

Application for a Permit to
Store Water in a Reservoir
 (Standard Review)



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME *Applicant is an organization. See below for more details.*		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization

NAME US Fish and Wildlife Service		PHONE (503) 231-6120	FAX
ADDRESS 911 NE 11th Ave			CELL
CITY Portland	STATE OR	ZIP 97232	E-MAIL * *No general email available. Please see agent contact info*

Agent – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME Rachel Esralew		PHONE (916) 790-0645	FAX
ADDRESS 911 NE 11th Ave			CELL (916) 790-0645
CITY Portland	STATE OR	ZIP 97232	E-MAIL * rachel_esralew@fws.gov

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the final order documents will also be mailed.)

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 OWRD

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate.

RACHEL ESRALEW <small>Digitally signed by RACHEL ESRALEW Date: 2023.09.06 13:08:05 -0700</small>	Water Resources Branch Chief - Supervisory Hydrologist	9/6/2023
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

For Department Use: App. Number: _____

Reservoir: Pond 1P at Tualatin River National Wildlife Refuge

This application is for two adjacent ponds within the same wetland complex: 1P and 2P. Pages 2 through 6 refer to Pond 1P.

SECTION 2: PROPERTY OWNERSHIP

Indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all the owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

The storage reservoir is located entirely within FWS property and no portion of it exists on any other landowner's property. Please see Addendum A for details on encumbrances associated with the FWS property.

Legal Description: You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Please see the attached title report for the legal description. *(USFWS Title Report (Legal Property Description)_Tualatin Storage Right App)*

SECTION 3: SOURCE OF WATER

A. Reservoir Name: Pond 1P

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source 1: Runoff	Tributary to: Tualatin River
TRSQQ of POD: SW ¼ NE ¼, Section 20, T2S, R1W, W.M.; 1,480 feet south and 5,030 feet east of the NW corner of DLC 41	
Source 2:	Tributary to:
TRSQQ of POD:	

- Is the proposed reservoir in a wetland (as determined by DSL)? Yes No Don't know *This is an existing reservoir*
- Is the proposed reservoir an enlargement of an existing dam/reservoir? Yes No *This is an existing reservoir*
- Is the proposed reservoir in-channel of a stream or off-channel: In-channel Off-Channel *Existing reservoir.*
- If the reservoir is proposed to be in-channel, is the stream: Perennial Intermittent Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
 Yes No Don't know

• Is the reservoir in the 100-year floodplain? Yes No Don't know

• If the reservoir is not in the channel of a stream, state how it is to be filled: Precipitation runoff

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For Department Use: App. Number: _____

Reservoir: Pond 1P

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, refer to the map shown on [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements prior to diversion or use of water under any permit issued pursuant to this application.

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Store Water — Page 3

For Department Use: App. Number: _____

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Reservoir: Pond 1P

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If **yes, you are notified** that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If **yes, provide the following information** (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If **yes**, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If **yes**, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T&E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

- The use of the impounded water will be: Wetland enhancement
- The amount of water to be stored is: 177.4 acre-feet.
- The area submerged by the reservoir, when filled, will be 51.6 acres.

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Reservoir: Pond 1P

SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 12.0 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved by the Department' Dam Safety Section prior to storage of water. See Addendum B for details

The dam will be (check one): Earthfill Concrete Flash board Other

If "other," provide the description:

SECTION 7: PRIMARY OUTLET WORKS

a) Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

See Addendum B for details.

b) How and when will the outlet be operated? *The pond is filled as precipitation occurs in the fall/winter to develop wetland habitat and releases begin in the spring. The refuge maintains about 10 ac-ft in the pond through the summer.*

c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

The refuge plans to install a flap gate at the downstream end of the outlet conduit for the pond to prevent fish in the Tualatin River from entering the reservoir storage area. This work is scheduled for the summer of 2024 when the existing water control structure at the pond will be replaced with a new one.

SECTION 8: EMERGENCY SPILLWAY

a) Describe the location and the dimensions of the spillway channel.

Please see the existing engineering plans associated with application R-83470 already on file with the OWRD Dam Safety Section. The plans were approved by the OWRD on May 6th, 1997.

b) How will the emergency spillway be designed to prevent erosion?

Please see the existing engineering plans associated with application R-83470 already on file with the OWRD Dam Safety Section. The plans were approved by the OWRD on May 6th, 1997.

c) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

Please see the existing engineering plans associated with application R-83470 already on file with the OWRD Dam Safety Section. The plans were approved by the OWRD on May 6th, 1997.

SECTION 9: WATER QUALITY

a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.

See Addendum C for details.

b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination.

See Addendum C for details.

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Reservoir: Pond 1P

- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.



See Addendum C for details.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: 07/01/1997
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: 10/01/1998
- c) Proposed date water use will be completed: 07/01/1999

Note: construction of the storage reservoirs and associated structures was approved by the OWRD on May 6th, 1997, and has already occurred.

SECTION 11: WITHIN A DISTRICT

- Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name Tualatin Valley Irrigation District	Address 2230 Elm St	
City Forest Grove	State OR	Zip 97116

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.

OWRD issued certificate 96648 (application R-83470; permit R-12652) on September 30th, 2022, for reservoir storage in multiple ponds managed by the US Fish and Wildlife Service (FWS), two of which are the subject of this current application. The source indicated in the original application is Chicken Creek but due to restoration work at the refuge that relocated the creek back to its historic channel, it is no longer the source for the ponds (see the attached map for details). The purpose of this application is to designate precipitation runoff as the source for two ponds, Ponds 1P and 2P.

The application is for wetland development on land presently owned by the USFWS at the Tualatin River National Wildlife Refuge. The objective of the refuge is to enhance and restore wetland, riparian, and upland habitat for a variety of migratory birds and resident fish and wildlife. Water management is one strategy that is used to maintain seasonal and permanent wetlands on the refuge.

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Reservoir: Pond 2P at Tualatin River National Wildlife Refuge

This application is for two adjacent ponds within the same wetland complex: 1P and 2P. Pages 7 through 11 refer to Pond 2P.

