	3W	1	NESW	7.5
1S	3W	1	SESW	4.3
1S	3W	1	SWNE	2.3 <i>Removed</i>

4. EXHIBITS

SEE PAGE 3 OF SUPPLEMENT

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

RON AND DIANE DAVIS
215 SW WOOD STREET / HILLSBORO, OREGON 97123

* 6. REMARKS: * QUESTION 2: 2.1 ACRES IN SWNE OF SECTION 7 NOT INVOLVED IN TRANSFER

I (we) UNIFIED SEWERAGE AGENCY (USA), applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 24 day of JUNE, 19 93.

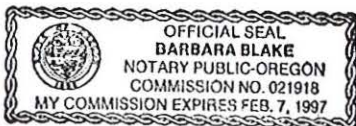
Henry A. Khatun
(Signature)
GENERAL MANAGER

(Signature)

Subscribed and sworn to before me

Barbara Blake
Notary Public for Oregon
My commission expires: 2.7.97

(Notarial Seal)



RECEIVED

JUL 2 1993

**State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT**

WATER RESOURCES DEPARTMENT
SALEM, OREGON

Applicant: UNIFIED SEWERAGE AGENCY (USA) ATTN: TOM VANDERPLAAT

Mailing Address: SEE PAGE 1

Type of change: _____
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT SEE PAGE 1

- A) Is the water right in your name? _____ If not, list name below:
(Yes, No)

- B) Was the water right determined by a court decree? _____ (Yes, No)
 - 1. If yes, list the title of the proceedings: _____
 - 2. Certificate No: _____
- C) Was the water right acquired by a water permit? _____ (Yes, No)
 - 1. If yes, list the Permit No: _____
 - 2. Certificate No: _____
- D) Date of priority right: _____, 19____
- E) What are your reasons for the proposed changes? _____

F) The water will be completely applied to the proposed use on or before: _____, 19____

2. LOCATION OF AUTHORIZED USE SEE PAGE 1

A) What is the source of water (river, stream, well)? _____

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4,1/4 of Section	Section	Township	Range
SEE PAGE 1				

- C) What is the name of the ditch used? _____
- D) What is the use to which the water is applied? _____

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4,1/4 of Section	No. of acres irrigated
1S	2W	7	NWNE	7.0
1S	2W	7	SENE	5.1
1S	2W	7	SWNE	8.3 * SEE REMARKS
			TOTAL	72.5 53.3

- F) Is the land within an irrigation district? Yes _____ No _____
If Yes, which district? _____
- G) County _____

3. LOCATION OF PROPOSED USE: SEE PAGE 1

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4,1/4 of Section	Section	Township	Range

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____ (Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
SEE PAGE 2		

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
1S	3W	12	NENE	30.9
1S	3W	12	NWNE	7.3
1S	3W	12	SENE	2.0
1S	3W	12	NENW	0.2
			TOTAL	70.4 53.3

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- ^{W/3} C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

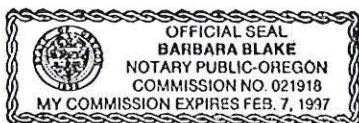
SEE PAGE 2 OF 4

6. REMARKS: SEE PAGE 2 OF 4

I (we) UNIFIED SEWERAGE AGENCY (USA), applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 24 day of JUNE, 1993.

[Handwritten Signature]
 GENERAL MANAGER (Signature)

 (Signature)



(Notarial Seal)

Subscribed and sworn to before me

[Handwritten Signature]
 Notary Public for Oregon
 My commission expires: 2-7-97

T-7012



Clean Water Services

Our commitment is clear.

August 23, 2006

Ms. Lisa J. Jaramillo
Water Rights Transfer Specialist
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem OR 97301-1266

Subject: Transfers T-7012 and T-7408

With this letter, Clean Water Services is requesting a further extension of time for submission of materials regarding water right transfer applications T-7012 and T-7408. We request a time extension for both applications to December 31, 2006.

The technical details involved with both transfer applications are more complicated than first envisioned. In addition, there are decisions to be made by Clean Water Services about use of the properties involved relative to the water rights. In light of these issues, we request the time extensions. Please contact me if you have questions or comments.

Sincerely,

Stephen E. Kebbe, P.E., C.W.R.E.
Principal Engineer

RECEIVED

AUG 25 2006

**WATER RESOURCES DEPT
SALEM, OREGON**

cc: Tom VanderPlaat, Clean Water Services
Jeff Jones, Murray, Smith & Associates
Jim Helton, Murray, Smith & Associates

CLEAN WATER SERVICES
TREATMENT PLANT SERVICES
16060 SW 85TH AVENUE
TIGARD, OREGON 97224

503-547-8198 PHONE
503-547-8196 FAX

kebbes@cleanwaterservices.org EMAIL



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 1, 2006

Clean Water Services
Treatment Plant Services
Attn: Stephen E. Kebbe
16060 SW 85th Avenue
Tigard, OR 97224

REFERENCE: Transfer Application T-7012

Dear Mr. Kebbe:

On May 30, 2006, the Department received your request for additional time to respond to our letter dated April 4, 2006, in which several application deficiencies were outlined.

The Department hereby grants your request for more time through August 31, 2006, to respond to the request for additional information. The Department will not proceed with the processing of Transfer T-7012 prior to that date.

If you have any questions, please feel free to contact me by telephone at (503) 986-0880.

Sincerely,

Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: Transfer T-7012
Darrell Hedin, Watermaster Dist. 18
Charles E. Spear, CWRE #187
Tom VanderPlaat, Clean Water Services, 16060 SW 85th Ave, Tigard, OR 97224
Jeff Jones, Murray, Smith & Assoc., 121 SW Salmon Suite 900, Portland, OR 97204
Jim Helton, Murray Smith & Assoc., 121 SW Salmon Suite 900, Portland, OR 97204



CleanWater Services
Our commitment is clear.

May 25, 2006

Ms. Lisa J. Jaramillo
Water Rights Transfer Specialist
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem OR 97301-1266

Subject: Transfer T-7012

This letter is written in response to your April 4, 2006, letter to Tom VanderPlaat of Clean Water Services regarding water right transfer application T-7012. Clean Water Services has hired Murray, Smith & Associates, Inc. (MSA) to address the issues contained in your letter.

MSA is assembling background data and preparing documentation pertinent to the transfer application, and they expect to complete their work this summer. Clean Water Services requests that you extend the deadline for submission of materials to August 31, 2006. Please contact me if you have questions or comments.

Sincerely,



Stephen E. Kebbe, P.E., C.W.R.E.
Principal Engineer

cc: Tom VanderPlaat, Clean Water Services
Jeff Jones, Murray, Smith & Associates
Jim Helton, Murray, Smith & Associates

CLEAN WATER SERVICES
TREATMENT PLANT SERVICES
16060 SW 85TH AVENUE
TIGARD, OREGON 97224

503-547-8198 PHONE
503-547-8196 FAX
kebbes@cleanwaterservices.org EMAIL





Oregon

Theodore R. Kulongoski, Governor

T-7012
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 4, 2006

Clean Water Services
Attn: Tom Vanderplaat
2550 SW Hillsboro Hwy.
Hillsboro, OR 97123

REFERENCE: Transfer T-7012

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. Information in the transfer record indicates that Unified Sewerage Agency (USA) is no longer an owner of the area where land is proposed to be moved from, as requested under Transfer T-7012. According to the Washington County Assessor's office, the new owner is Clean Water Services. **Therefore, you must either supply documentation showing that Clean Water Services is the same entity that originally filed the transfer (USA), or you will need to submit a "Request for Assignment" form along with the \$25 fee in order to assign the transfer to Clean Water Services. A "Request for Assignment" form is enclosed for your convenience.**
2. It appears that the deed you supplied with transfer T-7012 does not cover all of the area identified in your application where land is proposed to be moved from. Specifically, the lots situated on and around Fir Grove Loop located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 1 south, Range 2 west, W.M. **You must supply a copy of the recorded deed for the Fir Grove Loop lots located as described above.**

Furthermore, if there are owners other than Clean Water Services identified on the deed for the above referenced area, you must supply a notarized written statement from all other deeded owners consenting to the proposed changes (under T-7012) to Certificate #12235. A copy of an "Affidavit Consenting to Proposed Water Right Transfer" is enclosed. Alternatively, you may provide evidence demonstrating that a Quitclaim Deed has been recorded for the above referenced area, or simply amend the transfer request to remove the above referenced portion of land from the application.
3. It appears that your transfer map identifying where land is to be moved from does not match the Final Proof map for this water right (Certificate #12235). The Final Proof map (copy enclosed) is the official map showing the lands authorized for irrigation under the water right. **You need to have your Certified Water Rights Examiner (CWRE) revise the transfer map to match the Final Proof map. Then, you must submit to the Department an original print of the revised map with the CWRE's seal and signature.**
4. **Since your transfer map needs to be revised, as described in Item #3 above, your transfer application will also need to be modified to correspond with the breakdown of acreage by $\frac{1}{4}$ on the revised map.** Specifically, Section 2.E will need to be modified to correctly describe the "from" land under Certificate #12235, and Section 3.E will need to be revised if you make any changes to where land is proposed to be moved to. You may either cross out and change the figures on the application copy (and initial and date the changes), or submit a separate addendum to the application that spells out the changes.



5. Based upon a comparison of the transfer map (T-7012) with the enclosed final proof map for Certificate #35409 (in the name of Laura E. Currin by Ruth Spaniol, Guardian), it appears that the area where land is proposed to be moved to is already covered with primary irrigation rights under Certificate #35409.

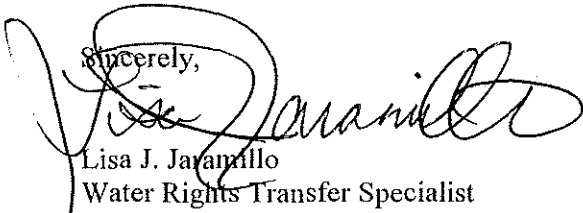
However, based upon their dates of priority, being November 26, 1932 for Certificate #12235 and August 2, 1966 for Certificate #35409, the overlapping land under Certificate #35409 is considered supplemental to the primary rights under Certificate #12235, unless the water right holder designates otherwise.

6. If you decide to designate the proposed "to" land under Transfer T-7012 (Certificate #12235) as primary and designate that same portion of land under Certificate #35409 as supplemental, all of the recorded deed owners for that portion of Certificate #35409 will need to consent to the change and submit an "Affidavit for the Partial Diminution of a Water Right Certificate" form for Certificate #35409.

If, however, you decide to designate the overlapping portion of land under Certificate #35409 as primary and designate the proposed "to" land under Transfer T-7012 (Certificate #12235) as supplemental, all of the recorded deed owners for land under Certificate #12235 will need to consent to the change and submit an "Affidavit for the Diminution of an Entire Water Right Certificate" form for Certificate #12235.

Please submit the above requested materials by **Monday, June 5, 2006**, to Lisa Jaramillo, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0880.

Sincerely,



Lisa J. Jaramillo
Water Rights Transfer Specialist

cc: Transfer T-7012
Darrell Hedin, Watermaster District 18
Charles E. Spear, CWRE #187

enclosures: Copy of Transfer Application #T-7012 and maps
Request for Assignment forms
Copy of Certificate #12235
Copy of Certificate #12235 final proof survey map
Copy of Certificate #35409
Copy of Certificate #35409 final proof survey map
Affidavit for Partial Diminishment of a Water Right
Affidavit for Diminution of an Entire Water Right
Affidavit Consenting to Proposed Water Right Transfer

WMO 18

Oregon

INTEROFFICE MEMO

TO: TRANSFER SECTION

DATE: 7/19/93

WATER
RESOURCES
DEPARTMENT

FROM: WATERMASTER, DISTRICT # 18
GROUNDWATER SECTION
(SIGNATURE) *[Signature]*

SUBJECT: WATER RIGHT TRANSFER # 7012

RECEIVED
JUL 20 1993

WATER RESOURCES DEPT.
SALEM, OREGON

A change in POU POD POA USE of water.

In the name(s) of Unified Sewerage Agency (USA).

In my opinion (assuming the right is valid), the proposed change MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (yes or no) Yes

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- _____ (1) PRIOR to the diverting of water at the new point of diversion....
- X (2) WHEN IN the judgement of the watermaster it becomes necessary....

The enclosed copy of the transfer application and map(s) is for your records.



1317W

RECEIVED
JUL 16 1993
WATERMASTER
HILLSBORO, OR

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

July 13, 1993

UNIFIED SEWERAGE AGENCY
TOM VANDERPLAAT
155 N 1ST AVENUE STE 270 M/S10
HILLSBORO OR 97124-3072

REFERENCE: Transfer 7012

We have received your Transfer Application requesting approval of a change in place of use and point of diversion for use of water from Tualatin River for irrigation. The application was received with supporting data, map and fees of \$296. Our receipt 101832 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to other water rights by approval of your application.

Due to the unusually high number of applications received over the past two years, we are unable to complete the examination for your application at this time. We will endeavor to complete the examination as soon as possible.

Applications are normally examined in the order they are received. If you have an extraordinary need for a decision within the next 90 to 120 days, please advise us, in writing, of the nature of your need.

We will notify you if additional information is needed, or corrections to the application or map are required.

Contact water rights information at 378-3066, if you have questions.

LHN:jh

Enclosure

cc: Jerry Rodgers, Watermaster, District 18
Charles E. Spear, CWRE

Copy also to TVI's





Oregon

Theodore R. Kulongoski, Governor

T-7012

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

September 12, 2008

CLEAN WATER SERVICES
ATTN: STEPHEN E. KEBBE
16060 SW 85TH AVENUE
TIGARD, OR 97224

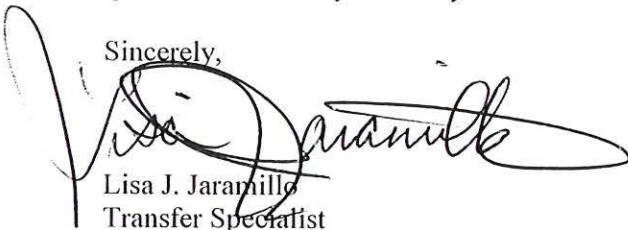
SUBJECT: Transfer Application T-7012

Enclosed, please find the *draft* Final Order indicating that, based upon recommendations from the Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife to consent to the injury of instream water right Certificates 59692 and 72960, the Department intends to approve Transfer Application T-7012. This *draft* is intended to provide you with an opportunity to comment on our findings, conclusions and conditions 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.

Please note that the recommendations to consent to the injury of instream water right Certificates 59692 and 72960 are contingent upon the submittal and approval of an instream transfer application for 0.24 cfs under Certificate 20013 from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River. A final order approving this Transfer Application T-7012 may only be issued concurrently with a final order approving the instream transfer of the 0.24 cfs under Certificate 20013.

Please don't hesitate to contact me at (503) 986-0880 or Lisa.J.Jaramillo@wr.d.state.or.us if you have any questions or if I may be of any further assistance.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist

cc: Transfer T-7012
Darrell Hedin, Watermaster Dist. #18
Tom Vanderplaat, Clean Water Services, 16060 SW 85th Avenue, Tigard, OR 97224
Ron & Diane Davis (*Receiving Landowners*), 215 SW Wood Street, Hillsboro OR 97123
Jeffrey Jones, CWRE #450, Murray, Smith & Assoc. Inc., 121 SW Salmon, Suite 900, Portland, OR 97204
DEQ, Attn: Sally Puent, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201
DEQ, Attn: Avis Newell, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201
ODFW, Attn: Bruce McIntosh, 3406 Cherry Avenue NE, Salem, OR 97303
ODFW, Attn: Jill Zarnowitz, 3406 Cherry Avenue NE, Salem, OR 97303
ODFW, Attn: Rick Kepler, 3406 Cherry Avenue NE, Salem, OR 97303
ODFW, Attn: Danette Ehlers, 17330 SE Evelyn Street, Clackamas, OR 97015

encs



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

Certificate: 12235 in the name of EDWARD H. FREUDENTHAL (perfected under Permit S-10791)

Use: IRRIGATION of 53.3 ACRES

Priority Date: NOVEMBER 26, 1932

Rate: 0.67 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre

Source: TUALATIN RIVER, tributary to WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
1 S	2 W	WM	7	SW NE	42	NONE SPECIFIED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	2 W	WM	7	NE NE	42	31.8
1 S	2 W	WM	7	NW NE	42	7.0
1 S	2 W	WM	7	SW NE	42	8.3
1 S	2 W	WM	7	SE NE	42	5.1
1 S	2 W	WM	8	NW NW	42	1.1
TOTAL:						53.3

5. Transfer Application T-7012 proposes to move the authorized point of diversion approximately 1.2 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	3 W	WM	12	SE NE	1700 FEET SOUTH AND 1090 FEET WEST OF THE NE CORNER OF SECTION 12

6. Transfer Application T-7012 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
1 S	3 W	WM	1	SE NW	4.3	
1 S	3 W	WM	1	NE SW	7.5	
1 S	3 W	WM	1	NW SE	1.1	
1 S	3 W	WM	12	NE NE	30.9	
1 S	3 W	WM	12	NW NE	7.3	
1 S	3 W	WM	12	SE NE	2.0	
1 S	3 W	WM	12	NE NW	0.2	
TOTAL:						53.3

7. Notice of the application for transfer was published on July 14, 1993, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife (ODFW) did request inclusion of a condition requiring installation of proper fish screens. This request is based upon ODFW's determination 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.

