



United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 N.E. 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
ABA/EN

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

Subject: Application for Instream Lease of a Portion of Certificate 20149

Dear Sir or Madam:

Please find enclosed the completed *Application for Instream Lease* for a portion of water right certificate 20149. Certificate 20149 is appurtenant to lands within the Tualatin River National Wildlife Refuge.

Please note that there are two additional rights that are not being leased, but which are appurtenant to the lands subject to the lease: storage permits R-12652 and R-14004. These two permits allow for storage for wetland enhancement and wildlife, respectively. The Refuge does not intend to cease water use under permits R-12652 and R-14004 during the term of the subject lease.

Please accept this correspondence as authorization to charge a total of \$100 to the U.S. Fish and Wildlife Service's account to cover the fees for the instream lease of the above referenced water right.

If any questions arise concerning this application, please call me at (503) 231-2098.

Sincerely,

Dar Crammond
Chief, Water Resources Branch

RECEIVED

MAR 23 2007

WATER RESOURCES DEPT
SALEM, OREGON

TAKE PRIDE
IN AMERICA 



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

Application for Instream Lease

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

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): IL-809

This Lease is between:

Lessor #1:

Name U.S. Fish and Wildlife Service (Agent: Dar Crammond)
Mailing address 911 NE 11th AVE, 2W-EN
City, State, Zip Code PORTLAND, OR, 97232
Telephone number 503-231-2098
Email address dar_crammond@fws.gov

Lessor #2, 3, etc.

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

Lessee (if different than Oregon Water Resources Department):

Name Not Applicable
Mailing address _____
City, State, Zip Code _____
Telephone number _____
Email address _____

Trustee:

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

~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 2 S, Range 1 W, Section 20 and Tax Lot number 501. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

RECEIVED

MAR 23 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

1.2 Lessor #2 is the (Check one):

Not applicable

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

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

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

Certificate No. 20149 (portion of right to be leased)

Permit R-12652 (overlying storage right **not** to be leased)

Permit R-14004 (overlying storage right **not** to be leased)

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

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

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

Certificate No.: 20149

Priority date: 3/2/1951 Type of use: Irrigation

Legal Season of Use: Irrigation season (5/1 to 9/30)

Is the entire water right certificate being leased? Yes No

If no, list the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T 2 S, R 1 W, Section 20, NW1/4 NE1/4 - 6.20 acres to be leased

Enter additional places of use here, using format above:

T 2 S, R 1 W, Section 20, SW1/4NE1/4 - 14.6 acres;

T 2 S, R 1 W, Section 20, SE1/4NE1/4 - 6.4 acres

Page _____ (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 27.2

Acre-feet of storage, if applicable: N/A

Maximum rate associated with the right to be leased (cfs): 0.34

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

Maximum duty associated with the right to be leased (ac-ft): 68

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

Conditions or other limitations, if any: _____

RECEIVED

MAR 23 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

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

1.6 **Validity of rights.** Lessor(s) attests (mark one) that:

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

the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

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

**WATER RESOURCES DEPT
SALEM, OREGON**

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

2.2 Instream use created by lease. The instream use to be created is described as follows:

Rock Creek

Tributary to Tualatin River in the Willamette Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): SW1/4NE1/4, Section 20, T 2 S, R 1 W

Maximum volume in acre-feet: 68

Rate in cfs: 0.34

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from June 23 through September 30.
- Other (describe): _____

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

2.3 Term of lease. This lease shall terminate on December 31, 2011.

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

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 Termination provision.**
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
 - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.
- 3.7 Fees.** Pursuant to ORS 536.050, the following fee is included:
- \$200 for an application with four or more landowners or four or more water rights.
 - \$100 for all other applications.

Lessor: Date: 3/20/07

Lessee: _____ Date: _____

Attachment:
Attachment 2: Map illustrating lands under certificate 20149 to be leased.