SECTION 2: PROPERTY OWNERSHIP

Indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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Affected Landowners: List the names and mailing addresses of all the owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

The storage reservoir is located entirely within FWS property and no portion of it exists on any other landowner's property. Please see Addendum A for details on encumbrances associated with the FWS property.

Legal Description: You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Please see the attached title report for the legal description. *(USFWS Title Report (Legal Property Description)_Tualatin Storage Right App)*

SECTION 3: SOURCE OF WATER

A. Reservoir Name: Pond 2P

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source 1: Runoff	Tributary to: Tualatin River
TRSQQ of POD: NW ¼ SE ¼, Section 20, T2S, R1W, W.M.; 2,640 feet south and 4,250 feet east of the NW corner of DLC 41	
Source 2:	Tributary to:
TRSQQ of POD:	

- Is the proposed reservoir in a wetland (as determined by DSL)? Yes No Don't know *This is an existing reservoir*
- Is the proposed reservoir an enlargement of an existing dam/reservoir? Yes No *This is an existing reservoir*
- Is the proposed reservoir in-channel of a stream or off-channel: In-channel Off-Channel *Existing reservoir.*
- If the reservoir is proposed to be in-channel, is the stream: Perennial Intermittent Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
 Yes No Don't know
- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: **Precipitation runoff**

Reservoir: Pond 2P

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, refer to the map shown on [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If **yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If **yes,**

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements prior to diversion or use of water under any permit issued pursuant to this application.

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Reservoir: Pond 2P

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If **yes, you are notified** that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If **yes, provide the following information** (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If **yes**, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If **yes**, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T&E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

- The use of the impounded water will be: Wetland enhancement
- The amount of water to be stored is: 70.1 acre-feet.
- The area submerged by the reservoir, when filled, will be 14.9 acres.

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Reservoir: Pond 2P

SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 13.2 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved by the Department' Dam Safety Section prior to storage of water. See Addendum B for details

The dam will be (check one): Earthfill Concrete Flash board Other

If "other," provide the description:

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SECTION 7: PRIMARY OUTLET WORKS

a) Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

See Addendum B for details.

- b) How and when will the outlet be operated? *The pond is filled as precipitation occurs in the fall/winter to develop wetland habitat and releases begin in the spring. The refuge maintains about 10 ac-ft in the pond through the summer.*
- c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

Since Pond 2P drains to Pond 1P, the fish barrier proposed at the downstream end of the outlet conduit for Pond 1P (described on page 5) will also prevent fish in the Tualatin River from entering the reservoir storage area for 2P.

SECTION 8: EMERGENCY SPILLWAY

a) Describe the location and the dimensions of the spillway channel.

Please see the existing engineering plans associated with application R-83470 already on file with the OWRD Dam Safety Section. The plans were approved by the OWRD on May 6th, 1997.

b) How will the emergency spillway be designed to prevent erosion?

Please see the existing engineering plans associated with application R-83470 already on file with the OWRD Dam Safety Section. The plans were approved by the OWRD on May 6th, 1997.

c) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

Please see the existing engineering plans associated with application R-83470 already on file with the OWRD Dam Safety Section. The plans were approved by the OWRD on May 6th, 1997.

SECTION 9: WATER QUALITY

a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.

See Addendum C for details.

b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination.

See Addendum C for details.

Reservoir: Pond 2P

- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.

See Addendum C for details.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: 07/01/1997
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: 10/01/1998
- c) Proposed date water use will be completed: 07/01/1999

Note: construction of the storage reservoirs and associated structures was approved by the OWRD on May 6th, 1997, and has already occurred.

SECTION 11: WITHIN A DISTRICT

- Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name Tualatin Valley Irrigation District	Address 2230 Elm St	
City Forest Grove	State OR	Zip 97116

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.

OWRD issued certificate 96648 (application R-83470; permit R-12652) on September 30th, 2022, for reservoir storage in multiple ponds managed by the US Fish and Wildlife Service (FWS), two of which are the subject of this current application. The source indicated in the original application is Chicken Creek but due to restoration work at the refuge that relocated the creek back to its historic channel, it is no longer the source for the ponds (see the attached map for details). The purpose of this application is to designate precipitation runoff as the source for two ponds, Ponds 1P and 2P.

The application is for wetland development on land presently owned by the USFWS at the Tualatin River National Wildlife Refuge. The objective of the refuge is to enhance and restore wetland, riparian, and upland habitat for a variety of migratory birds and resident fish and wildlife. Water management is one strategy that is used to maintain seasonal and permanent wetlands on the refuge.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following sections are completed. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Dam Height and Composition
- SECTION 7: Primary Outlet Works
- SECTION 8: Emergency Spillway
- SECTION 9: Water Quality
- SECTION 10: Project Schedule
- SECTION 11: Within a District
- SECTION 12: Remarks

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. Not applicable. As water is to be used only on federal lands owned by the UWFWS, the Land Use Information Form is not required.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Please see the attached title report for the legal description. (USFWS Title Report (Legal Property Description)_Tualatin Storage Right App)
- Fees - Amount enclosed: \$ _____ Fees - Amount Enclosed: \$2,998.50
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Map must be prepared by a Certified Water Rights Examiner
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North directional symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference public-land survey corner on map
 - Location of each dam by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery Not applicable. The character of use for this application is wetland enhancement.
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Please note that a secondary application is required if there are out-of-reservoir uses associated with this application.