Transfer Review Criteria [OAR 690-380-4010(2)]

8. Water was not used within the five years prior to submittal of the transfer application on July 2, 1993, according to the terms and conditions of the right. Since the applicant purchased the property to which Certificate 12235 is appurtenant in 1985, the subject land has been irrigated with treated wastewater effluent known as reclaimed water. However, 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).
9. A diversion structure, ditch, pipeline and sprinklers sufficient to use the full amount of water allowed under the existing right are present.
10. The location to which the place of use is proposed to move is already covered by a junior primary irrigation right (Certificate 35409, priority August 2, 1966). The applicant has indicated in correspondence received November 21, 2006, that they wish the lands proposed for transfer under the senior primary irrigation right (Certificate 12235, priority November 26, 1932) to become supplemental to the existing primary irrigation Certificate 35409 upon the issuance of a final order approving Transfer T-7012.
11. The proposed change would not result in enlargement of the right.
12. There are several intervening points of diversion for junior water rights between the existing authorized point of diversion under Certificate 12235 and the proposed point of diversion. However, the use of water at the proposed point of diversion can be conditioned to avoid injury to the junior points of diversion by limiting the quantity of water diverted at the proposed point of diversion to the quantity of water lawfully available at the original point of diversion.
13. Instream Water Right Certificates 59692 and 72960 exist for the reach of the Tualatin River in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water rights during the months of June, July, August, September, October and November. Thus, the instream water rights would be injured as a result of the proposed change in point of diversion.
14. Instream Water Right Certificate 59692, established pursuant to ORS 537.346 at the request of the Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife, is for flows to be maintained in the Tualatin River and its tributaries above USGS Gage No. 14-2075 (being approximately river mile 2.0), at West Linn (SW ¼, Sec. 34, T2S, R1E, W.M.), measured at the gage. The date of priority of the right is May 25, 1966.
15. Instream Water Right Certificate 72960, established pursuant to ORS 537.341 at the request of the Oregon Department of Environmental Quality, is for flows to be maintained in the Tualatin River from river mile 52.8 (NE ¼, Sec. 9, T1S, R3W, W.M.) to the mouth at river mile 38.5 (NW ¼, Sec. 16, T1S, 2W, W.M.). The date of priority of the right is August 5, 1993.

16. Due to the potential for injury to instream water right Certificates 59692 and 72960, the Department mailed a draft Preliminary Determination proposing to deny Transfer Application T-7012 to the applicant on January 5, 2007. The draft Preliminary Determination set forth a deadline of February 5, 2007, in which the applicant could respond; however the deadline was extended to May 1, 2007, to allow the applicant time to assess the situation and decide whether or not to proceed with the transfer application.
17. On April 30, 2007, the Department received an e-mail from the applicant requesting the Department pursue consent to injury to the instream water rights as outlined in ORS 540.530 and OAR 690-380-5050, and requested the Department seek a recommendation from the agencies that requested the instream water rights.
18. On May 24, 2007, the Department issued a Preliminary Determination proposing to deny Transfer Application T-7012 due to the potential for injury to instream water right Certificates 59692 and 72960, unless Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife recommended the Department consent to the injury pursuant to ORS 540.530. Concurrent with issuance of the Preliminary Determination, the Department requested such a recommendation. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 29, 2007, and in *The Hillsboro Argus* newspaper on June 5, 12 and 19, 2007, 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.
19. On June 20 and July 24, 2008, the Oregon Department of Environmental Quality (DEQ) recommended that the Department consent to the injury of instream water right Certificates 59692 and 72960. DEQ determined the overall project benefits will offset the negative effects of the upstream point of diversion change and provide a net benefit to the resource, as long as certain conditions are met. The transfer will provide a net benefit to the purposes of the two instream water rights, provided the following conditions are satisfied:
 - a) The diversion of water at the original authorized point of diversion under Certificate 12235 is no longer allowed;
 - b) Concurrent with the approval of Transfer T-7012, 0.24 cfs of water under Certificate 20013 must be transferred instream from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River;
 - c) A water measurement device must be installed and maintained at the proposed point of diversion according to Water Resources Department requirements;
 - d) Riparian habitat shall be restored with native vegetation at the original authorized point of diversion under Certificate 12235 and at the new proposed point of diversion, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals; and

- e) Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.
20. On June 27 and July 30, 2008, the Oregon Department of Fish and Wildlife (ODFW) recommended that the Department consent to the injury of instream water right Certificate 59692. ODFW determined that the combined benefits of the transfer will provide a net benefit to the purposes of the instream water right, provided the following conditions are met:
- a) The diversion of water at the original authorized point of diversion under Certificate 12235 is no longer allowed;
 - b) Concurrent with the approval of Transfer T-7012, 0.24 cfs of water under Certificate 20013 must be transferred instream from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River;
 - c) If instream water right Certificate 59692 is not being met, the applicant must implement water conservation measures to reduce the impact to the instream water right;
 - d) Once reclaimed water is available, the 0.67 cfs of water involved in Transfer T-7012 (Certificate 12235) shall be transferred instream by the water user;
 - e) A water measurement device must be installed and maintained at the proposed point of diversion according to Water Resources Department requirements;
 - f) 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) and National Marine Fisheries Service's 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 diversion may be eligible for cost share assistance under ODFW's cost share program. Prior to submitting a Claim of Beneficial Use, the water use 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. This condition must be included in the new certificate(s);
 - g) Riparian habitat shall be restored with native vegetation at the original authorized point of diversion under Certificate 12235 and at the new proposed point of diversion, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals; and

- h) Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.
- 21. Notice of the opportunity to comment on the recommendations to consent to injury of the instream water rights was published on August 5, 2008, in the Department's weekly notice pursuant to OAR 690-380-5050(4). No comments were received.
- 22. On _____, 2008, the Department sent a *draft* final order for T-7012 to the applicant for review. The applicant responded on _____, 2008, and requested that the Department proceed with issuance of a final order for Transfer T-7012.

Conclusions of Law

The Water Resources Department consents to injury of the instream water rights under Certificates 59692 and 72960. The changes in point of diversion and place of use proposed in Transfer Application T-7012 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and 690-380-5030.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in Transfer Application T-7012 are approved.
2. Concurrent with the approval of Transfer T-7012, 0.24 cfs of water under Certificate 20013 is being transferred instream from the point of diversion authorized under Certificate 20013 downstream to the mouth of the Tualatin River through approval of T-_____.
3. The right to the use of the water under Transfer T-7012 is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 12235 and any related decree.
4. Water Right Certificate 12235 is cancelled.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The diversion of water at the original authorized point of diversion under Certificate 12235 is no longer allowed.
7. 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) and National Marine Fisheries Service's 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 diversion may be eligible for cost share assistance under ODFW's cost share program. Prior to submitting a

Claim of Beneficial Use, the water use 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. This condition must be included in the new certificate(s).

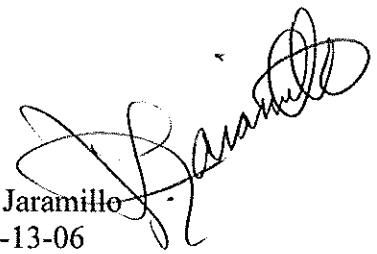
8. Prior to diverting water, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
9. Riparian habitat shall be restored with native vegetation at the original authorized point of diversion under Certificate 12235 and at the new proposed point of diversion, if disturbed by its installation, to assist with temperature reduction, reduce sediment and erosion, and prevent leaching of agricultural chemicals.
10. Diesel or gasoline powered pumps and their generators, if used at the site, must be installed so that hazardous wastes and chemicals are contained and do not enter the water or soil.
11. If, at any time, instream water right Certificate 59692 is not being met, the applicant shall implement water conservation measures to reduce the impact to the instream water right.
12. Once reclaimed water is available, the 0.67 cfs of water involved in Transfer T-7012 (Certificate 12235) shall be transferred instream by the water user.
13. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 20__**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
14. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this _____ day of _____ 2008.

DRAFT

Phillip C. Ward, Director

Mailing date: _____



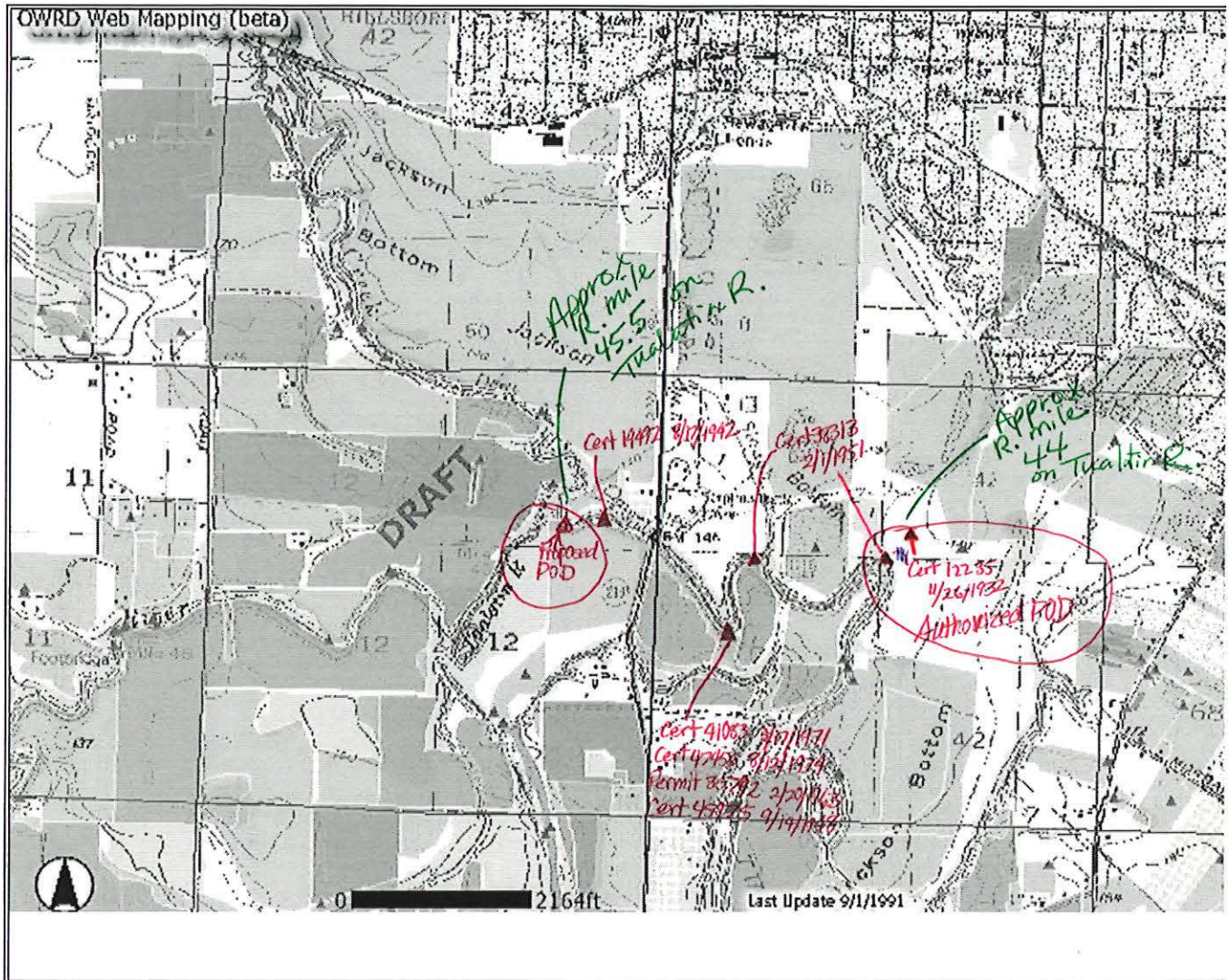
ATTACHMENT TO REVIEW OF INTERVENING INSTREAM WATER RIGHTS
AND WATER AVAILABILITY

Instream water rights exist for the reach of the river in which the authorized point of diversion would be moved upstream. The following table provides a comparison of the Department's streamflow model for predicted monthly Tualatin River streamflows (as of December 13, 2006) at gage 14206500 near Farmington, Oregon and the flows protected under the instream water rights:

Month	80 Percent Exceedance Flow "Expected Stream Flow" (cfs)	Instream Water Right 59692 (cfs)	Instream Water Right 72960 (cfs)
October	-81.8	30.0	75.0
November	-34.9	30.0	75.0
December	469.0	30.0	75.0
January	805.0	30.0	75.0
February	1060.0	30.0	75.0
March	886.0	30.0	75.0
April	454.0	30.0	75.0
May	120.0	30.0	75.0
June	-117.0	20.0	75.0
July 1 – 15	-247.0	20.0	75.0
July 16 – 30	-247.0	15.0	75.0
August	-267.0	15.0	75.0
September	-212.0	15.0	75.0


Streamflows within the intervening reach between the authorized and proposed points of diversion are predicted to be frequently below the levels allocated under the instream water rights during the months of June, July, August, September, October and November. Thus, the instream water rights would be injured as a result of the proposed change in point of diversion.

T-7012 POD movement T1S, R2W Sec.7 upstream to T1S R3W Sec 12



Upstream movement of 1932 water right would not injure junior ^{WRs with} intervening points of diversion. However, 15WR certificates 59692 + 72960 would potentially be injured if streamflow drops below 75cfs.
 DDP 8/24/05

✓ - Yes. I agree with above.

 12-12-06.

Instream Water Rights on Tualatin River, trib to Willamette R.

Water Rights Information Query Results

Owner/Contact	Application	Permit	Certificate	Decree	Claim	Transfer	Status
OREGON WATER RESOURCES DEPARTMENT 725 SUMMER ST NE SUITE A SALEM OR 97301-1271 (details)	IS73538	<i>Appl filed by DEQ</i>	80000 ✓	N/A.	This goes from R. mi 38.5 on Tualatin R to the mouth @ R. mi. 0.		NC
<i>Injury</i> n/a (details) <i>On Tualatin River</i>	IS73539	<i>Priority 8-5-93</i>	72960 ✓	N/A	- from R. mi. 52.8	52.8	NC to R. mi 38.5.
n/a (details)	IS73540		72961 ✓	N/A	- from R. mi. 58.8	58.8	NC to R. mi. 52.8 on Tualatin R
n/a (details)	IS73541		72962 ✓	N/A	- from R. mi. 68.8	68.8	NC to R. mi 58.8 on Tualatin R
<i>Injury</i> n/a (details) <i>On Tualatin River</i>	MF173	<i>Priority 5-25-66</i>	59692 ✓	N/A	- in Tualatin trib		NC above usgs gage 14-2075 @ approx R. mi. 70.
n/a (details)	MF174						NC
n/a (details)	MF175						NC
n/a (details)	MF176		59693 ✓	N/A	- in Tualatin above		NC trib above R. mi. 70.
STEPHEN KEBBE CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD OR 97224 (details)	S86703						NC
STEPHEN KEBBE CLEAN WATER SERVICES 16060 SW 85TH AVE TIGARD OR 97224 (details)	S86704						NC

Page: 1

[Download Place of Use Data](#), [Point of Diversion Data](#), or [Owner Data](#)

[Definition of codes and abbreviations](#)

[Return to the Water Right Information search screen](#)

Injury to 2 ISWR's (Certs 59692 & 72960)

ISWR Cert 72960 = DEQ 8-5-93

ISWR Cert 59692 = ODFW & DEQ 5-25-66

T = 7012
L. Jaramillo
12-12-06

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

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

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

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MAY 25, 1966.