RECEIVED
MAR 23 2007
WATER RESOURCES DEPT
SALEM, OREGON



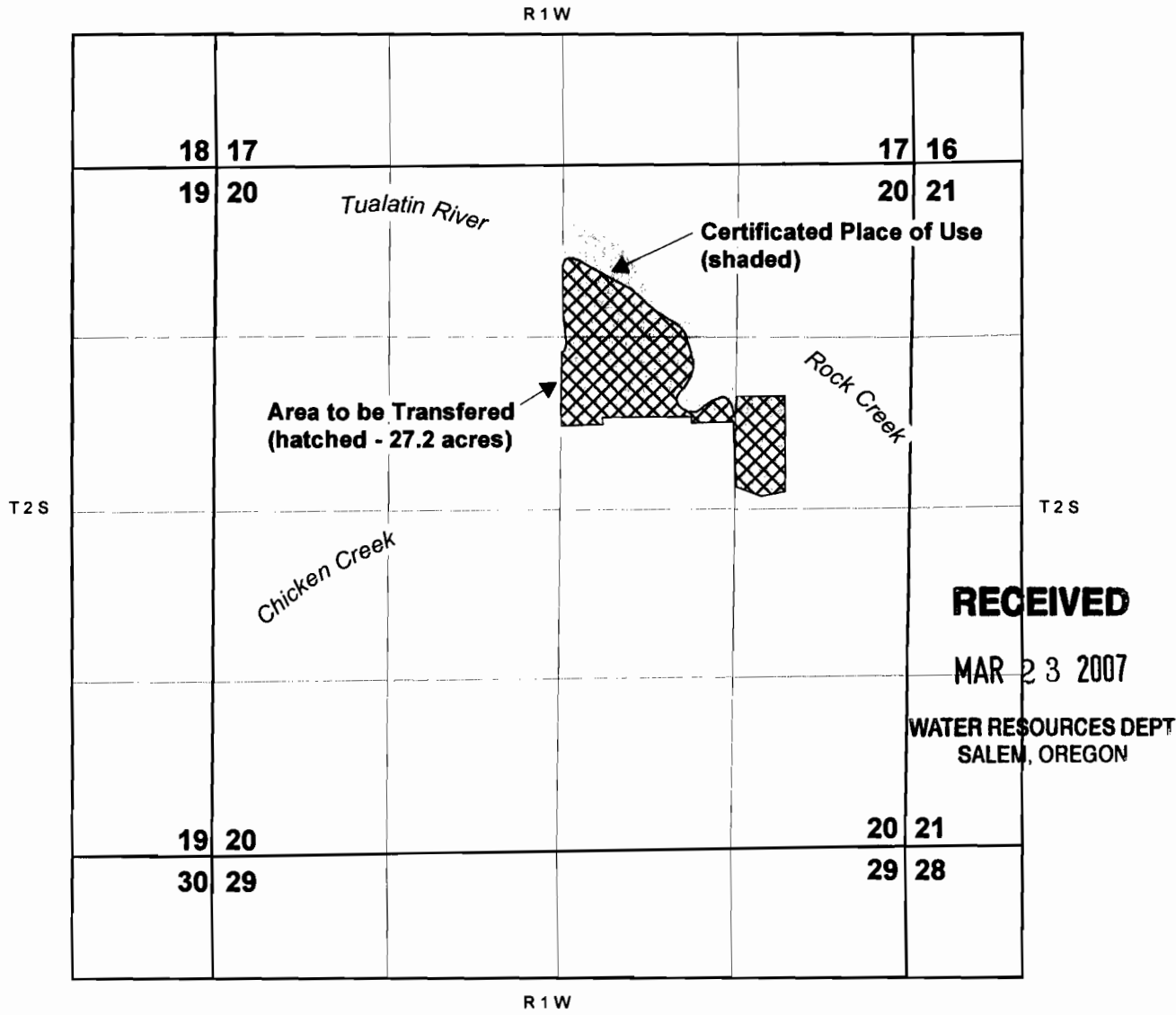
U.S. Fish & Wildlife Service

Tualatin River National Wildlife Refuge

Washington County, Oregon

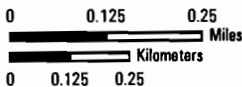
Map to Accompany Application for Instream Lease of a Portion of Certificate 20149

Place of Use to be Leased: NW 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NE 1/4, Section 20, T2S, R1W, W.M.




THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

TLT_APP_InstreamC20149.MXD, 3/22/07



4 inches = 1 mile



Water Resources Branch
R1 Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4191
503-231-6251



STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOSEPH S. GRINSTAD

of Route 2, Box 210, Tigard, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rock Creek a tributary of Tualatin River for the purpose of irrigation under Permit No. 20134 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 2, 1951.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.445 cubic foot per second,

35.6 cc

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 2 South, Range 1 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:

11.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
16.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
6.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
2.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$

35.6 Section 20
Township 2 South, Range 1 West, W. M.

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

Beg. at the NE cor. of the DIC of James Canfield, being Claim No. 41 in T 2S, R 1W., W.M., and running thence S along the E line of said James Canfield DIC 21.25 chs. to the SW cor. of land now owned by the grantors herein, thence E 20 chs. to the E line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 20, said T 2 S., R 1 W., thence N to the center of Tualatin R., thence up said river in a N-westerly direction to its intersection with the W line of the NE $\frac{1}{4}$ of said Sec. 20, at a point N of the place of beginning; thence S to the place of beginning containing 44.50 acres, more or less. Also, Beg. at a point on the E line of the Warren Joy DIC aforesaid, at a point 20.00 chs. W of the quarter section corner between Secs. 20 and 21 in T 2 S., R 1 W., W.M., and running thence N 12.50 chs., more or less to the SW cor. of tract of 16.24 acres now owned by Jasper E. Hess, in said Sec. 20; thence E 3.18 chs., more or less, to the NE cor. of a tract of three acres decded by A. J. Hess and wife to Peter Borchers by deed dated June 19, 1905, and recorded at Page 401 of book 69 of Records of Deeds for said County and State; thence S to the center of Taylor's Bridge Road as now located; thence in a S-westerly direction following the center of said road to its intersection with the W line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 20; thence N to the place of beginning, containing 6.75 acres more or less, both tracts containing 51.25 acres, more or less.