Water-Use Permit Application Processing



1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

****Note: as water is to be used only on federal lands owned by the USFWS, the Land Use Information Form is not required.****

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, **and/or** used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, **and all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

****Note: as water is to be used only on federal lands owned by the USFWS, the Land Use Information Form is not required.****

Applicant

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Groundwater Surface Water (name) _____

Estimated quantity of water needed: _____ cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:



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

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
<div style="color: blue; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="color: red; font-weight: bold; font-size: 1.2em;">SEP 11 2023</div>		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
<div style="color: blue; font-weight: bold; font-size: 1.2em;">OWRD</div>		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

NAME		TITLE:
SIGNATURE	PHONE:	DATE:
GOVERNMENT ENTITY		

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



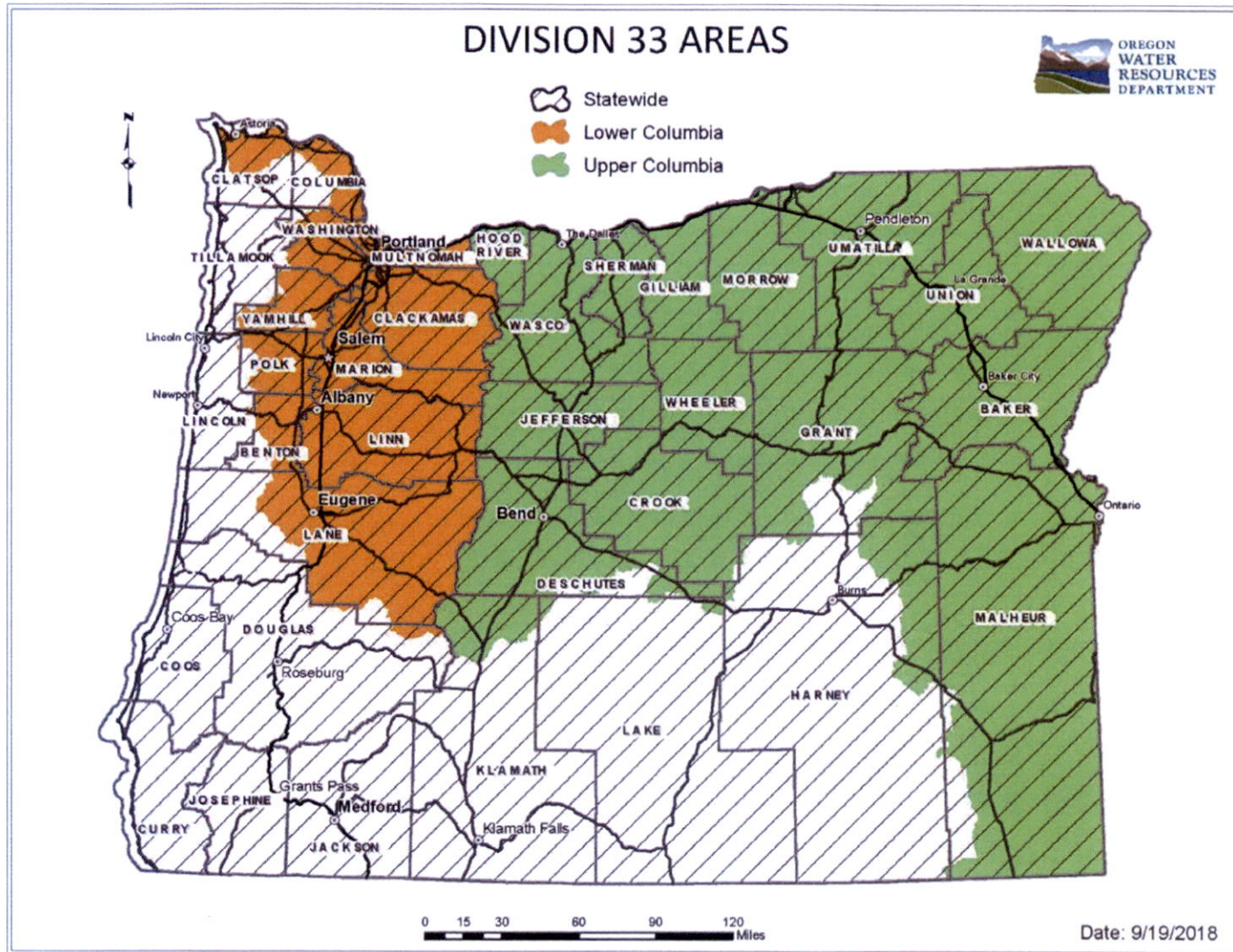
Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Figure 1: Map of Division 33 Areas



For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

Addendum A – Response to ‘Section 2: Property Ownership’

Storage Right Application for Ponds 1P and 2P at Tualatin River National Wildlife Refuge
05/2023

Encumbrances

Please note that the storage reservoirs are located entirely within FWS property and no portion of them exists on any other landowner's property. However, there are some artificial canals that convey water across FWS property for which local landowners have encumbrances, though they are not the subject of the current application. Those encumbrances are described below.

- 1) A 1948 agreement discusses the presence of a ‘tile drain’ constructed by an adjacent landowner and grants that landowner a right-of-way to maintain and repair the drain. The drain was located in Section 20 of T2S, R1W, W.M. on the US Fish and Wildlife (FWS) property where the storage reservoirs exist, but there is no information in the agreement that is more specific. The FWS suspects it was near a conveyance ditch that currently exists in the area (further described in Part 2 of this document). However, the FWS cannot confirm the drain’s location, whether it still exists, or if it is maintained by any other landowners.

The historical agreement- mentioned in the title report for the property- is between Peter Borchers and Robert Eoff. It indicates that Borchers built a tile drain “northerly through said land belonging to [the Eoffs] to Rock Creek.” Because this drain was said to benefit the Eoffs, they agreed to “hereby give and grant unto [Peter Borchers], his heirs and assigns forever, a permanent right-of-way through [the Eoff’s land] and the right to enter upon [the property] for the purpose of keeping said drain in repair.” “And [the Eoffs] do hereby agree for themselves, their heirs, assigns, executors, and administrators, not to interfere with said drain or drainage, or materials and right-of-way, in any way or matter.” The agreement further states that the Borchers “hereby agree to maintain and keep said drain and drainage in suitable repair at his own expense.”

- 2) A 1949 easement allows an adjacent landowner a right-of-way about 12 ft wide and 2,400 ft long to access an open conveyance ditch. The right-of-way is also located in Section 20 of T2S, R1W, W.M., extending roughly southwest to northeast and the ditch has connectivity with the storage ponds. According to FWS staff, the adjacent landowner does not currently utilize the easement to maintain the portion of the ditch on FWS property, although the landowner may perform maintenance on a section of ditch that is outside of the FWS property.