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

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

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

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

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates number 59692.

MF173

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 R tributary to WILLAMETTE R

County: WASHINGTON

Purpose: Providing required stream flows for pollution abatement.

To be maintained in:

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

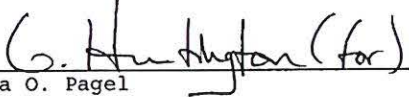
The right is established under Oregon Revised Statutes 537.341.

The date of priority is 8/5/93.

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

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:
JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC
75.0 75.0 75.0 75.0 75.0 75.0 75.0 75.0 75.0 75.0 75.0 75.0
2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
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.

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


Martha O. Pagel

Recorded in State Record of Water Right Certificate numbered 72960.

IS 73539

T-7012



SEARCHED INDEXED

Water Resources Department

L. Jaramillo
12-13-06

Water Availability

WATER AVAILABILITY TABLE

Water Availability as of 12/13/2006 for

TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013

Basin: WILLAMETTE

Exceedance Level: 80

Time: 09:21

Date: 12/13/2006

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	175	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES	YES
3	30201006	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES	YES
4	30201013	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES	YES

STREAM NAMES

Water Availability as of 12/13/2006 for

TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013

Basin: WILLAMETTE

Exceedance Level: 80

Time: 09:21

Date: 12/13/2006

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 - AT GAGE 14207500
4	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500

LIMITING WATERSHEDS

Water Availability as of 12/13/2006 for

TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013

Basin: WILLAMETTE

Exceedance Level: 80

Time: 09:21

Date: 12/13/2006

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	YES	705.0
2	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	YES	964.0
3	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	YES	786.0
4	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	YES	354.0
5	175	TUALATIN R > WILLAMETTE R - AT MOUTH	NO	-17.4
6	175	TUALATIN R > WILLAMETTE R - AT MOUTH	NO	-228.0
7	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	NO	-347.0
8	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	NO	-367.0
9	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	NO	-307.0
10	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	NO	-182.0
11	175	TUALATIN R > WILLAMETTE R - AT MOUTH	NO	-212.0
12	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	YES	369.0
Stor	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	YES	558000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 12/13/2006 for
WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181 Basin: WILLAMETTE Exceedance Level: 80
Time: 09:21 Date: 12/13/2006

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	27500.00	2500.00	25000.00	0.00	1500.00	23500.00
2	30000.00	7780.00	22200.00	0.00	1500.00	20700.00
3	28500.00	7400.00	21100.00	0.00	1500.00	19600.00
4	25400.00	7090.00	18300.00	0.00	1500.00	16800.00
5	20700.00	4390.00	16300.00	0.00	1500.00	14800.00
6	11000.00	2590.00	8410.00	0.00	1500.00	6910.00
7	6280.00	2530.00	3750.00	0.00	1500.00	2250.00
8	4890.00	2310.00	2590.00	0.00	1500.00	1090.00
9	4930.00	1930.00	3000.00	0.00	1500.00	1500.00
10	5990.00	733.00	5260.00	0.00	1500.00	3760.00
11	12700.00	954.00	11700.00	0.00	1500.00	10200.00
12	24800.00	1170.00	23600.00	0.00	1500.00	22100.00
Stor-50%	19700000	2478000	17300000	0	1090000	16200000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 12/13/2006 for
WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181 Basin: WILLAMETTE Exceedance Level: 80
Time: 09:21 Date: 12/13/2006

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1710.00	0.00	481.00	99.50	9.49	23.80	127.00	38.90	2490.00
2	7000.00	0.00	481.00	99.50	9.49	23.80	127.00	38.90	7780.00
3	6600.00	6.36	481.00	99.50	9.49	23.80	129.00	41.90	7390.00
4	6270.00	42.00	481.00	99.50	9.49	23.80	123.00	41.90	7090.00
5	3380.00	291.00	477.00	99.50	9.34	23.80	89.40	21.40	4390.00
6	441.00	584.00	1330.00	99.50	9.18	23.80	78.80	20.80	2590.00
7	14.00	992.00	1330.00	94.30	9.17	23.80	50.10	20.50	2530.00
8	2.03	779.00	1330.00	94.30	9.17	22.40	48.40	20.30	2310.00
9	0.75	384.00	1330.00	99.50	9.17	22.40	63.90	20.60	1930.00
10	0.53	27.60	472.00	99.50	9.18	22.40	67.00	34.50	733.00
11	198.00	0.00	481.00	99.50	9.48	23.80	105.00	37.40	954.00
12	389.00	0.00	481.00	99.50	9.49	23.80	128.00	38.90	1170.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/13/2006 for
WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181 Basin: WILLAMETTE Exceedance Level: 80
Time: 09:21 Date: 12/13/2006

APP #	0	0	0	0	0	0	0	TOTAL
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 12/13/2006 for
 WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181 Basin: WILLAMETTE Exceedance Level: 80
 Time: 09:21 Date: 12/13/2006

-----ISWRs-----									
APP #	MF	181	0	0	0	0	0	0	MAXIMUM
Status	Cert.								
1	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
2	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
3	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
4	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
5	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
6	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
7	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
8	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
9	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
10	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
11	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
 Water Availability as of 12/13/2006 for
 TUALATIN R > WILLAMETTE R - AT MOUTH

Watershed ID #: 175 Basin: WILLAMETTE Exceedance Level: 80
 Time: 09:21 Date: 12/13/2006

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	1290.00	249.00	1040.00	0.00	250.00	791.00
2	1640.00	317.00	1320.00	0.00	250.00	1070.00
3	1300.00	213.00	1090.00	0.00	250.00	836.00
4	834.00	180.00	655.00	0.00	250.00	405.00
5	407.00	174.00	233.00	0.00	250.00	-17.40
6	191.00	289.00	-98.50	0.00	130.00	-228.00
7	90.30	332.00	-243.00	0.00	100.00	-343.00
8	68.60	312.00	-243.00	0.00	100.00	-343.00
9	46.80	254.00	-208.00	0.00	94.50	-302.00
10	52.00	97.70	-45.70	0.00	100.00	-146.00
11	183.00	145.00	37.60	0.00	250.00	-212.00
12	968.00	251.00	717.00	0.00	250.00	467.00
Stor-50%	913000	169700	777000	0	137000	671000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES
 Water Availability as of 12/13/2006 for
 TUALATIN R > WILLAMETTE R - AT MOUTH

Watershed ID #: 175 Basin: WILLAMETTE Exceedance Level: 80
 Time: 09:21 Date: 12/13/2006

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
----	---------	-------	-------	---------	--------	--------	---------	-------	-------

| 1|	130.00|	0.00|	77.60|	3.51|	0.11|	2.81|	22.80|	12.10|	249.00|
| 2|	197.00|	0.00|	77.60|	3.51|	0.11|	2.81|	22.80|	12.10|	316.00|
| 3|	94.60|	0.02|	77.60|	3.51|	0.11|	2.81|	23.00|	12.10|	214.00|
| 4|	59.70|	0.53|	77.60|	3.51|	0.11|	2.81|	23.00|	12.10|	179.00|
| 5|	0.39|	75.10|	77.60|	3.51|	0.11|	2.80|	3.65|	11.20|	174.00|
| 6|	0.00|	95.20|	177.00|	0.50|	0.11|	2.80|	2.76|	11.20|	290.00|
| 7|	0.00|	136.00|	177.00|	3.51|	0.10|	2.80|	2.69|	11.20|	333.00|
| 8|	0.00|	115.00|	177.00|	3.51|	0.10|	2.80|	2.58|	11.20|	312.00|
| 9|	0.00|	57.30|	177.00|	3.51|	0.10|	2.80|	2.63|	11.20|	255.00|
|10|	0.53|	0.02|	77.60|	3.51|	0.10|	2.80|	1.86|	11.20|	97.60|
|11|	43.70|	0.00|	77.60|	3.51|	0.10|	2.80|	6.53|	11.20|	145.00|
|12|	132.00|	0.00|	77.60|	3.51|	0.11|	2.81|	22.80|	12.10|	251.00|

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/13/2006 for
TUALATIN R > WILLAMETTE R - AT MOUTH

Watershed ID #: 175 Basin: WILLAMETTE Exceedance Level: 80
Time: 09:21 Date: 12/13/2006

-----Reservations-----									
APP #	0	0	0	0	0	0	0	0	TOTAL
| Status|	|	|	|	|	|	|	|	|	|
| Use |	|	|	|	|	|	|	|	|	|
| 1 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 2 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 3 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 4 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 5 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 6 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 7 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 8 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 9 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 10|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 11|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 12|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 12/13/2006 for
TUALATIN R > WILLAMETTE R - AT MOUTH

Watershed ID #: 175 Basin: WILLAMETTE Exceedance Level: 80
Time: 09:21 Date: 12/13/2006

-----ISWRs-----									
APP #	IS 73538	MF 173	MF 174	MF 175	0	0	0	MAXIMUM	
| Status|	Cert.	Cert.	App.	App.	|	|	|	|	|
| 1 |	100.00|	30.00|	30.00|	250.00|	0.00|	0.00|	0.00|	250.00|	
| 2 |	100.00|	30.00|	30.00|	250.00|	0.00|	0.00|	0.00|	250.00|	
| 3 |	100.00|	30.00|	30.00|	250.00|	0.00|	0.00|	0.00|	250.00|	
| 4 |	100.00|	30.00|	30.00|	250.00|	0.00|	0.00|	0.00|	250.00|	
| 5 |	100.00|	30.00|	30.00|	250.00|	0.00|	0.00|	0.00|	250.00|	
| 6 |	100.00|	20.00|	20.00|	130.00|	0.00|	0.00|	0.00|	130.00|	
| 7 |	100.00|	20.00|	20.00|	40.00|	0.00|	0.00|	0.00|	100.00|	
| 8 |	100.00|	15.00|	15.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 9 |	94.50|	15.00|	15.00|	25.00|	0.00|	0.00|	0.00|	94.50|	
| 10|	100.00|	30.00|	30.00|	90.00|	0.00|	0.00|	0.00|	100.00|	
| 11|	100.00|	30.00|	30.00|	250.00|	0.00|	0.00|	0.00|	250.00|	
| 12|	100.00|	30.00|	30.00|	250.00|	0.00|	0.00|	0.00|	250.00|	

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 12/13/2006 for
TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Watershed ID #: 30201006 Basin: WILLAMETTE Exceedance Level: 80
Time: 09:21 Date: 12/13/2006

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	1290.00	248.00	1040.00	0.00	250.00	793.00
2	1640.00	315.00	1320.00	0.00	250.00	1070.00
3	1300.00	212.00	1090.00	0.00	250.00	837.00
4	833.00	179.00	655.00	0.00	250.00	405.00
5	407.00	173.00	234.00	0.00	250.00	-16.10
6	191.00	289.00	-98.00	0.00	130.00	-228.00
7	90.30	331.00	-241.00	0.00	100.00	-341.00
8	68.60	311.00	-242.00	0.00	100.00	-342.00
9	46.80	253.00	-206.00	0.00	94.50	-301.00
10	52.00	96.70	-44.70	0.00	100.00	-145.00
11	183.00	145.00	38.50	0.00	250.00	-211.00
12	967.00	250.00	717.00	0.00	250.00	467.00
Stor-50%	913000	168800	778000	0	137000	671000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 12/13/2006 for
TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Watershed ID #: 30201006 Basin: WILLAMETTE Exceedance Level: 80
Time: 09:21 Date: 12/13/2006

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	129.00	0.00	77.60	2.59	0.11	2.65	23.00	12.10	247.00
2	197.00	0.00	77.60	2.59	0.11	2.65	23.00	12.10	315.00
3	94.30	0.02	77.60	2.59	0.11	2.65	23.20	12.10	213.00
4	59.60	0.53	77.60	2.59	0.11	2.65	23.20	12.10	178.00
5	0.38	74.70	77.60	2.59	0.11	2.64	3.81	11.20	173.00
6	0.00	94.70	177.00	0.50	0.11	2.64	2.93	11.20	289.00
7	0.00	135.00	177.00	2.59	0.10	2.64	2.85	11.20	331.00
8	0.00	114.00	177.00	2.59	0.10	2.64	2.74	11.20	310.00
9	0.00	57.00	177.00	2.59	0.10	2.64	2.79	11.20	253.00
10	0.52	0.02	77.60	2.59	0.10	2.64	2.03	11.20	96.70
11	43.60	0.00	77.60	2.59	0.10	2.64	6.69	11.20	144.00
12	131.00	0.00	77.60	2.59	0.11	2.65	23.00	12.10	249.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/13/2006 for
TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Watershed ID #: 30201006 Basin: WILLAMETTE Exceedance Level: 80
Time: 09:21 Date: 12/13/2006

APP #	0	0	0	0	0	0	0	TOTAL
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 12/13/2006 for
 TUALATIN R > WILLAMETTE R - AT GAGE 14207500

Watershed ID #: 30201006 Basin: WILLAMETTE Exceedance Level: 80
 Time: 09:21 Date: 12/13/2006

-----ISWRs-----									
APP #	IS 73538	MF 173	MF 174	MF 175	0	0	0	MAXIMUM	
Status	Cert.	Cert.	App.	App.					
1	100.00	30.00	30.00	250.00	0.00	0.00	0.00	250.00	
2	100.00	30.00	30.00	250.00	0.00	0.00	0.00	250.00	
3	100.00	30.00	30.00	250.00	0.00	0.00	0.00	250.00	
4	100.00	30.00	30.00	250.00	0.00	0.00	0.00	250.00	
5	100.00	30.00	30.00	250.00	0.00	0.00	0.00	250.00	
6	100.00	20.00	20.00	130.00	0.00	0.00	0.00	130.00	
7	100.00	20.00	20.00	40.00	0.00	0.00	0.00	100.00	
8	100.00	15.00	15.00	30.00	0.00	0.00	0.00	100.00	
9	94.50	15.00	15.00	25.00	0.00	0.00	0.00	94.50	
10	100.00	30.00	30.00	90.00	0.00	0.00	0.00	100.00	
11	100.00	30.00	30.00	250.00	0.00	0.00	0.00	250.00	
12	100.00	30.00	30.00	250.00	0.00	0.00	0.00	250.00	

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
 Water Availability as of 12/13/2006 for
 TUALATIN R > WILLAMETTE R - AT GAGE 14206500

*Gage
 Near Farmington, OR*

Watershed ID #: 30201013 Basin: WILLAMETTE Exceedance Level: 80
 Time: 09:21 Date: 12/13/2006

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	1090.00	285.00	805.00	0.00	100.00	705.00
2	1420.00	356.00	1060.00	0.00	100.00	964.00
3	1140.00	255.00	886.00	0.00	100.00	786.00
4	676.00	222.00	454.00	0.00	100.00	354.00
5	332.00	212.00	120.00	0.00	100.00	20.10
6	179.00	296.00	-117.00	0.00	100.00	-217.00
7	80.90	328.00	-247.00	0.00	100.00	-347.00
8	44.30	312.00	-267.00	0.00	100.00	-367.00
9	54.20	266.00	-212.00	0.00	94.50	-307.00
10	69.40	152.00	-81.80	0.00	100.00	-182.00
11	160.00	195.00	-34.90	0.00	100.00	-135.00
12	758.00	289.00	469.00	0.00	100.00	369.00
Stor-50%	751000	190700	604000	0	72100	562000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES
 Water Availability as of 12/13/2006 for
 TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013 Basin: WILLAMETTE Exceedance Level: 80
 Time: 09:21 Date: 12/13/2006