ALSO: Starting from a stone at the SE cor. of the NE $\frac{1}{4}$ of Sec. 20, T 2S., R 1 W., W.M., thence W 902.7 ft. to the place of beginning; thence W 208.3 feet; thence N 832 feet; thence E 208.3 feet to the place of beginning, containing 4 acres more or less.

@ 190 20.445 cc

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 29th day of May, 1953.

GRAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 114, page 20149

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. FISH AND WILDLIFE SERVICE
PAUL RAUCH
911 NE 11th STREET
PORTLAND, OREGON 97232-4181

PHONE: (503) 231-6261

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

APPLICATION FILE NUMBER: R-83470

SOURCE OF WATER: CHICKEN CREEK, A TRIBUTARY OF THE TUALATIN RIVER

STORAGE FACILITY: UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: WETLAND ENHANCEMENT

MAXIMUM VOLUME: 579.0 ACRE-FEET PER YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: JUNE 23, 1997

The area submerged by the reservoir, when full, will be 256 acres and the maximum depth of water will be 9.0 feet. The maximum height of the dam shall not exceed 11.5 feet.

INITIAL DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 19, T2S, R1W, W.M.; 1587.51 FEET NORTH AND 3413.79 FEET WEST FROM THE SE CORNER DLC 41

DAM LOCATIONS: NE 1/4 NE 1/4, SECTION 19, SW 1/4 NE 1/4, NE 1/4 NW 1/4, NW 1/4 SE 1/4, SECTION 20, T2S, R1W, W.M.; WETLAND 1S CHECK DAM: 2832.82 FEET NORTH AND 3154.04 FEET WEST, WETLAND 5S CHECK DAM: 2832.82 FEET NORTH AND 3243.44 FEET WEST, POND 1P CHECK DAM: 2540.00 FEET NORTH AND 1154.90 FEET EAST, WETLAND 1S & 1SA CHECK DAM: 3114.13 FEET NORTH AND 150.99 FEET EAST, POND 2P CHECK DAM: 1037.58 FEET NORTH AND 369.77 FEET EAST ALL FROM SE CORNER DLC 41

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4

SE 1/4 NE 1/4

SECTION 19

NW 1/4 NE 1/4

SW 1/4 NE 1/4

NE 1/4 NW 1/4

NW 1/4 NW 1/4

SW 1/4 NW 1/4

SE 1/4 NW 1/4

NE 1/4 SW 1/4

NW 1/4 SW 1/4

SW 1/4 SW 1/4

SE 1/4 SW 1/4

NW 1/4 SE 1/4

SW 1/4 SE 1/4

SECTION 20

TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

When in the judgment of the Watermaster it becomes necessary to regulate waters of the stream system, storage of water in the reservoir shall be subject to the installation of suitable devices for measuring all incoming natural flows and outflows from the reservoir or passing all incoming natural flows. The types and plans for such devices shall be approved by the Watermaster and shall be installed under the general supervision of said Watermaster.

The dam shall be constructed, operated, and maintained according to the plans and specifications approved May 6, 1997, on file with the Water Resources Department.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The earthen dam, spillway and resultant reservoir shall be constructed and maintained according to the approved plans and specifications on file with Oregon Water Resources Dam Safety program. Any changes in the approved design prior to construction shall be documented in a letter to Dam Safety.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer, or a professional engineer in the employ of the federal government, are required for any modification or rehabilitation of the dam, spillway or appurtenant structures.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

This permit is issued to identify the correct permit number and to correctly describe the area to be submerged by the reservoir. Permit R-12552, dated May 14, 1999, is superseded by this instrument and is of no further force or effect.

Actual construction work shall begin by May 14, 2000. The reservoir(s) shall be filled and complete application of water shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued July 16, 1999


Martha O. Pagel, Director

Water Resources Department

Application R-83470 Water Resources Department
Basin 02 Volume 22 CHICKEN CREEK
LKS MGMT.CODE 2BD 2BW

PERMIT R-12652
District 18

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. FISH AND WILDLIFE SERVICE
ATTN: MICHAEL EBERLE
911 NE 11TH AVE
PORTLAND, OR 97232-4181

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

APPLICATION FILE NUMBER: R-85573

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF TUALATIN RIVER

STORAGE FACILITY: PARR POND

PURPOSE OR USE OF THE STORED WATER: WILDLIFE

MAXIMUM STORAGE VOLUME: 4.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1
THROUGH MAY 31 OF EACH YEAR

DATE OF PRIORITY: APRIL 24, 2003

DAM LOCATION: SE 1/4 NE 1/4, SECTION 20, T2S, R1W, W.M.; 1960 FEET SOUTH
& 1330 FEET EAST FROM NE CORNER, DLC 41, SECTION 20

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4
SECTION 20
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or

measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permittee shall pass all live flow outside the storage season described above.

This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

STANDARD CONDITIONS

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

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

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

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

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2007.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued July 31, 2003


Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.