The historical easement states that the Eoffs grant the adjacent property owners “a perpetual right of way for, and the perpetual right to construct, reconstruct, repair and maintain, an open ditch upon, over, and across the lands of [the Eoffs].” The right of way is described as, “A ditch right of way, 12 feet in width, beginning at a point on the southerly boundary line of the said lands of [the Eoffs] where the open ditch on the adjoining lands of Peter Borchers intersects said boundary lines; thence northeasterly a distance of approximately 2,400 feet to the northerly boundary line of said lands of [the Eoffs] at the approximate point where presently existing covered ditch right-of-way of Peter Borchers as described in instrument dated February 9, 1948 [the above agreement] intersects said northerly boundary line, Section 20 as aforesaid.”

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The 1948 agreement and 1949 easement from the title report for the FWS property where the current reservoirs are located is included with this application for your reference. (*USFWS_1948 Agreement (Easement)_Tualatin Storage Right App.pdf; USFWS_1949 Easement_Tualatin Storage Right App.pdf*) In addition to these two encumbrances, there are several other minor rights-of-way on record, generally easements for utility companies (power and sewage). The title deed included with the application has more information about these easements. (*USFWS_Title Report (Legal Property Description)_Tualatin Storage Right App*)

Addendum B – ‘Dam Height and Composition’; ‘Primary Outlet Works’

Storage Right Application for Ponds 1P and 2P at Tualatin River National Wildlife Refuge

05/2023

Pond 1P Check Dam and Water Control Structure

The check dam consists of an earthen dike that is several hundred feet long and a water control structure for managing water levels in the reservoir. The earthen dike is approximately 15 to 20 feet wide, 6 to 13.7 ft tall, and the slope dimensions are generally between 3H:1V (horizontal to vertical) and 4H:1V.

The control structure for 1P is located in the SW¼ NE¼, Section 20, T2S, R1W, W.M.; 1,480 feet south and 5,030 feet east of the NW corner of DLC 41. Its upstream face is vertical and consists of approximately ½-inch thick steel plates secured on each side of the earthen dike and is armored at the outside edges with rock. The upper portions of the plates locally appear to be supported by stainless steel cables tied to deadmen placed within the dike.

The water control structure is 12.0 feet high and has a 14-foot crest. The structure contains two 36-inch-diameter corrugated metal pipe (CMP) culverts controlled by weir boards. Up to 5 feet of head can be placed on the culverts. Water discharged from the check dam enters a channel leading to the Tualatin River. The refuge plans to install a flap gate at the downstream end of the outlet works in the summer of 2024 to prevent fish in the Tualatin River from entering the reservoir storage area.

For more information regarding this check dam and water control structure, please see the existing engineering plans associated with application R-83470 already on file with the OWRD Dam Safety Section.

Pond 2P Check Dam and Water Control Structure

The check dam consists of a roughly 400-foot-long earthen dike and a water control structure for managing water levels in the reservoir. The dike is approximately 15 feet wide and the slope dimensions are approximately 3H:1V. The control structure for 2P is located in the NW¼ SE¼, Section 20, T2S, R1W, W.M.; 2,640 feet south and 4,250 feet east of the NW corner of DLC 41. For more information regarding the earthen dike comprising this check dam, please see the existing engineering plans associated with application R-83470 already on file with the OWRD Dam Safety Section.

The original water control structure constructed in the late 1990s was modified to its current configuration around 2012-2013. It is now composed of a vertical, 4-ft diameter pipe with a flashboard riser inside. The structure also contains a horizontal, 3-ft diameter culvert controlled by weir boards and the functional height (from culvert invert to the top of the riser) is 13.2 feet. Water discharged from the structure drains into Pond 1P via the culvert. The fish barrier proposed at the downstream end of the outlet works for 1P (described in the section above) will also prevent fish in the Tualatin River from entering the reservoir storage area for Pond 2P.

For more information regarding the water control structure in this check dam, please see the design drawings included with this application, ‘Water Control Structure_Pond 2P_Design Drawings.pdf’.

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Addendum C – Response to ‘Section 9: Water Quality’

Storage Right Application for Ponds 1P and 2P at Tualatin River National Wildlife Refuge

05/2023

- a) Reservoir releases occur prior to June when 1) water temperatures are still relatively low in both the reservoir and the Tualatin River, the stream that receives water from the reservoir, and 2) flow in the river has not yet reached low flow conditions. As such, the timing of releases reduces any impacts from thermal loading. In addition, the reservoir is managed as a natural wetland and as a result, native plant communities may further aid with temperature abatement as well as sediment retention and nutrient uptake.

- b) The reservoir is managed as a natural wetland, restored to support native wetland plants in the depressional areas and native shrubs and trees on the periphery of the depressional areas. Vegetation on the periphery (and within) the wetland helps capture fine sediments and nutrients originating upslope.

- c) This reservoir is effectively a wetland pond that requires minimal maintenance. Any maintenance performed that could potentially impact instream water quality is mitigated by the management practices and vegetation communities previously discussed in parts a and b of this section.

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**DUCKS
UNLIMITED
INC.**

PacNW Field Office
(360) 885-2011

PROJECT NO. OR-21-5

TUALATIN NWR
EXISTING
WATER CONTROL STRUCTURE

GENERAL INFORMATION

DESIGNED BY: SWL

DRAWN BY: DMC

SURVEYED BY: SWL

CHECKED BY:

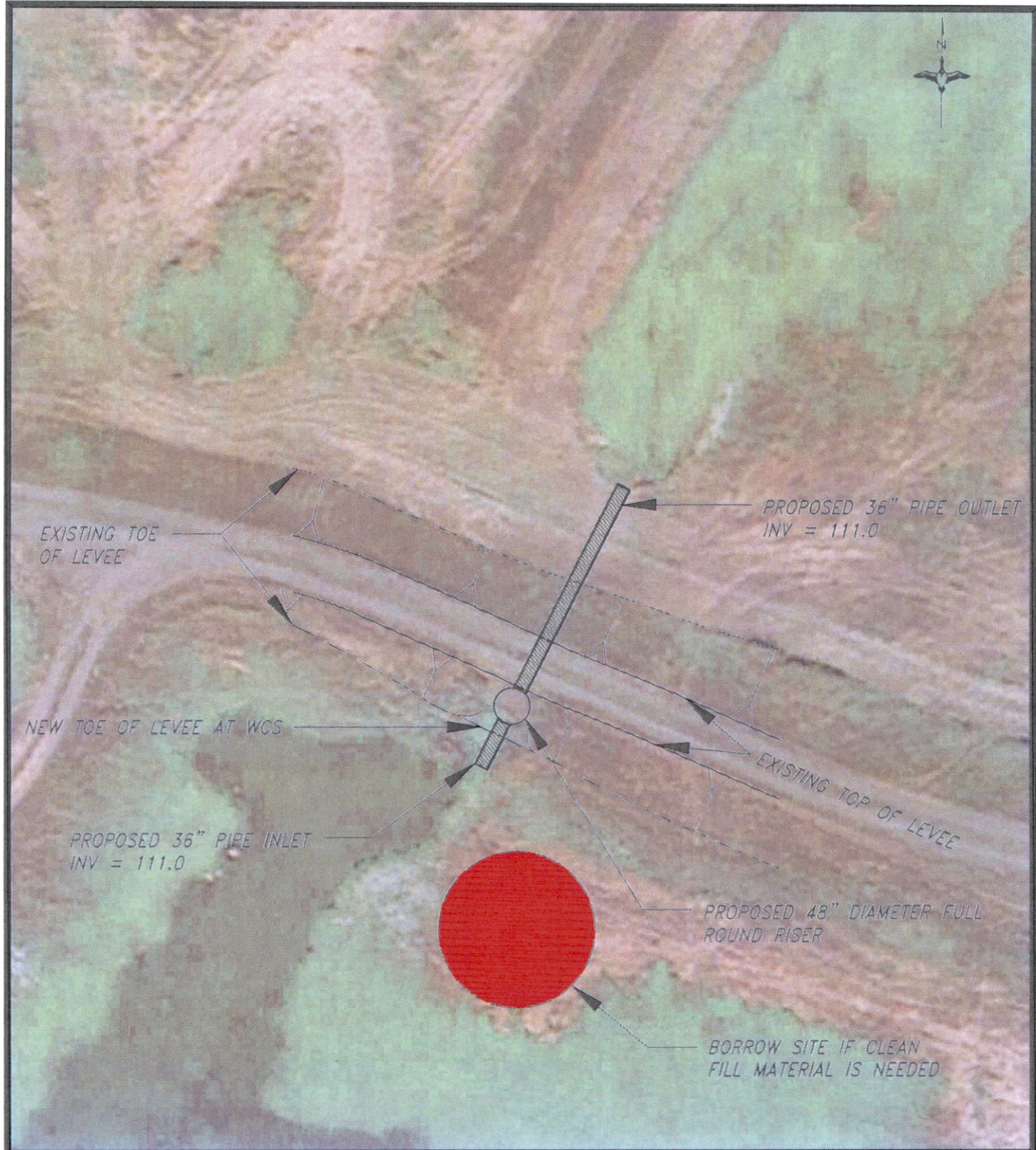
DATE:
OCT. 2012

SHEET NO.
1

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SEP 11 2023

OWRD



**DUCKS
UNLIMITED
INC.**

PacNW Field Office
(360) 885-2011

PROJECT NO. OR-21-5

TUALATIN NWR
PROPOSED
WATER CONTROL STRUCTURE

GENERAL INFORMATION

DESIGNED BY: SWLXXX

DRAWN BY: DMC

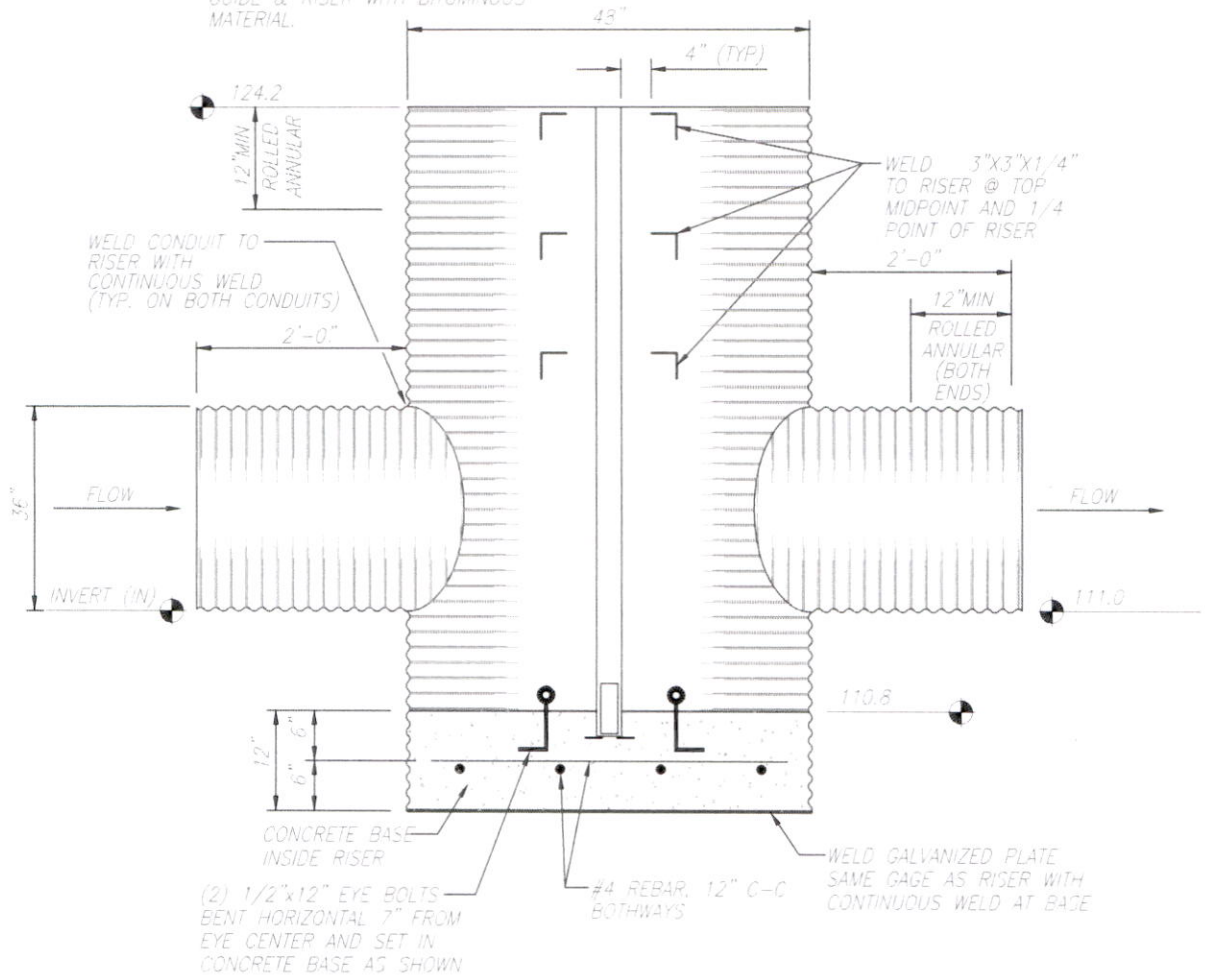
SURVEYED BY: SWL

CHECKED BY:

DATE:
OCT. 2012

SHEET NO.
2

STOPLOG GUIDE, WELD GUIDE TO RISER, SEAL SPACE BETWEEN GUIDE & RISER WITH BITUMINOUS MATERIAL.



SIDE VIEW

1
3

FULL ROUND CMP WATER CONTROL STRUCTURE

TYPICAL DETAIL NTS

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UNLIMITED
INC.

PacNW Field Office
(360) 885-2011

PROJECT NO. OR-21-5

TUALATIN NWR
PROPOSED
WATER CONTROL STRUCTURE

GENERAL INFORMATION

DESIGNED BY: SWLXXX

DRAWN BY: DMC

SURVEYED BY: SWL

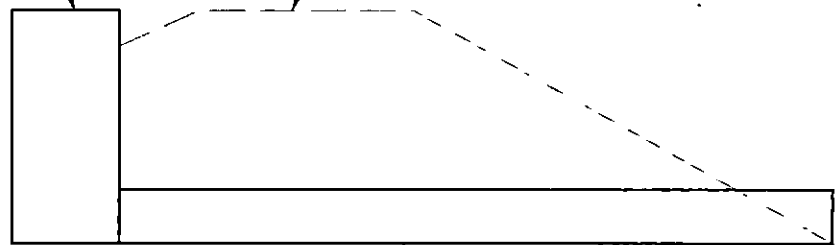
CHECKED BY:

DATE:
OCT. 2012

SHEET NO.
3

EXISTING 60" DIA.
HALF ROUND RISER

EXISTING LEVEE



53LF 30" DIA. PIPE
INV = 115.8



**DUCKS
UNLIMITED
INC.**

PacNW Field Office
(360) 885-2011

PROJECT NO. OR-21-5

TUALATIN NWR
EXISTING
WATER CONTROL STRUCTURE
CROSS-SECTION

GENERAL INFORMATION

DESIGNED BY: SWLXXX

DRAWN BY: DMC

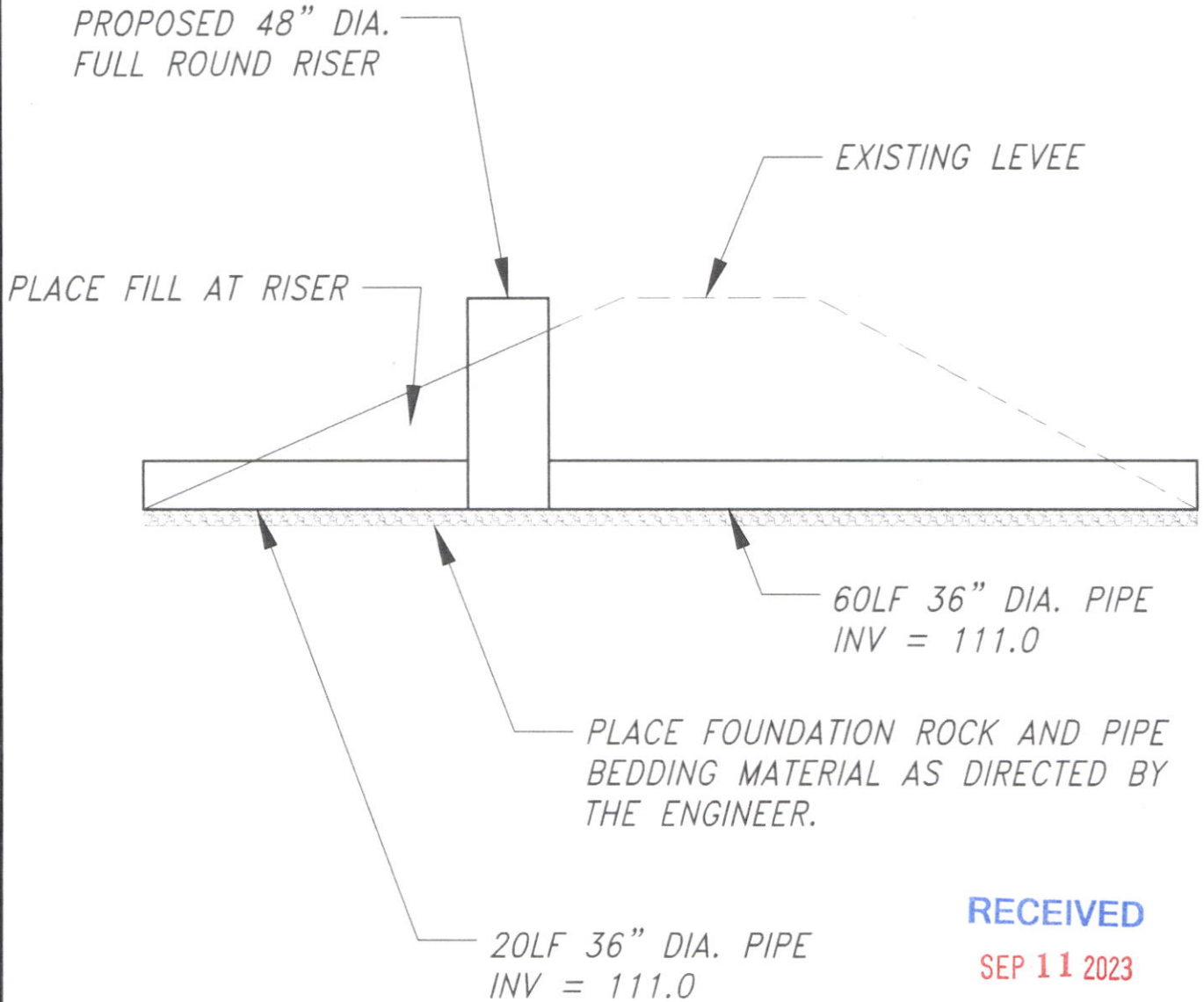
SURVEYED BY: SWL

CHECKED BY:


DATE:
OCT. 2012

SHEET NO.
4

N:\OR Projects\OR-21-5 Tualatin NWR Water Control Structure 2P Replacement\ACAD\PROJECT TUALATIN NWR OR-21-5.dwg(OR-21-5-005 PROPOSED CROSS SECTION.dwg, 10/30/2012 11:09:40 AM, DMC



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 <p>DUCKS UNLIMITED INC. PacNW Field Office (360) 885-2011</p>	PROJECT NO. OR-21-5	GENERAL INFORMATION
	TUALATIN NWR PROPOSED WATER CONTROL STRUCTURE CROSS-SECTION	DESIGNED BY: SWLXXX DRAWN BY: DMC SURVEYED BY: SWL CHECKED BY:
DATE: OCT. 2012	SHEET NO. 5	

22
2&NS
73

AFTER RECORDING, RETURN TO:
OTIC
Sunnyside
Linda

STATE OF OREGON }
County of Washington } SS

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

Doc : 96079682
Rect: 171276 73.00
09/05/1996 11:37:19am

OREGON TITLE INS. CO. 15TH FLOOR

WARRANTY DEED

The Grantors, Erhardt F. Steinborn, individually, and Egon A. Steinborn and Erhardt F. Steinborn, Trustees under the will of Arthur E. Steinborn, deceased, as tenants in common, hereby convey and warrant to the UNITED STATES OF AMERICA and its assigns, the following described real property located in the County of Washington, State of Oregon, to-wit:

The following described tract of land is located in Washington County, Oregon, situated approximately 3.5 miles southwest of Tigard, Oregon, and being all of the land described in that deed from Frieda Steinborn to Erhardt F. Steinborn, recorded April 23, 1980 in Washington County, Oregon under Fee No. 80014601, and a portion of the land described in that deed from Frieda Steinborn to Egon A. Steinborn and Erhardt F. Steinborn, recorded March 28, 1980 in Washington County, Oregon, under Fee No. 80010981, said tract being more particularly described as follows:

All bearings are based on the Lambert State Plane Coordinate System, NAD 83, Oregon, North Zone, with ground distances shown.

T. 2 S., R. 1 W., WILLAMETTE MERIDIAN:

A tract of land being a part of the James Canfield D.L.C. No. 41, Township 2 South, Range 1 West, Willamette Meridian, and part of Sections 19 & 20, Township 2 South, Range 1 West, Willamette Meridian, all in Washington County, Oregon, referenced within as United States Tract (41), more particularly described as follows:

Beginning at a Washington County monument at the southeast corner of the James Canfield D.L.C. No. 41, Township 2 South, Range 1 West, Willamette Meridian, running thence along the south line of said D.L.C. No. 41, North 87° 51' 18" West 2,455.45 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap; thence leaving said south line North 01° 32' 42" East 1,208.09 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap; thence North 83° 09' 49" West 418.71 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap; thence North 78° 45' 34" West 1,180.25 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap on the west line of said D.L.C. No. 41; thence North 02° 18' 47" East, along the west line of said D.L.C. No. 41, 20.75 feet to the south line of Elsner Road (County Road No. 330); thence, South 87° 50' 12" East, along said south line, 28.56 feet to the east line of Elsner Road (County Road No. 2168); thence along the east line of said County Road No. 2168 the following courses: North 2° 57' 53" East, 91.55 feet; thence North 12° 55' 16" East 115.68 feet; thence North 2° 57' 53" East, 1,200.59 feet; thence North 06° 14' 07" East 701.14 feet; thence North 02° 57' 53" East 195.37 feet, more or less, to the center of the Tualatin River; thence, leaving said east line of Elsner Road (County Road No. 2168), following down the center of said Tualatin River with all the meanderings in an easterly direction 3,965 feet more or less to the westerly line of the lands of the United States Tract (40) and a point which bears North 01° 32' 42" East 253.97 feet from the monumented northeast corner of the James Canfield D.L.C. No. 41 (said point also bears South 88° 50' 49" East

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3,889.90 feet from the end of the previous course); thence South 01°32'42" West along the northerly extension of the east line of said D.L.C. No. 41 with said line being coincident with the westerly line of U.S. Tract (40), described as Parcel I in deed recorded as Fee Document No. 95046663 of the Washington County Deed Records, 253.97 feet to a 3/4 inch iron pipe at the northwest corner of said D.L.C. No. 41; thence, along the east line of said D.L.C. No. 41, South 01°32'42" West 1,401.35 feet to a 3/4 inch iron pipe; thence leaving said east line and following the north line of that tract of land conveyed to Erhardt F. Steinborn under Fee No. 80014601 recorded April 23, 1980 in Washington County, Oregon, said line being coincident with the southerly line of said Parcel I U.S. Tract (40), South 88°05'26" East 1,318.90 feet to a 3/4 inch iron pipe; thence South 01°12'32" West along the westerly line of said United States Tract (40), described as Parcel II in said Fee 9504666, and the southerly extension thereof, 1,229.72 feet to the centerline of State Highway 99W, being County Road No. 500; thence, along the centerline of said road the following courses and distances: South 69°35'31" West 148.33 feet; thence South 55°27'31" West 429.40 feet; thence South 38°29'31" West 389.30 feet; thence South 29°29'31" West 350.00 feet; thence, leaving said centerline, North 87°51'29" West along the southerly line of Steinborn Tract per Fee No. 80014601, 443.50 feet to the POINT OF BEGINNING.