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	121.00	0.00	134.00	2.28	0.11	1.97	14.70	11.90	286.00
2	191.00	0.00	134.00	2.28	0.11	1.97	14.70	11.90	356.00

| 3 |	89.30|	0.02|	134.00|	2.28|	0.11|	1.97|	14.90|	11.90|	254.00|
| 4 |	56.60|	0.51|	134.00|	2.28|	0.11|	1.97|	14.90|	11.90|	222.00|
| 5 |	0.17|	59.30|	134.00|	2.28|	0.11|	1.97|	3.25|	11.00|	212.00|
| 6 |	0.00|	75.20|	203.00|	2.28|	0.11|	1.97|	2.47|	11.00|	296.00|
| 7 |	0.00|	107.00|	203.00|	2.28|	0.10|	1.97|	2.47|	11.00|	328.00|
| 8 |	0.00|	90.70|	203.00|	2.28|	0.10|	1.97|	2.36|	11.00|	311.00|
| 9 |	0.00|	45.20|	203.00|	2.28|	0.10|	1.97|	2.41|	11.00|	266.00|
| 10 |	0.49|	0.02|	134.00|	2.28|	0.10|	1.97|	1.57|	11.00|	151.00|
| 11 |	43.00|	0.00|	134.00|	2.28|	0.10|	1.97|	2.76|	11.00|	195.00|
| 12 |	124.00|	0.00|	134.00|	2.28|	0.11|	1.97|	14.70|	11.90|	289.00|

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 12/13/2006 for

TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013

Basin: WILLAMETTE

Exceedance Level: 80

Time: 09:21

Date: 12/13/2006

-----Reservations-----									
APP #	0	0	0	0	0	0	0	0	TOTAL
| Status |	|	|	|	|	|	|	|	|	|
| Use |	|	|	|	|	|	|	|	|	|
| 1 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 2 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 3 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 4 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 5 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 6 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 7 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 8 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 9 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 10 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 11 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|
| 12 |	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|	0.00|

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 12/13/2006 for

TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013

Basin: WILLAMETTE

Exceedance Level: 80

Time: 09:21

Date: 12/13/2006

-----ISWRs-----									
APP #	IS 73538	IS 73539	IS 73540	IS 73541	0	0	0	MAXIMUM	
| Status |	Cert.	Cert.	Cert.	Cert.	|	|	|	|	|
| 1 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 2 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 3 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 4 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 5 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 6 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 7 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 8 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 9 |	94.50|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	94.50|	
| 10 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 11 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	
| 12 |	100.00|	75.00|	25.00|	30.00|	0.00|	0.00|	0.00|	100.00|	

Also ---
See ISWR
Cert 59692
(MF173)

This is in subject reach

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/24/2005 for
TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013
Time: 13:08

Basin: WILLAMETTE

Exceedance Level: 80
Date: 08/24/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1090.00	131.00	29.80	929.00	0.00	100.00	829.00
2	1420.00	201.00	30.50	1190.00	0.00	100.00	1090.00
3	1140.00	101.00	29.00	1010.00	0.00	100.00	910.00
4	676.00	70.00	28.60	577.00	0.00	100.00	477.00
5	332.00	73.30	14.50	244.00	0.00	100.00	144.00
6	179.00	108.00	13.60	57.20	0.00	100.00	-42.80
7	80.90	140.00	14.00	-72.90	0.00	100.00	-173.00
8	44.30	124.00	13.40	-92.90	0.00	100.00	-193.00
9	54.20	78.70	13.10	-37.60	0.00	94.50	-132.00
10	69.40	15.10	11.90	42.40	0.00	100.00	-57.60
11	160.00	57.40	14.00	88.60	0.00	100.00	-11.40
12	758.00	135.00	29.60	593.00	0.00	100.00	493.00
Stor	751000	74300	14600	668000	0	72100	616000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/24/2005 for
TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013
Time: 13:08

Basin: WILLAMETTE

Exceedance Level: 80
Date: 08/24/2005

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	121.00	0.00	9.60	2.28	0.10	1.97	14.80	11.90	162.00
2	191.00	0.00	9.60	2.28	0.10	1.97	14.80	11.90	232.00
3	89.30	0.04	9.60	2.28	0.10	1.97	15.00	11.90	130.00
4	56.70	0.99	9.60	2.28	0.10	1.97	15.00	11.90	98.50
5	0.22	59.30	9.60	2.28	0.10	1.97	3.25	11.00	87.70
6	0.00	75.20	28.80	2.28	0.10	1.97	2.47	11.00	122.00
7	0.00	107.00	28.80	2.28	0.10	1.97	2.47	11.00	154.00
8	0.00	90.70	28.80	2.28	0.10	1.97	2.36	11.00	137.00
9	0.00	45.20	28.80	2.28	0.10	1.97	2.41	11.00	91.80
10	0.49	0.02	9.60	2.28	0.10	1.97	1.57	11.00	27.00
11	43.10	0.00	9.60	2.28	0.10	1.97	3.40	11.00	71.40
12	124.00	0.00	9.60	2.28	0.10	1.97	14.80	11.90	165.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/24/2005 for

TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013

Basin: WILLAMETTE

Exceedance Level: 80

Time: 13:08

Date: 08/24/2005

-----Reservations-----									
APP #	0	0	0	0	0	0	0	0	TOTAL
Status									
Use									
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/24/2005 for

TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Watershed ID #: 30201013

Basin: WILLAMETTE

Exceedance Level: 80

Time: 13:08

Date: 08/24/2005

-----ISWRs-----									
APP #	73538C	73539A	73540A	73541A	0	0	0	MAXIMUM	
Status	Cert.	Cert.	Cert.	Cert.					
1	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
2	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
3	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
4	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
5	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
6	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
7	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
8	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
9	94.50	75.00	25.00	30.00	0.00	0.00	0.00	94.50	
10	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
11	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	
12	100.00	75.00	25.00	30.00	0.00	0.00	0.00	100.00	



Watermaster

Washington County, Oregon



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District 18 : Tualatin River at Rood Bridge Road near Hillsboro, OR

5



Station Number:

Basin:

Hydrological Unit:

Hydrological Name:

Township:

Range:

Section:

Mile Mark:

Gauge Datum:

Equipment Installed:

- Stevens Axsys Sysl MPU Recorder
- Stevens Type A/F I
- Stevens Environme 2400
- Solarex MSX 10 sol
- Stevens Porcelain I Gage (from 0 to 40

	Degrees	Minutes	Seconds	Direction
Latitude:	45	29	24.12566	N

	Degrees	Minutes	Seconds	Direction
Longitude:	122	57	05.87687	W

Cooperators: Clean Water Services, Tualatin Valley Irrigation District, Lake Oswego Corporation

Notes: This station is a stilling well/float installation on the downstream side of Rood Bridge near the left edge of water.

Unofficial Flood Stage:

Unofficial Flood Stage R:

Flood Level:

Flood Level Year:

Flood Rate:

Stream Flow Report Selection:

Display:

- Tabular Data
- Chart
- Tabular and Chart

or

Download File:

Daily Period of Record:

Starting Date: 1 / 1999

Ending Date: 12 / 2004

Platcard Report

"From" Land

Township 1S Range 2W Section 5 of (5, 8)

					NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i - 02/28/1952	-	GR442														3.0 IR			1.0 IR			
i - 08/31/1948	-	GR3334										0.83 IR										
i - 08/06/1886	-	SW390			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	
i - 06/17/1892	-	SW391			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	
i - 12/31/1883	-	SW392			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	
i - 01/22/1912	S1136 81026		xfr#: T6308		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	
i - 05/01/1915	S2443 81027		xfr#: T6308		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	
i - 08/15/1930	S10408 67891		xfr#: T3130		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	
i R27282 06/09/1952	R1362 21527					ST	ST															
i R56879 11/23/1977	R7974 -						RC															

✓
No
Conflict
w/
Muni's

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Platcard Report

Township 1S Range 2W Section 5 of (5, 8)

					NE				NW				SW				SE						
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC	
i S10818 06/02/1926	S7355 9194					3.31 IR	0.36 IR		13.17 IR			0.16 IR											
i S13534 06/24/1930	S9723 9162								4.0 IR														
i S13681 08/15/1930	S10408 23540		CN		MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN		
i S14624 06/23/1932	S10614 11375											3.0 IR											
i S14749 09/28/1932	S10743 12088							13.2 IR												2.1 IR			
i S14812 11/26/1932	S10791 12235		xfr#: T7012 dlc: 42												10.5 IR								
i S21279 11/14/1945	S16689 19969		CN																			31.3 IR CN	
i S23591 01/19/1949	S18610 20089		CN										3.8 IR CN			6.8 IR CN	10.8 IR CN	15.0 IR CN	33.2 IR CN	3.4 IR CN			
i S25611 02/01/1951	S20093 22778		CN dlc: 68												1.2 IR CN								
i S25611 02/01/1951	S20093 38313		dlc: 68												1.2 IR								

Subject Right

Cancelled

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Platcard Report

Township 1S Range 2W Section 5 of (5, 8)

					NE				NW				SW				SE						
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC	
i S26444 09/12/1951	S20735 23042		lot: 8				1.0 IR																
i S27203 05/19/1952	S21390 21528				0.5 IR	0.2 IR	0.3 IR	0.25 IR															
i S32421 06/26/1958	S32139 81020				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i S38447 02/20/1963	S35792 -		xfr#: T8590		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i S48359 06/26/1958	S37837 81022				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i S51643 02/06/1974	S46423 -				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i S54293 05/20/1976	S40655 48556		dlc: 37		0.37 IR																		
i S54878 10/12/1976	S41574 61696		lot: 8				0.3 IR																
i S55024 12/13/1976	S41277 61571								0.02 IR														
i S56880 11/23/1977	S44596 -						RC																

*✓ No conflict
w/ Munis*

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Platcard Report

Township 1S Range 2W Section 5 of (5, 8)

					NE				NW				SW				SE						
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC	
① S71651 06/03/1991	-				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		

No conflict w/ Minn's.

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Platcard Report

"From"

Township 1S Range 2W Section 6 of (6, 7)

No conflict w/ Muni's

					NE				NW				SW				SE						
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC	
i 08/06/1886	-	SW390			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 06/17/1892	-	SW391			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 12/31/1883	-	SW392			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 01/22/1912	S1136 81026		xfr#: T6308		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 05/01/1915	S2443 81027		xfr#: T6308		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 08/15/1930	S10408 67891		xfr#: T3130		MU	MU	MU	MU	MU	MU	MU	MU					MU	MU	MU	MU			
i G5670 11/19/1971	G4983 56399		dlc: 41														6.4 IS (s)	0.6 IS (s)	0.1 IS (s)	0.2 IS (s)			
i G12577 06/17/1991	G13059 -															AG	AG	AG	AG	AG			
	06/17/1991															2.5 IR	10.0 IR	3.6 IR	9.0 IR	5.1 IR			
i R48860 11/19/1971	R5805 56397		dlc: 41																		ST		

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Platcard Report

Township 1S Range 2W Section 6 of (6, 7)

					NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
1 S13681 08/15/1930	S10408 23540		CN		MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN					MU CN	MU CN	MU CN	MU CN		
1 S14435 01/11/1932	S10464 12233		dlc: 42																10.0 IR			
1 S14812 11/26/1932	S10791 12235		xfr#: T7012 dlc: 42																	3.2 IR		
1 S18007 05/09/1939	S13678 15247		CN dlc: 66								6.3 IR CN				22.6 IR CN							
	05/09/1939		CN lot: 2												1.1 IR CN							
1 S25611 02/01/1951	S20093 22778		CN dlc: 41														9.9 IR CN	2.4 IR CN	1.5 IR CN	20.2 IR CN		
	02/01/1951		CN dlc: 42																5.5 IR CN			
	02/01/1951		CN lot: 1												4.5 IR CN							
1 S25611 02/01/1951	S20093 38313		dlc: 42																5.5 IR			
	02/01/1951		lot: 1												4.5 IR							

Subject
Right

cancelled

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Platcard Report

Township 1S Range 2W Section 6 of (6, 7)

					NE				NW				SW				SE						
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC	
i S32421 06/26/1958	S32139 81020				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	✓	NCR
i S38447 02/20/1963	S35792 -		xfr#: T8590		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU					
i S48359 06/26/1958	S37837 81022				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	✓	NCR
i S48861 11/19/1971	S35927 56398		dlc: 41														6.4 IR	0.6 IR	0.1 IR	0.2 IR			
i S51643 02/06/1974	S46423 -				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	✓	NCR
i S63318 02/23/1981	S46641 -											3.0 IR	26.0 IR	30.0 IR	34.0 IR	28.0 IR							
i S71651 06/03/1991	-				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	✓	NCR
i S71702 06/17/1991	S51627 -															AG	AG	AG	AG	AG			
	06/17/1991															2.5 IR	10.0 IR	3.6 IR	9.0 IR	5.1 IR			

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Platcard Report

Township 1S Range 2W Section 7 of (6, 7)

*No Conflict
w/ plat
Muni's*

App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
i 08/06/1886	-	SW390		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 06/17/1892	-	SW391		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 12/31/1883	-	SW392		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 01/22/1912	S1136 81026		xfr#: T6308	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 05/01/1915	S2443 81027		xfr#: T6308	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 10/01/1936	S12399 41792		CN xfr#: N32 dlc: 42															3.5 IR CN	20.0 IR CN			
	10/01/1936		CN xfr#: N32 dlc: 42															LV CN	LV CN			
i G1945 03/07/1961	G1788 33209		dlc: 68															3.0 IR				
i G3986 07/10/1967	G3460 38745		dlc: 68																	6.7 IR		
i G5294 08/24/1970	G5127 43693		dlc: 68															3.0 IS (s)				

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Platcard Report

Township 1S Range 2W Section 7 of (6, 7)

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
i	G6299 09/18/1973	G5922 47772		dlc: 68													2.9 IR						
i	G12343 12/13/1990	G12247 -															5.9 NU						
i	G14146 08/03/1995	G12842 -		CN										2.5 IR CN	1.0 IR CN								
i	R43511 04/20/1967	R5022 43325					IS (s)				IS (s)	IS (s)	IS (s)	IS (s)	IS (s)	IS (s)							
i	R63317 02/23/1982	R8396 -									ST												
i	R71646 05/28/1991	R11928 -					WI	WI					WI			WI		WI	WI				
i	S14435 01/11/1932	S10464 12233							6.0 IR														
i				dlc: 42		30.0 IR	5.0 IR		- on land west of Subject land.														
i	S14812 11/26/1932	S10791 12235		xfr#: T7012 dlc: 42	34.6 IR	7.0 IR	8.3 IR	5.1 IR															
i	S16617 10/01/1936	S12399 14392		CN dlc: 42													3.5 IR CN	20.0 IR CN					

No Conflict
Subject Right

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Platcard Report

Township 1S Range 2W Section 7 of (6, 7)

					NE				NW				SW				SE						
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC	
i S16617 10/01/1936	S12399 14392		CN dlc: 42															LV CN	LV CN				
i S21837 07/31/1946	S17175 19782		CN												6.2 IR CN	6.1 IR CN							
i S21837 07/31/1946	S17175 31526		CN xfr#: T6389 dlc: 42												3.9 IR CN	5.5 IR CN							
i S21837 07/31/1946	S17175 65343		xfr#: T6389												3.9 IR	5.5 IR							
i S23421 09/14/1948	S18489 45975										3.3 IR	0.1 IR	1.0 IR	17.3 IR									
i S24661 05/01/1950	S19404 20601												11.0 IR	0.5 IR									
i S25611 02/01/1951	S20093 22778		CN						2.1 IR CN														
	02/01/1951		CN dlc: 42			0.4 IR CN	<i>✓ NCR - cancelled</i>																
i S25611 02/01/1951	S20093 38313								2.1 IR														
	02/01/1951		dlc: 42			0.4 IR																	

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Platcard Report

Township 1S Range 2W Section 7 of (6, 7)

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	S27720 10/06/1952	S21834 23086													13.2 IR							
	S30980 07/30/1956	S24505 26961		dlc: 68	3.8 IR			2.0 IR														
<i>NCR</i>	S32421 06/26/1958	S32139 81020	<i>- Muni</i>		MU	MU	MU	MU	MU	MU	MU	MU					MU			MU		
	S38447 02/20/1963	S35792 -		xfr#: T8590									11.0 IR	4.0 IR					3.0 IR	0.2 IR		
	02/20/1963			xfr#: T8590							3.3 IS (s)	0.1 IS (s)	17.0 IS (s)	17.8 IS (s)	3.0 IS (s)	19.2 IS (s)	0.1 IS (s)	5.0 IS (s)	34.8 IS (s)	0.1 IS (s)		
	02/20/1963			xfr#: T8590					MU	MU												
	S42001 03/16/1966	S31432 43873		CN									5.8 IR CN			15.6 IR CN						
	03/16/1966			CN dlc: 42													13.9 IR CN	12.3 IR CN	1.0 IR CN			
	S48050 03/17/1971	S36029 41083											5.6 IR									
<i>NCR</i>	S48359 06/26/1958	S37837 81022	<i>- Muni</i>		MU	MU	MU	MU	MU	MU	MU	MU					MU			MU		

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Platcard Report

Township 1S Range 2W Section 7 of (6, 7)

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
i	S48420 07/08/1971	S35782 81021										F4	F4	F4	F4	F4	F4						
i	S51643 02/06/1974	S46423 -	<i>NCR-Muni</i>	<i>Muni</i>	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i	S52298 08/12/1974	S39343 47456													1.0 IR								
i	S63318 02/23/1981	S46641 -							27.0 IR	1.0 IR		1.0 IR											
i	S69623 05/24/1988	-																					
i	S71647 05/28/1991	S52620 -					WI	WI					WI			WI		WI	WI				
i	S71651 06/03/1991	<i>NCR-Muni</i>			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		

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Platcard Report

"From"

Township 1S Range 2W Section 8 of (5, 8)

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
i	02/28/1952	-	GR442			4.0 IR			8.0 IR														
i	06/30/1953	-	GR1275			3.2 IR	16.3 IR		13.9 IR			21.1 IR											
i	02/09/1953	-	GR1276			3.2 IR	16.0 IR		13.9 IR			21.1 IR											
i	01/31/1947	-	GR972								1.0 IR	1.0 IR	0.5 IR										
i	06/30/1953	-	GR1950												7.8 IR								
i	08/31/1954	-	GR2012										4.4 IR	5.4 IR									
i	12/31/1928	-	GR2144			12.0 IR																	
i	12/31/1948	-	GR2190										1.9 IR	2.8 IR	5.4 IR	2.0 IR							
i	06/25/1950	-	GR2692										2.0 IR			12.0 IR							
i	08/06/1886	- <i>Muni</i>	SW390		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU

NCR

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Platcard Report

"From"

Township 1S Range 2W Section 8 of (5, 8)

No conflict
Muni's

					NE				NW				SW				SE						
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC	
06/17/1892	-	SW391			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
12/31/1883	-	SW392			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
01/22/1912	S1136 81026		xfr#: T6308		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
05/01/1915	S2443 81027		xfr#: T6308		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
G1945 03/07/1961	G1788 33209		dlc: 68												5.2 IR								
G3985 07/10/1967	G3459 35603		dlc: 68											7.5 IR	3.5 IR								
G3986 07/10/1967	G3460 38745		dlc: 68												0.7 IR								
G5294 08/24/1970	G5127 43693		dlc: 68												5.2 IS (s)								
G6299 09/18/1973	G5922 47772		dlc: 68												3.4 IR								
G7592 11/26/1976	G7262 -		CN				9.3 IR CN		0.1 IR CN				3.5 IR CN					0.2 IR CN	1.0 IR CN				

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Platcard Report

"From"

Township 1S Range 2W Section 8 of (5, 8)

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	G11264 04/18/1984	G10437 55849		dlc: 68												2.4 IR						
i	G11928 05/26/1989	G11093 67286		dlc: 68												2.2 NU						
i	G12343 12/13/1990	G12247 -											1.7 NU	16.9 NU	7.7 NU	1.4 NU						
i	G15508 05/17/2001	G15185 -						6.0 IR														
i	R30979 07/30/1956	R1938 26962		dlc: 68					ST													
i	R71646 05/28/1991	R11928 -								WI												
i	S14812 11/26/1932	S10791 12235		xfr#: T7012 dlc: 42					3.8 IR													
i	S23430 09/20/1948	S18494 23516		CN																	0.3 IR CN	
i	S23430 09/20/1948	S18494 39222		dlc: 43																	0.1 IR	
i	S23591 01/19/1949	S18610 20089		CN	2.0 IR CN	4.0 IR CN																

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Run Time: 1 seconds

Platcard Report

"From"

Township 1S Range 2W Section 8 of (5, 8)

					NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
❶ S25611 02/01/1951	S20093 22778		CN dlc: 68							5.3 IR CN												
❶ S25611 02/01/1951	S20093 38313		dlc: 68							5.3 IR												
❶ S27190 05/14/1952	S21382 21612				7.5 IR																	
❶ S29650 12/28/1954	S23349 27267																		0.6 IR	5.7 IR		
❶ S30980 07/30/1956	S24505 26961		dlc: 68						0.1 IR	8.8 IR	14.8 IR	0.8 IR										
❶ S32421 06/26/1958	S32139 81020				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU
❶ S38447 02/20/1963	S35792 -		xfr#: T8590						MU	MU												
❶ S48359 06/26/1958	S37837 81022				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU
❶ S51643 02/06/1974	S46423 -				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU
❶ S71647 05/28/1991	S52620 -										WI											

NCR - cancelled

No conflict w/ Minis

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Platcard Report

"From"

Township 1S Range 2W Section 8 of (5, 8)

NCR

					NE				NW				SW				SE						
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC	
ⓘ	S71651 06/03/1991	Muni			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		

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Platcard Report

"To" Land

Township 1S Range 3W Section 1 of (1, 12)

					NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i 08/06/1886	-	SW390			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 06/17/1892	-	SW391			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 12/31/1883	-	SW392			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 04/27/1909	S13 37992		xfr#: D122 dlc: 50												26.7 IR							
i 01/22/1912	S1136 81026		xfr#: T6308		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 05/01/1915	S2443 81027		xfr#: T6308		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 08/15/1930	S10408 67891		xfr#: T3130		MU	MU	MU	MU	MU	MU	MU											
i 10/09/1939	S14050 49086		xfr#: T4308 dlc: 42						24.1 IR	10.4 IR												
i G4699 11/25/1968	G4417 39000		dlc: 42								0.1 IS (s)											
	11/25/1968		dlc: 50								6.7 IS (s)			10.6 IS (s)								

No Conflict w/ Muni's

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Platcard Report

"To"

Township 1S Range 3W Section 1 of (1, 12)

					NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
① G7571 11/05/1976	G7031 54283		dlc: 42								0.1 IS (s)											
			dlc: 50								6.7 IS (s)			10.6 IS (s)								
① R41992 03/15/1966	R4809 35190		dlc: 50								ST											
① R54592 08/02/1976	R6526 54210		dlc: 50												ST	ST						
① S52 04/27/1909	S13 450		CN												26.7 IR CN							
NCR ✓ ① S13681 08/15/1930 <i>Cancelled</i>	S10408 23540		CN		MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN										
NCR ✓ ① S18415 10/09/1939 <i>Cancelled</i>	S14050 16653		CN dlc: 42						39.0 IR CN	15.0 IR CN	2.0 IR CN	22.5 IR CN										
NCR ✓ ① S20177 03/27/1944	S15736 16710	<i>- on other side of Dairy Cr.</i>	dlc: 50										0.7 IR	16.6 IR	11.3 IR							
NCR ✓ ① S32421 06/26/1958	S32139 81020	<i>- Muni</i>			MU	MU	MU	MU	MU	MU	MU	MU	MU					MU	MU			
① S38447 02/20/1963	S35792 -		xfr#: T8590						4.0 IR													

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Platcard Report

“ To ”

Township 1S Range 3W Section 1 of (1, 12)

					NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
<i>NCR</i> ✓ S38447 02/20/1963	S35792 -	<i>Muni</i>	xfr#: T8590		MU	MU	MU	MU	MU	MU												
S41993 03/15/1966	S31708 35191		dlc: 42								0.1 IR											
03/15/1966			dlc: 50								6.7 IR			10.6 IR								
<i>NCR</i> ✓ S42578 08/02/1966	S31814 35409		dlc: 42				1.9 IR				1.6 IR	15.3 IR	22.8 IR				17.0 IR	30.0 IR				
08/02/1966			dlc: 50								1.7 IR	14.0 IR	1.6 IR		27.6 IR		7.0 IR	31.0 IR				
08/02/1966			lot: 1														4.7 IR	1.1 IR	9.0 IR	37.6 IR		
<i>NCR</i> ✓ S48359 06/26/1958	S37837 81022	<i>Muni</i>			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU
<i>NCR</i> ✓ S51643 02/06/1974	S46423 -	<i>Muni</i>			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU
S69623 05/24/1988	-																					
<i>NCR</i> ✓ S71651 06/03/1991	-	<i>Muni</i>			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU

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Platcard Report

"To"

Township 1S Range 3W Section 12 of (1, 12)

					NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
<i>NCR</i> ✓ ① 07/18/1941	S14968 37993		CN xfr#: D122			9.8 IR CN			21.2 IR CN	19.0 IR CN												
<i>NCR</i> ✓ ① 07/18/1941	S14968 47347	<i>- on other side of creek</i>	xfr#: T3047			1.8 IR			21.2 IR	19.0 IR												
<i>NCR</i> ✓ ① 11/04/1965	S31013 47348	<i>- on other side of Cr.</i>	xfr#: T3048			8.0 IR																
① 01/03/1966	S31168 48205		xfr#: T4120		1.3 IR	14.0 IR	13.0 IR		10.8 IR	16.4 IR	8.8 IR	11.6 IR										
① 01/03/1966	S31168 60005		xfr#: T4120				15.7 IR				27.8 IR	23.6 IR						2.9 IR				
① R26539 10/04/1951	R1269 26914																		ST	ST		
① R43701 08/19/1969	R5458 43434																		ST	ST		
① R53553 08/18/1975	R6195 61424					ST	ST															
<i>NCR</i> ✓ ① 07/18/1941	S19414 07/18/1941	S14968 20587	CN			9.8 IR CN			21.2 IR CN	19.0 IR CN												
<i>NCR</i> ✓ ① 08/17/1942	S19768 08/17/1942	S15352 19492	<i>- south of Tualatin R.</i>					19.4 IR										10.6 IR				

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NCR Check

*TVID - sp. order.
Appl S-38447 / Permit S-35792*

Platcard Report

"To"

Township 1S Range 3W Section 12 of (1, 12)

					NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i S20555 11/01/1944	S16047 19769																	5.6 IR	1.6 IR			
i S23421 09/14/1948	S18489 19883		CN					0.8 IR CN									2.6 IR CN					
i S23421 09/14/1948	S18489 45975							0.8 IR									2.6 IR					
i S26540 10/04/1951	S20797 26913		CN													8.4 IR CN			28.6 IR CN			
i S26540 10/04/1951	S20797 34502															16.8 IR			20.2 IR			
i S27457 07/17/1952	S21615 22964												5.2 IR	2.8 IR								
i S28733 08/25/1953	S22652 22098		CN dlc: 41		13.4 IR CN			16.8 IR CN														
i S28778 09/14/1953	S22655 23113																				5.8 IR	
i S29471 09/15/1954	S23242 23123																				24.8 IR	
i S38447 02/20/1963	S35792 -		xfr#: T8590					1.1 IS (s)									3.2 IS (s)					

NCR - Cancelled

NCR - Cancelled

NCR

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Platcard Report

"To"

Township 1S Range 3W Section 12 of (1, 12)

					NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
<i>NCR</i> i S41753 01/03/1966	S31168 43870	<i>Cancelled</i>	CN		1.3 IR CN	14.0 IR CN	28.7 IR CN			16.4 IR CN	36.6 IR CN	35.2 IR CN	10.8 IR CN						2.9 IR CN			
i S42578 08/02/1966	S31814 35409				30.9 IR	7.3 IR		2.0 IR	0.2 IR													
i S43702 07/26/1976	S34278 43435															13.3 IR			0.9 IR			
																16.8 IS (s)			16.5 IS (s)			
i S48420 07/08/1971	S35782 81021						F4	F4				F4	F4	F4					F4			
i S49955 01/08/1973	S37581 44920														30.0 IR							
<i>NCR</i> i S53554 08/18/1975	S38413 61425	<i>- on other side of Creek</i>							1.9 IR													
					1.3 IS (s)	13.6 IS (s)	11.7 IS (s)		7.3 IS (s)			3.6 IS (s)										
<i>NCR</i> i S54593 08/02/1976	S40913 54211	<i>- on other side of Creek</i>				1.6 IR																
						8.0 IS (s)																

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Platcard Report

"To"

Township 1S Range 3W Section 12 of (1, 12)

App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
❶ S54960 11/17/1976	S41206 61426							3.5 IS (s)	16.4 IS (s)	8.7 IS (s)	7.3 IS (s)											
❶ S63387 03/10/1982	S46950 64371											28.5 IR	25.2 IR									
❶ S69623 05/24/1988	-																					
❶ S71651 06/03/1991	-Muni				MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU

NCR

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Run Time: 0 seconds

Subject: RE: FW: Questions about water right transfer applications T-7012 & T-7408
Date: Tue, 20 Sep 2005 13:54:06 -0700
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: FW: Questions about water right transfer applications T-7012 & T-7408
Thread-Index: AcW9LzV924HIqEQRRcq+FRMH0d5PWQA9fTTg
From: "Steve Kebbe" <KebbeS@CleanWaterServices.org>
To: "Dorothy Pedersen" <Dorothy.I.PEDERSEN@wrđ.state.or.us>
Cc: "Tom VanderPlaat" <VanderPlaatT@CleanWaterServices.org>
X-MIME-Autoconverted: from quoted-printable to 8bit by kettle.wrđ.state.or.us id j8KKn0n06142
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on kettle.wrđ.state.or.us
X-Spam-Status: No, hits=0.0 required=5.0 tests=none autolearn=ham version=2.63
X-Spam-Level:

Dorothy,

Tom VanderPlaat and I have reviewed the two transfer applications and request that you process them.

Thank you,
Steve

-----Original Message-----

From: Dorothy Pedersen [mailto:Dorothy.I.PEDERSEN@wrđ.state.or.us]
Sent: Monday, September 19, 2005 8:31 AM
To: Steve Kebbe
Subject: Re: FW: Questions about water right transfer applications T-7012 & T-7408

Steve,

Attached are scanned .pdf files of the transfer applications and maps for T-7012 and T-7408. Let us know if you have questions about the transfers, and whether you wish us to process or withdraw the transfer applications.

Thank you,
Dorothy

At 04:44 PM 9/16/2005, you wrote:

>Ms. Pedersen,

>

>I am helping Tom VanderPlaat with Clean Water Services' water rights issues, and he asked if I would respond to your e-mail. You suggested that you could send or fax a copy of the transfer applications to assist us, and we would like to request that you do that. If you could send

>pdf's, that would be fine. If you want to send a fax, my fax number

is:

>503-547-8196.

>

>Thank you,

>Steve Kebbe

>

>-----Original Message-----

>From: Tom VanderPlaat

>Sent: Wednesday, August 31, 2005 11:42 AM

>To: Steve Kebbe

>Subject: FW: Questions about water right transfer applications T-7012 &
>T-7408

>

>Steve, Let talk about this request.

>

>Thanks

>Tom V.

>

> Tom VanderPlaat
> Senior Water Resources Program Manager
> Clean Water Services
> 2550 SW Hillsboro Highway
> Hillsboro, Oregon 97123
> Direct line: 503-681-5107
> Main phone: (503) 681-3600
> Main FAX: (503) 681-3641
> Email: vanderplaatt@cleanwaterservices.org.
> Web site-- www.CleanWaterServices.org.

>

>

>

>

>-----Original Message-----

>From: Dorothy Pedersen [<mailto:Dorothy.I.PEDERSEN@wrd.state.or.us>]

>Sent: Wednesday, August 31, 2005 11:29 AM

>To: Tom VanderPlaat

>Subject: Questions about water right transfer applications T-7012 &
>T-7408

>

>

>Mr. Vanderplaat,

>

>I am a water right transfer specialist at the Oregon Water Resources
>Department. There are two transfer applications (T-7012 and T-7408)

>that

>were filed some years ago by Unified Sewerage Agency. You were listed
>as

>the contact person on the applications. For whatever reason, these
>applications were never processed to a final decision, and I would like
>to

>complete the processing within the next few months if possible.
>
>I see that the lands are currently owned by Clean Water Services. We
>need
>to either have documentation showing that Clean Water Services is the
>same
>entity that originally filed the transfers, or you will need to submit
>"Request for Assignment" forms (with the accompanying \$25 fee for each)
>to
>assign the transfers to Clean Water Services.
>
>Because it has been several years since the transfers were submitted,
>please indicate for each of the transfers whether you wish to proceed
>with
>processing the transfer as submitted, make modifications to the
>transfer,
>or withdraw the transfer. Let me know if you wish me to send or fax
you
>
>copies of the transfer applications to assist in your review.
>
>Please respond by September 30, 2005 to indicate whether you wish the
>transfers to be processed or withdrawn, and if you are not the person
>who
>is in a position to make those decisions, please direct us to another
>contact person.
>
>Thank you for your consideration,
>Dorothy
>
>Dorothy Pedersen
>Transfer Specialist
>Oregon Water Resources Department
>(503) 986-0890
>FAX (503) 986-0904
>Dorothy.I.PEDERSEN@wrđ.state.or.us

Dorothy Pedersen
Transfer Specialist
Oregon Water Resources Department
(503) 986-0890
FAX (503) 986-0904
Dorothy.I.PEDERSEN@wrđ.state.or.us

Subject: FW: Questions about water right transfer applications T-7012 & T-7408
Date: Fri, 16 Sep 2005 16:44:36 -0700
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: Questions about water right transfer applications T-7012 & T-7408
Thread-Index: AcWuWdwAxR9NDMkKSHGSwqJYT8ArfgAAaaRgAy8HHbA=
From: "Steve Kebbe" <KebbeS@CleanWaterServices.org>
To: <Dorothy.I.PEDERSEN@wrд.state.or.us>
Cc: "Tom VanderPlaat" <VanderPlaatT@CleanWaterServices.org>
X-MIME-Autoconverted: from quoted-printable to 8bit by kettle.wrd.state.or.us id
j8GNeJ731023
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=0.0 required=5.0 tests=none autolearn=ham version=2.63
X-Spam-Level:

Ms. Pedersen,

I am helping Tom VanderPlaat with Clean Water Services' water rights issues, and he asked if I would respond to your e-mail. You suggested that you could send or fax a copy of the transfer applications to assist us, and we would like to request that you do that. If you could send pdf's, that would be fine. If you want to send a fax, my fax number is: 503-547-8196.

Thank you,
Steve Kebbe

-----Original Message-----

From: Tom VanderPlaat
Sent: Wednesday, August 31, 2005 11:42 AM
To: Steve Kebbe
Subject: FW: Questions about water right transfer applications T-7012 & T-7408

Steve, Let talk about this request.

Thanks
Tom V.

Tom VanderPlaat
Senior Water Resources Program Manager
Clean Water Services
2550 SW Hillsboro Highway
Hillsboro, Oregon 97123
Direct line: 503-681-5107
Main phone: (503) 681-3600
Main FAX: (503) 681-3641
Email: vanderplaatt@cleanwaterservices.org.
Web site-- www.CleanWaterServices.org.

-----Original Message-----

From: Dorothy Pedersen [mailto:Dorothy.I.PEDERSEN@wrd.state.or.us]

Sent: Wednesday, August 31, 2005 11:29 AM

To: Tom VanderPlaat

Subject: Questions about water right transfer applications T-7012 & T-7408

Mr. Vanderplaat,

I am a water right transfer specialist at the Oregon Water Resources Department. There are two transfer applications (T-7012 and T-7408) that were filed some years ago by Unified Sewerage Agency. You were listed as the contact person on the applications. For whatever reason, these applications were never processed to a final decision, and I would like to complete the processing within the next few months if possible.

I see that the lands are currently owned by Clean Water Services. We need to either have documentation showing that Clean Water Services is the same entity that originally filed the transfers, or you will need to submit "Request for Assignment" forms (with the accompanying \$25 fee for each) to assign the transfers to Clean Water Services.

Because it has been several years since the transfers were submitted, please indicate for each of the transfers whether you wish to proceed with processing the transfer as submitted, make modifications to the transfer, or withdraw the transfer. Let me know if you wish me to send or fax you copies of the transfer applications to assist in your review.

Please respond by September 30, 2005 to indicate whether you wish the transfers to be processed or withdrawn, and if you are not the person who is in a position to make those decisions, please direct us to another contact person.

Thank you for your consideration,
Dorothy

Dorothy Pedersen

Date: Fri, 30 May 1997 13:21:48 -0700 (PDT)
X-Sender: rodgerjs@mailhub.wrd.state.or.us (Unverified)
To: Larry.H.NUNN@wrđ.state.or.us
From: Jerry.S.RODGERS@wrđ.state.or.us (Jerry Rodgers)
Subject: t-7012

Larry,

i met with ron davis, the receiving landowner on this transfer this earlier today. he would like to make a number of proposed changes that would require modification of this application.

he proposes to consolidate all of the diversions into 1 on dairy creek about 200' above the confluence with the tualatin. both streams are very level in this location with the tualatin pool backing up dairy creek, well beyond the consolidated diversion.

*ok
if the available
@ old PD -
no distribution
of Dairy Co.*

In section 12, he proposes to maintain just the oldest priority date (11/26/1932) from the tualatin as a source at the diversion point listed above. the newer dairy creek water right would be cancelled. in my opinion this would not cause harm, since both streams are lakelike and directly connected.

The northerly parcels in section 1 are zoned and being developed into industrial sites. he would agree to cancelation of both dairy creek and tualatin river sources when we approve the transfer for the section 12 portion.

This would help our records by canceling all of the dairy creek and the tualatin river in section 1 on land that davis owns. The certificate for his southerly parcel would list just 1 diversion point, one priority date, and 1 source, which makes my job easier.

My questions:

can the transfer be modified as proposed?

if so, how should mr davis proceed with modifications?

thanks

jerry

Steve Kebbe, 08:31 AM 9/19/2005, Re: FW: Questions about water right transfer applications T-70

To: "Steve Kebbe" <KebbeS@CleanWaterServices.org>
From: Dorothy Pedersen <Dorothy.I.PEDERSEN@wrd.state.or.us>
Subject: Re: FW: Questions about water right transfer applications T-7012 & T-7408
Cc:
Bcc:
Attached: S:\exchange\Pedersendi\T-7408.pdf; S:\exchange\Pedersendi\T-7012.pdf;

Steve,

Attached are scanned .pdf files of the transfer applications and maps for T-7012 and T-7408. Let us know if you have questions about the transfers, and whether you wish us to process or withdraw the transfer applications.

Thank you,
Dorothy

At 04:44 PM 9/16/2005, you wrote:
Ms. Pedersen,

I am helping Tom VanderPlaat with Clean Water Services' water rights issues, and he asked if I would respond to your e-mail. You suggested that you could send or fax a copy of the transfer applications to assist us, and we would like to request that you do that. If you could send pdf's, that would be fine. If you want to send a fax, my fax number is: 503-547-8196.

Thank you,
Steve Kebbe

-----Original Message-----

From: Tom VanderPlaat
Sent: Wednesday, August 31, 2005 11:42 AM
To: Steve Kebbe
Subject: FW: Questions about water right transfer applications T-7012 & T-7408

Steve, Let talk about this request.

Thanks
Tom V.

Tom VanderPlaat
Senior Water Resources Program Manager
Clean Water Services
2550 SW Hillsboro Highway
Hillsboro, Oregon 97123
Direct line: 503-681-5107
Main phone: (503) 681-3600

Main FAX: (503) 681-3641
Email: vanderplaatt@cleanwaterservices.org.
Web site-- www.CleanWaterServices.org.

-----Original Message-----

From: Dorothy Pedersen [<mailto:Dorothy.I.PEDERSEN@wrд.state.or.us>]
Sent: Wednesday, August 31, 2005 11:29 AM
To: Tom VanderPlaat
Subject: Questions about water right transfer applications T-7012 & T-7408

Mr. Vanderplaat,

I am a water right transfer specialist at the Oregon Water Resources Department. There are two transfer applications (T-7012 and T-7408) that were filed some years ago by Unified Sewerage Agency. You were listed as the contact person on the applications. For whatever reason, these applications were never processed to a final decision, and I would like to complete the processing within the next few months if possible.

I see that the lands are currently owned by Clean Water Services. We need to either have documentation showing that Clean Water Services is the same entity that originally filed the transfers, or you will need to submit "Request for Assignment" forms (with the accompanying \$25 fee for each) to assign the transfers to Clean Water Services.

Because it has been several years since the transfers were submitted, please indicate for each of the transfers whether you wish to proceed with processing the transfer as submitted, make modifications to the transfer, or withdraw the transfer. Let me know if you wish me to send or fax you copies of the transfer applications to assist in your review.

Please respond by September 30, 2005 to indicate whether you wish the transfers to be processed or withdrawn, and if you are not the person who is in a position to make those decisions, please direct us to another

contact person.

Thank you for your consideration,
Dorothy

Dorothy Pedersen
Transfer Specialist
Oregon Water Resources Department
(503) 986-0890
FAX (503) 986-0904
Dorothy.I.PEDERSEN@wrd.state.or.us

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To: vanderplaatt@cleanwaterservices.org
From: Dorothy Pedersen <Dorothy.I.PEDERSEN@wrd.state.or.us>
Subject: Questions about water right transfer applications T-7012 & T-7408
Cc:
Bcc:
Attached:

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Dorothy Pedersen
Transfer Specialist
Oregon Water Resources Department
(503) 986-0890
FAX (503) 986-0904
Dorothy.I.PEDERSEN@wrd.state.or.us

Applicant: Unified Sewerage Agency (USA) Attn: Tom Vanderplaat CWRE: Charles E. Spear (active)

Is application complete?

- application form map evidence of use (not subject to forfeiture) land-use form
- deed certificate fees paid \$50+\$35ΔPOD+(\$30+\$61)ΔPOU=\$176 actual fee +\$120 to be refunded
- reviews: Watermaster ODFW

Check Ownership

- Check that deed/lot book report matches the "from" lands
- Get current tax lot map. If transfer application is several years old, contact assessor's office for current landowner
- Is the applicant the owner of the "from" lands? No—Clean Water Services, and multiple owners of several parcels
- Have all owners on the deed/lot book report signed the application?--No
- Notarized, signed statement of consent from any landowners other than applicant--Need
- Copies of written notification of transfer to each lienholder identified on deed/lot book report
- Verify agent authority if applicant has not specifically signed a statement giving authorization for agent to work on his behalf

Check Application (make working copy of application and certificates to mark on)

- Type of change indicated clearly? Signed by applicants?
- Are fees due or to be refunded? Generate Request for Refund to be sent to WRD with Final Order
- Are *only* the authorized PODs and POUs to be transferred listed? (with note on p. 2 Remarks)
- Do application & certificate tabulations match? (check off on application and certificate copies and note corrections needed)
- Mark on certificate copy what acreage is being transferred and what will remain in each ¼ ¼
- Does land use form match affected tax lots and is it signed by proper official?
- If a ditch company or district is involved, send them a copy of the application and map *T.V.I.D*
- If a POD is moving to a ditch owned by a company or organization, applicant may need to show permission from the ditch owner

Check Application Map

- Does it have an original CWRE signature?--unsure
- Is the scale accurate and appropriate as per OAR 690-380-3100 (1) (d)?
- Are all authorized and proposed PODs/POAs and POUs shown and clearly labeled?
- Do map acres match the tabulation on the certificate?
- Does application map match certificate FPS maps? No *-see 11-21-06 Amendment.*
- Do the POD/POA dimensions match the location on map?
- Do the POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions?

Is right valid and subject to transfer by applicant?

- Certificate 12235 or proof accepted "to the satisfaction...."
- Has the right been exercised according to terms & conditions of certificate?—No, but OK because reclaimed water was used—see *ORS 540.610(2)(h) *See Cover letter (dated 7-2-93) that accompanied T-7012 from Unified Sewerage Agency.*
- Compare check delivery system capacity against with the rate/duty of the right—1.05 cfs using both big guns
- Print plat card report. Are there conflicting water rights? yes, Certificate 35409
- Is newspaper notice required? Yes
- Are there any rights that need to be canceled or diminished to supplemental? Yes, Certificate 35409 *- Transfer "To" map appears they want Cert 12235 Suppl. which has Senior Priority.*

Deficiencies to be resolved:

- Need to assign transfer application to Clean Water Services *- submitted proof on 11-21-06 showing name change to Clean Water Serv.*
- Revise map to match FP map for App 14812/Certificate 12235 (Land shown in western Fir Grove Loop does not have a water right) *- Removed from Appl by 11-21-06 Amend. - Yes, they should diminish 35409 to maintain senior priority on primary lands*
- Deeds do not cover lots in Fir Grove Loops—need to provide deeds and consent, or amend to delete that land
- Need to send review to ODFW
- Submit affidavit of diminishment for S-42578/Permit 31814/Certificate 35409 (priority 8/2/1966) on "to" lands

Injury Determination

- Watermaster Injury: Y N
- ODFW Reqs: Y N
- Will the "from" lands be able to be dried up? Yes No

Use Interactive Mapping to check for intervening PODs: No Yes Certs 138313, 19492, 41083, 47456, 45975 & Permit 35792

Check relation to instream water rights: Moves into or within ISWR 59692 & 72960 No problem

Check movement related to reduction of flows to junior rights

Determination: Enlargement? Yes No

Injury? Yes—to ISWR, but not to other irrigators No

Approve Reject

Conditions requested:

Measurement devices: Required prior to use "When in the judgment..."

Fish screen

Other:

Processing Benchmarks:

WRD notice date 7/14/93 Comments received? Y N

Protest period end date 8/14/93 Protests filed? Y N Schedule Hearing? _____

Deficiency letter sent _____ Response due _____

Preliminary recommendation: Approve _____ Reject _____

Generate Draft Preliminary Determination and Cover Letter, including deficiencies, determination & conditions:

DPD sent to applicant (date) _____ Comment deadline _____

Response: Withdraw Proceed Amend _____

Preliminary Determination & Newspaper Notice (if required) sent to WRD for signature (date) _____

cc:

WRD PD Notice date _____ Protest end date (30-days after last publication) _____

Final Order (& refund request) draft date _____ Reviewed by _____

Remaining Right Certificate draft date _____ Reviewed by _____

Remarks

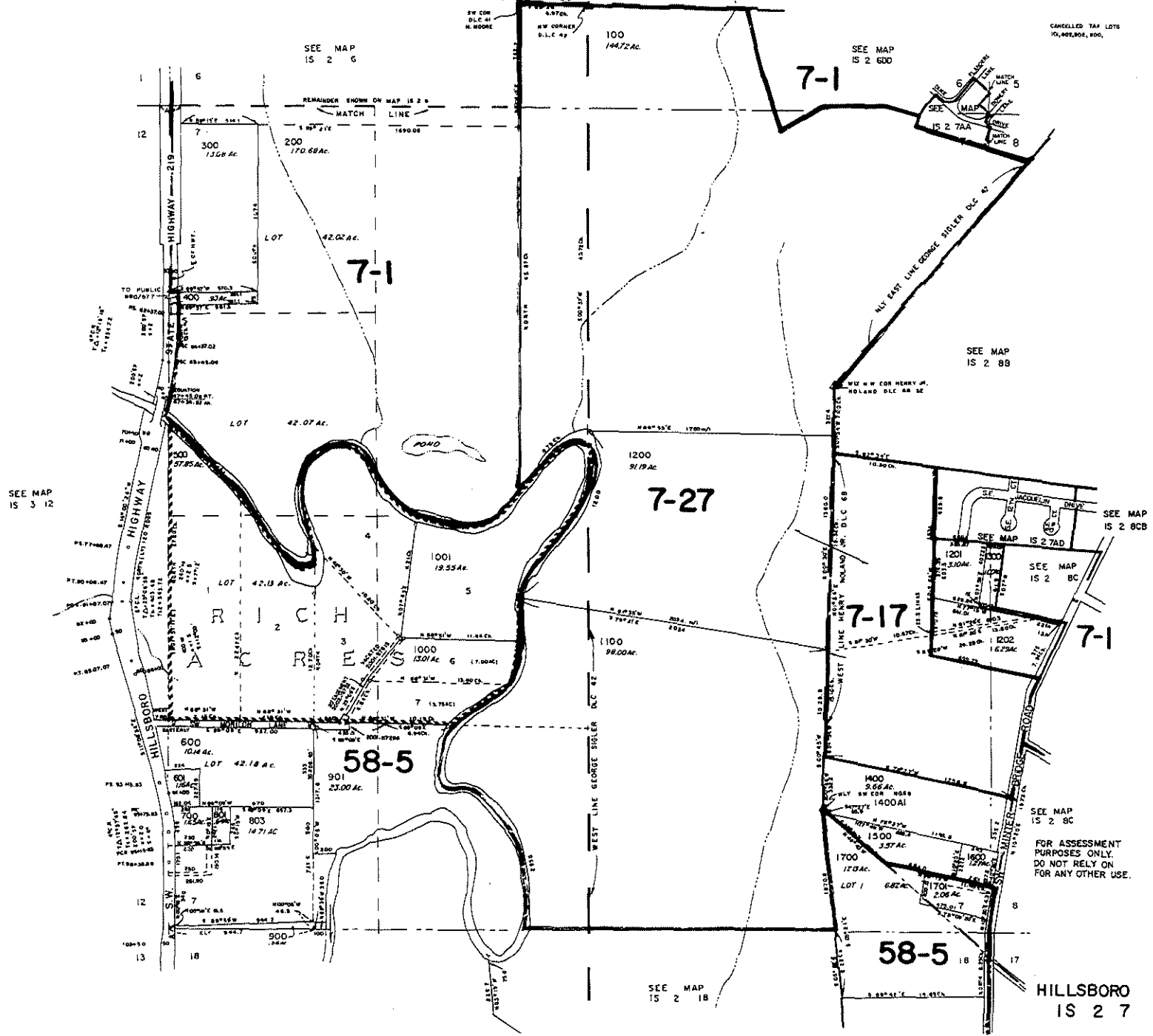
SECTION 7 T1S R2W WM

IS 2 7

WASHINGTON COUNTY OREGON
SCALE 1"=400'

SEE MAP
IS 2 6

CANCELLED TAX LOTS
10, 402, 301, 400,



SEE MAP
IS 3 12

SEE MAP
IS 2 18

SEE MAP
IS 2 89

SEE MAP
IS 2 8C

SEE MAP
IS 2 7AD

SEE MAP
IS 2 BC

SEE MAP
IS 2 8C

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

HILLSBORO
IS 2 7

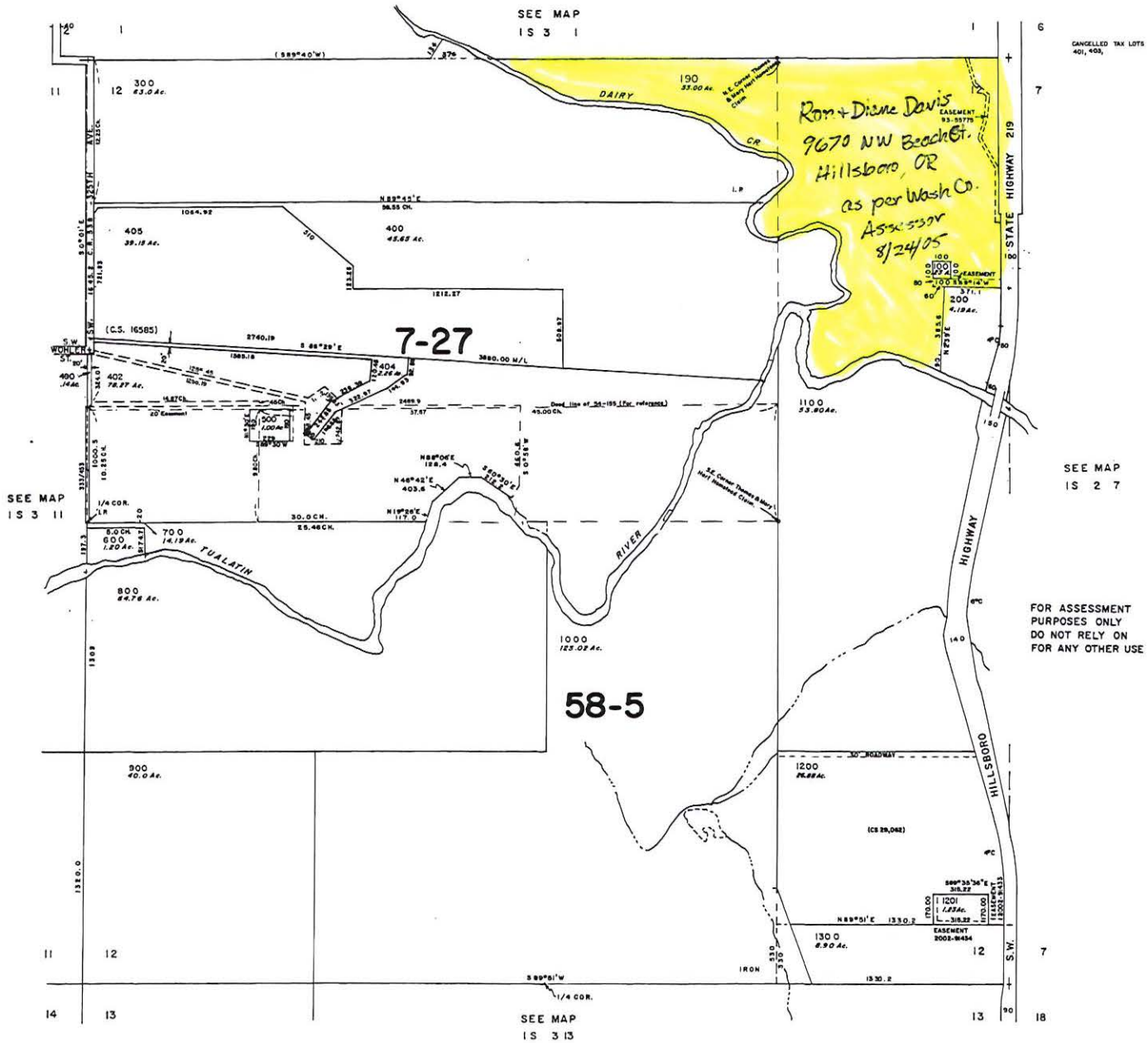
11/1/07

SECTION 12 T1 S R3W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=400'

IS 3 12



IS 3 12

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. H. FREUDENTHAL

of Hillsboro, 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 for the purpose of Irrigation under Permit No. 10464 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 January 11, 1932;

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 0.64 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 SW 1/4 of Section 7, Township 1 South, Range 2 West, W. M., being within the George Sigler D.L.C. No. 42,

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 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:

- 6 acres in the NE 1/4 NW 1/4 Section 7 Township 1 South, Range 2 West, W. M.
- 5 acres in the SW 1/4 NE 1/4
- 30 acres in the NW 1/4 NE 1/4 Section 7
- 10 acres in the SW 1/4 SE 1/4 Section 6 Township 1 South, Range 2 West, W. M. being within the George Sigler D.L.C. No. 42

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 18th day of October, 1939.

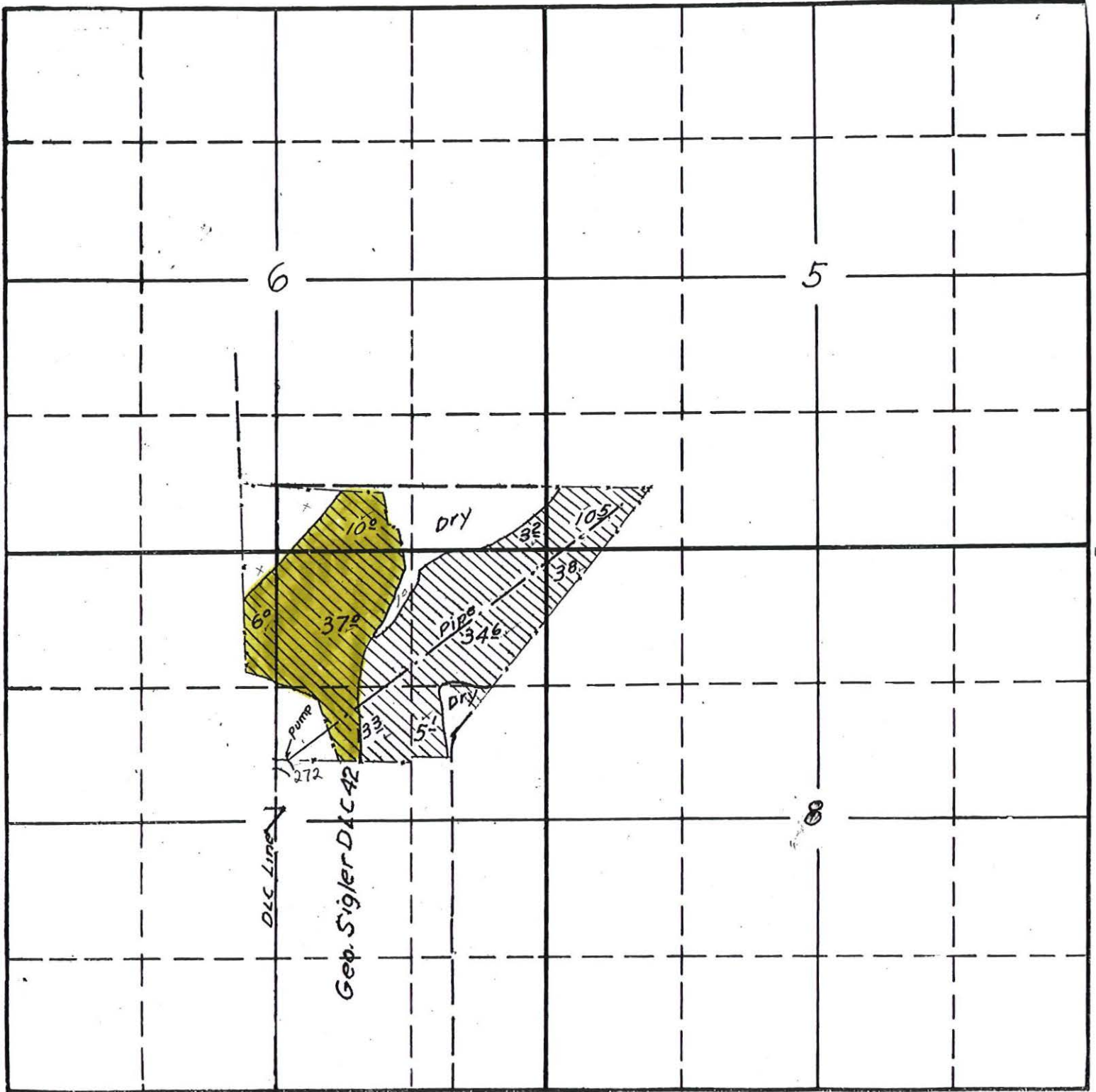
CHAS. E. STRICKLIN State Engineer

SECTION

TOWNSHIP 15, RANGE 2W, W. M.

North

West



South

APPLICATION No. { 14812
14435

PERMIT No. { 1064
10464
10791

Certificate 12233

T-7012 From Lands--T1S R2W Sec. 5,6,7,8



[Send To Printer](#)

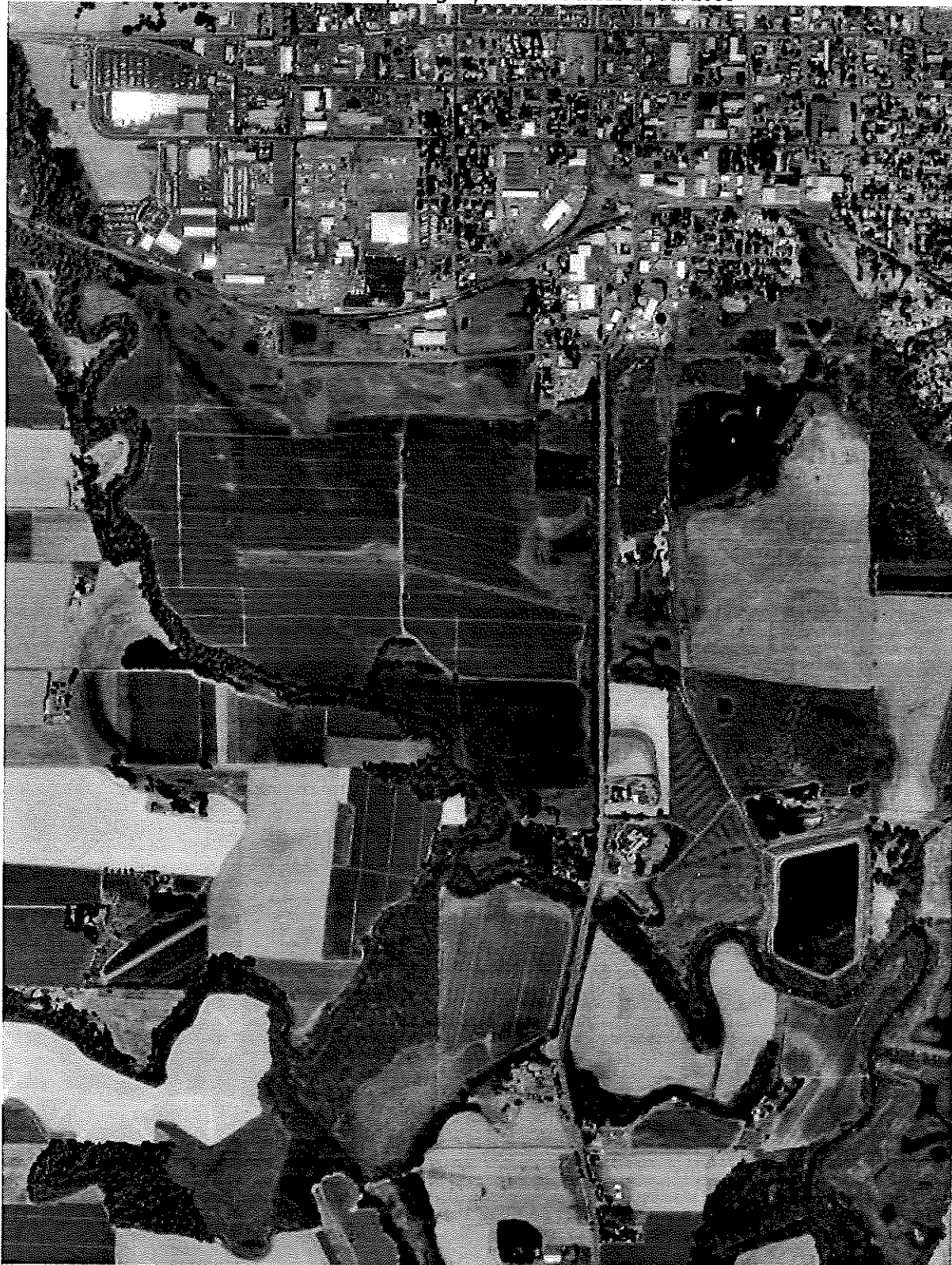
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[Change to 11x17 Print Size](#)

[Show Grid Lines](#)

[Change to Landscape](#)

USGS Hillsboro, Oregon, United States 24 Jul 2000



0 1.5Km

0 1.25Mi

Image courtesy of the U.S. Geological Survey

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[Change to 11x17 Print Size](#)

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USGS Hillsboro, Oregon, United States 24 Jul 2000

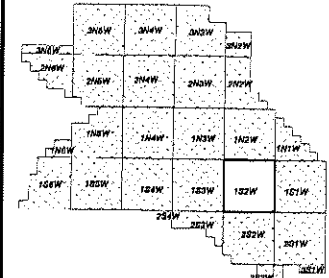
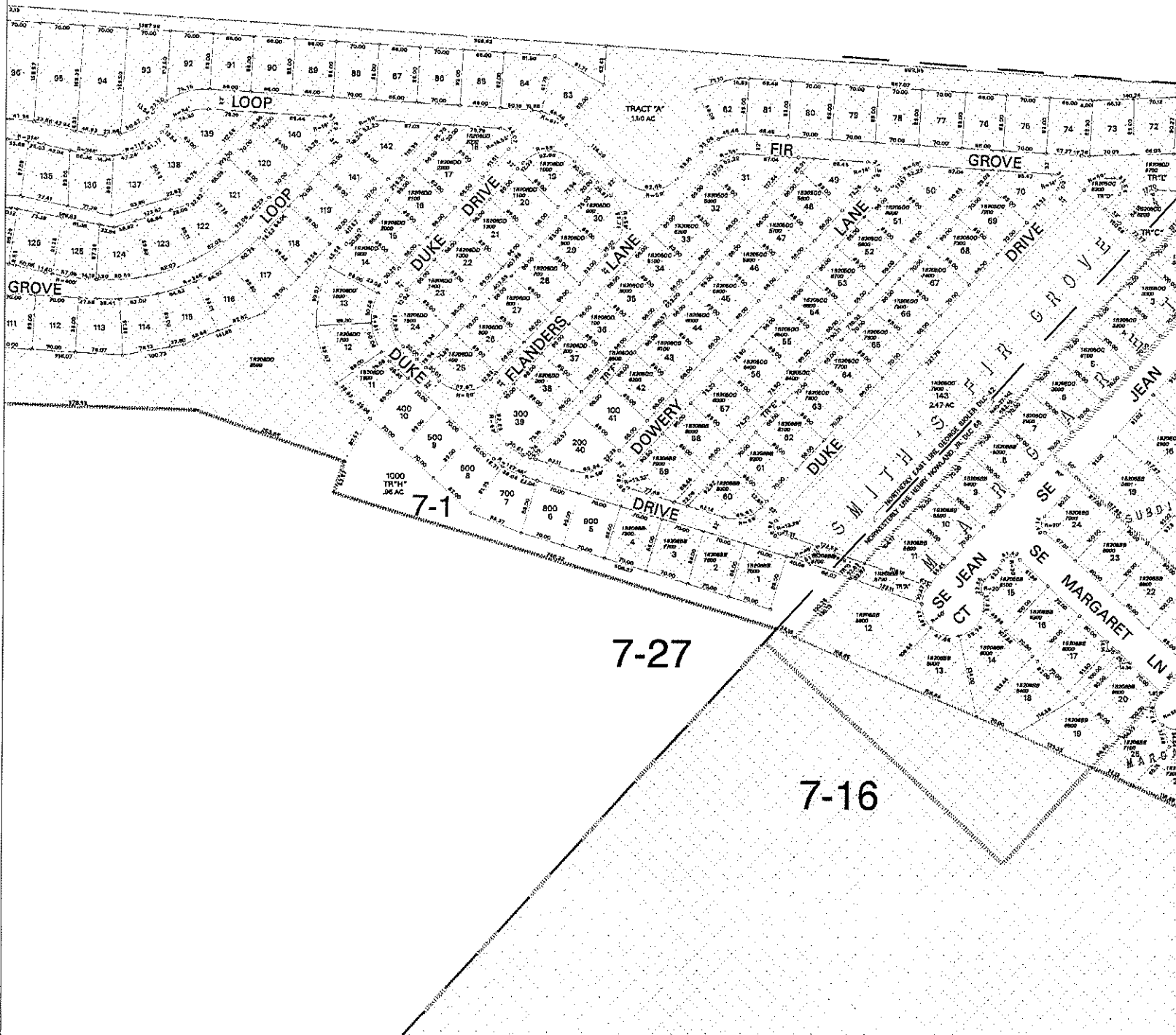


0 200M

0 200yd

T-7012 To Lands T1S R3W Sec 1 & 12



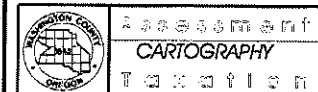


WASHINGTON COUNTY OREGON
 NE1/4 NE1/4 SECTION 07 T1S R2W W.M.
 SCALE 1" = 100'

36	31	32	33	34	35	38	31
6	5	4	3	2	1	6	6
12	7	8	9	10	11	12	7
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24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	38	31
1	6	5	4	3	2	1	6

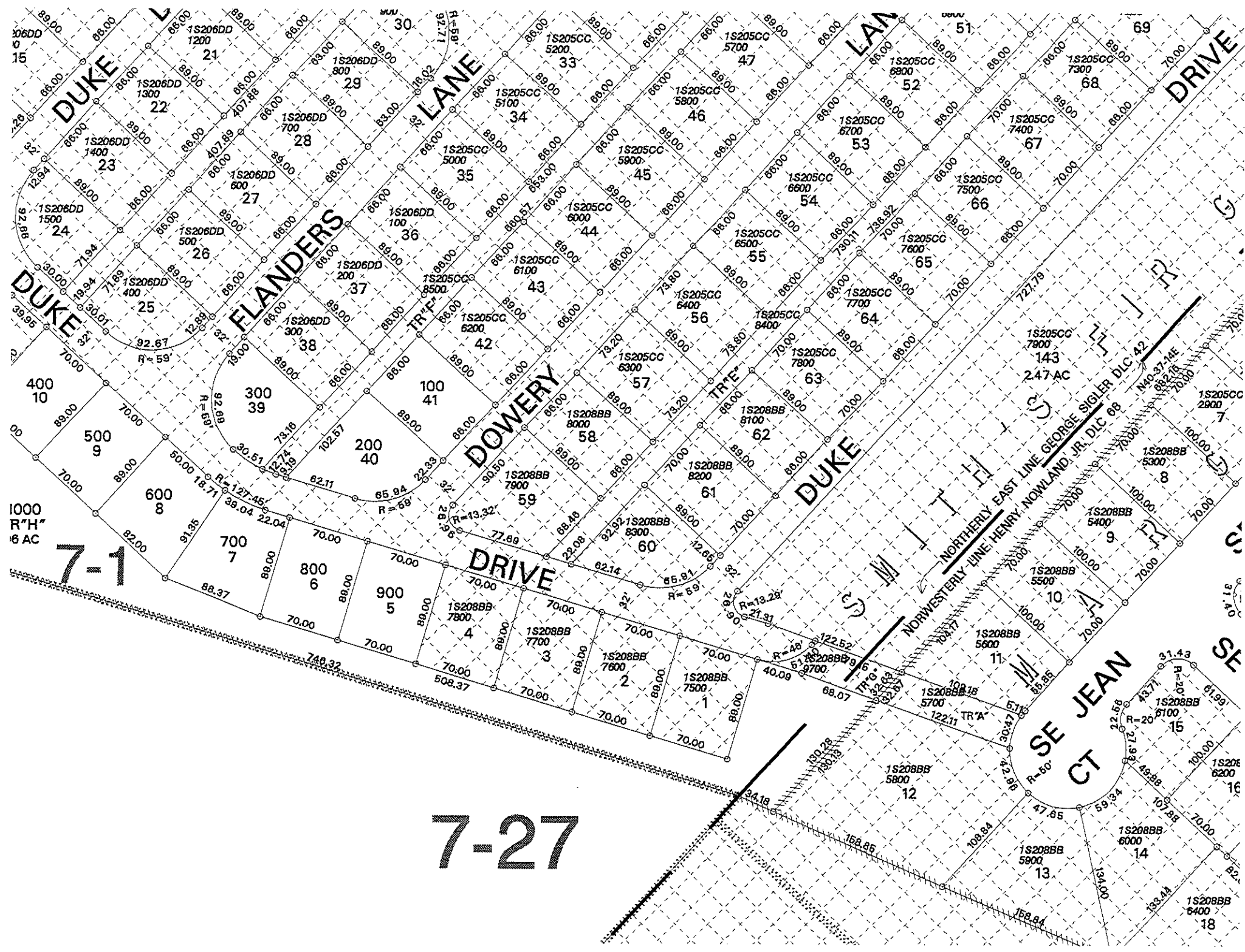
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www.co.washington.or.us

BB	BA	AB	AA
B	BD	AC	AD
SECTION 07			
C8	CA	DB	DA
C	CD	DC	DD



PLOT DATE: February 26, 2003
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Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.



7-1

7-27

1000
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16 AC

247 AC

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DUKE
LANE

DOWERY
DRIVE

FLANDERS
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DUKE
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NORTHERLY EAST LINE GEORGE SIGLER D/C 42
NORTHWESTERLY LINE HENRY NOWLAND, JR. D/C 88

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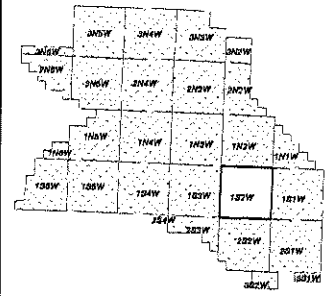
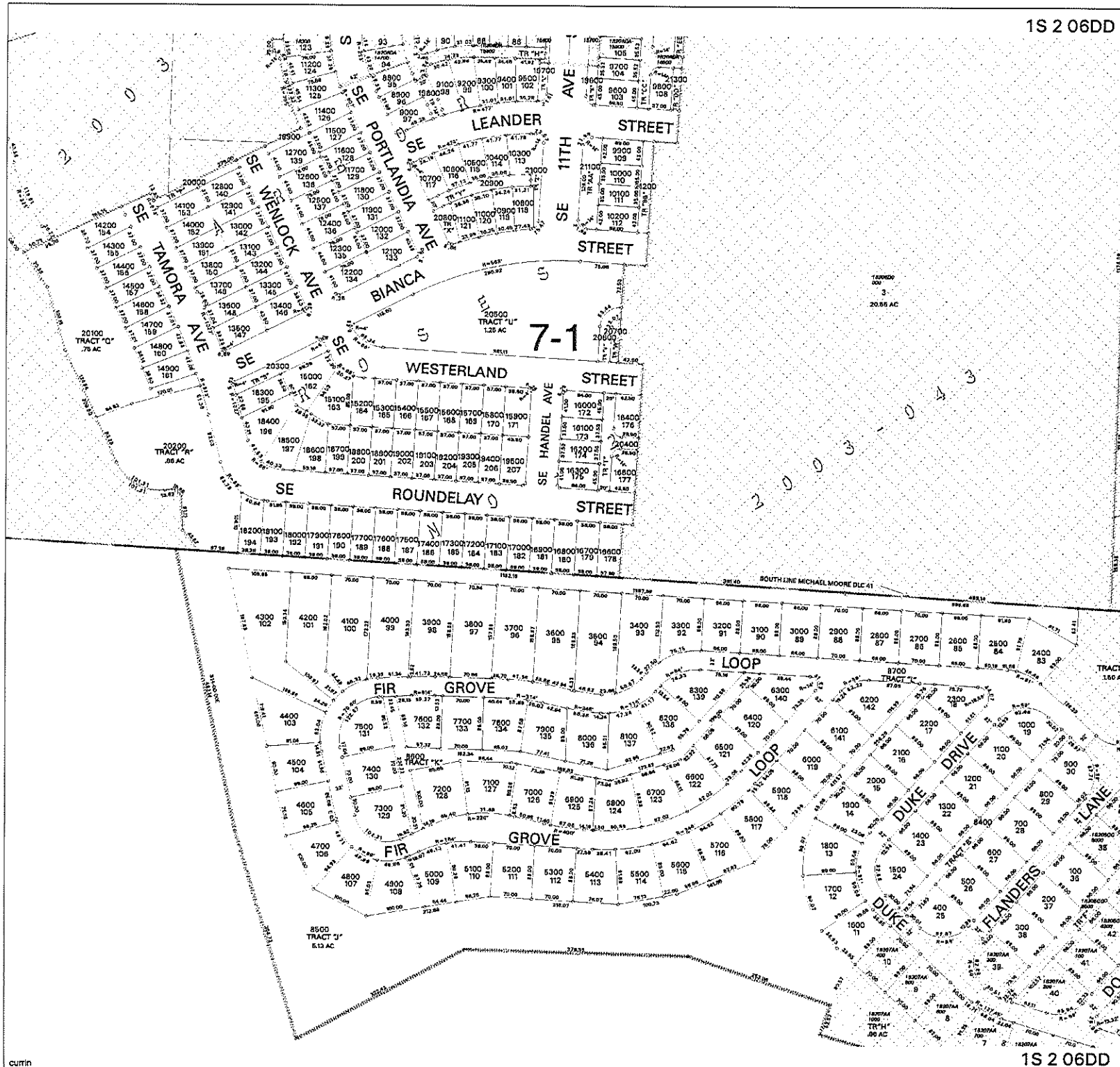
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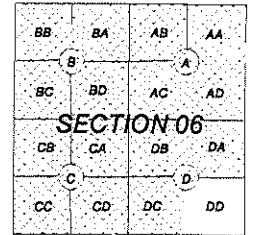
SE



WASHINGTON COUNTY OREGON
SE 1/4 SE 1/4 SECTION 06 T1S R2W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
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1	6	5	4	3	2	1	6

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PLOT DATE: August 19, 2004
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SW1/4 SW1/4 SECTION 5 T1S R2W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=100

IS 2 5CC

CANCELLED TAX LOTS
400, 800, 800, 700, 1200, 1800,
3600, 3700, 401, 4300,

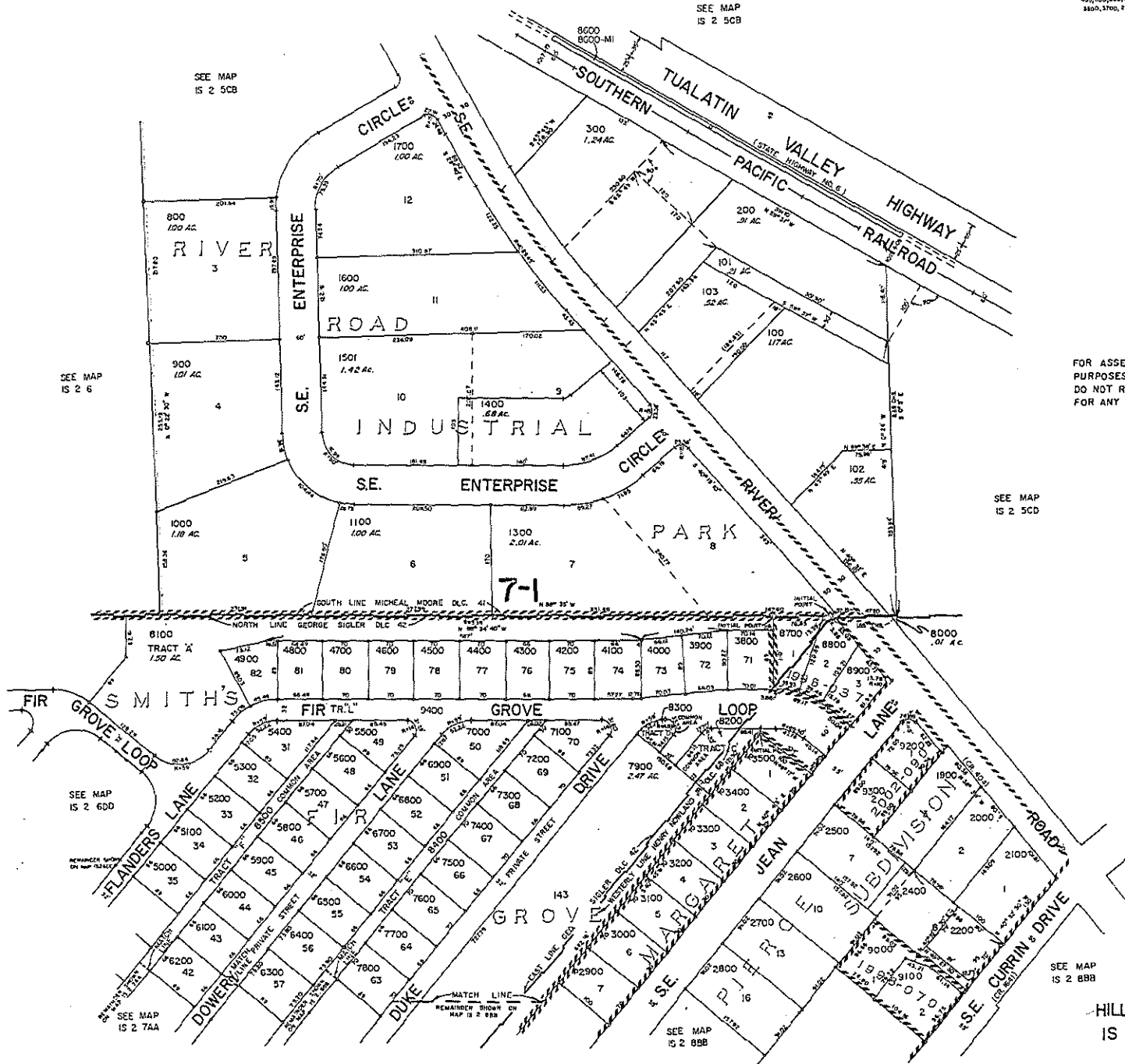
SEE MAP
IS 2 5CB

SEE MAP
IS 2 5CB

SEE MAP
IS 2 6

FOR ASSESSMENT
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SEE MAP
IS 2 5CD



SEE MAP
IS 2 6DD

REMANDED MAP
ON MAP 72A

SEE MAP
IS 2 7AA

SEE MAP
IS 2 8BB

SEE MAP
IS 2 8BB

HILLSBORO
IS 2 5CC