TOGETHER WITH the right of first refusal on Grantors' adjacent 17 acre parcel described as Exhibit A attached hereto and made a part hereof.

ALSO TOGETHER WITH the Grantors' right, title, and interest in and to all mineral rights and water rights appurtenant to said property.

The land is conveyed subject to existing easements for public roads and highways, railroads, pipelines, and public utilities.

RESERVING unto the Grantors, their successors and assigns, a right of way for utilities and access on, over, and across the following described road for utilities, ingress and egress to Grantors' adjacent 17 acre parcel described in Exhibit A attached hereto and made a part hereof.

A strip of land 50 feet wide and being 25 feet on each side of a centerline being more particularly described as follows:

Commencing at the southwest corner of the James Canfield D.L.C. No. 41, located in Section 19, Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon; thence North 2°18'47" East, along the west line of said D.L.C. No. 41, 1,449.61 feet; thence South 87°50'12" East 28.56 feet to the intersection of the south line of Elsner Road (C.R. 330) and the east line of Elsner Road (C.R. 2168), said intersection being the TRUE POINT OF BEGINNING of the herein described centerline; thence South 78°45'34" East 894.12 feet to the point of terminus. The side lines to be lengthened so as to intersect the west line of the James Canfield D.L.C. No. 41 and the east line of Elsner Road (C.R. 2168), and the southern line of said strip to be along a portion of the north line of the above described United States Tract (41).

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Case File No. 1301119
SEP 11 2023

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TO HAVE AND TO HOLD the above described premises together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, unto the UNITED STATES OF AMERICA and its assigns, forever.

The Grantors hereby covenant to and with the UNITED STATES OF AMERICA and its assigns, that the Grantors are lawfully seized in fee simple of the above granted real property, have a good and lawful right and power to sell and convey the same, that the same is free and clear of all encumbrances, except as shown above, and that the Grantors will forever warrant and defend the title thereto and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

The true consideration for this conveyance is \$1,987,500.00.

The land is being acquired by the Department of the Interior, United States Fish and Wildlife Service.

Dated this 4th day of September, 1996.

By: Erhardt F. Steinborn
Erhardt F. Steinborn

By: Egon A. Steinborn By: Erhardt F. Steinborn
Egon A. Steinborn Erhardt F. Steinborn,
Trustees under the will of Arthur E. Steinborn, deceased

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ACKNOWLEDGMENT

STATE OF OREGON

}ss

COUNTY OF WASHINGTON

On this 4th day of September, before me, Linda J. Moore, Notary Public, personally appeared Erhardt F. Steinborn, individually and as Trustee under the will of Arthur E. Steinborn, deceased; and Egon A. Steinborn, Trustee under the will of Arthur E. Steinborn, deceased, known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me they executed the same as their free act and deed.

WITNESS my hand and official seal.


(Signature)



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EXHIBIT A

All bearings are based on the Lambert State Plane Coordinate System, NAD 83, Oregon, North Zone, with ground distances shown.

T. 2 S., R. 1 W., WILLAMETTE MERIDIAN:

A tract of land being a part of the James Canfield D.L.C. No. 41, Township 2 South, Range 1 West, Willamette Meridian, and part of Sections 19 & 20, Township 2 South, Range 1 West, Willamette Meridian, all in Washington County, Oregon, referenced within as United States Tract (41a), more particularly described as follows:

Beginning at a Washington County monument at the southwest corner of the James Canfield Donation Land Claim No. 41, Township 2 South, Range 1 West of the Willamette Meridian; thence along the west line of said D.L.C. No. 41 North 2° 18' 47" East 1,428.86 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap; thence, leaving said west line, South 78° 45' 34" East 1,180.25 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap; thence South 83° 09' 49" East 418.71 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap; thence South 1° 32' 42" West 1,208.09 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap on the south line of said D.L.C. No. 41; thence, along said south line North 87° 51' 18" West, 1,599.56 feet to the point of beginning. The northerly and easterly lines of said Tract (41a) abut to United States Tract (41).

EXCEPTING THEREFROM the following described tract.;

Commencing at a Washington County monument at the southwest corner of the James Canfield Donation Land Claim No. 41, Township 2 South, Range 1 West of the Willamette Meridian; thence along the south line of said D.L.C. No. 41 South 87° 51' 18" East 272.05 feet to a point and True Point of Beginning; thence, leaving said South line, North 08° 51' East 208.73 feet to a point; thence North 54° 12' East 285.92 feet to a point; thence North 02° 04' East 408.93 feet to a point; thence North 37° 29' East, 609.9 feet to an intersection with U.S. Fish and Wildlife Service Tract (41) previously described, thence South 78° 45' 34" East 299.25 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap; thence South 83° 09' 49" East 418.71 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap; thence South 1° 32' 42" West 1,208.09 feet to a set 5/8 inch iron rod with U.S.F. & W. S. alum. cap on the south line of said D.L.C. No. 41; thence, along said south line North 87° 51' 18" West, 1327.51 feet to the point of beginning. The northerly and easterly lines of said Tract abut to United States Fish and Wildlife Service Tract (41).

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CERTIFICATE AS TO RIGHTS-OF-WAY, EASEMENTS, AND RESERVATIONS

WHEREAS, The United States of America is about to acquire title to:

Steinborn, Erhardt (41), Tualatin River National Wildlife Refuge, situated in Washington County, State of Oregon, under authority of the Fish and Wildlife Act of 1956 (70 Stat. 1119), as amended, and the Act of September 28, 1962, PL 87-714 (76 Stat 653), as amended, relating to recreational use of conservation areas.

WHEREAS, it appears from the Title Report and from evidence on the ground and in order to acquire said land by purchase it is necessary to acquire same, subject to certain rights-of-way, easements, and reservations, and

WHEREAS, the said rights of way, easements and reservations of record are:

1. Easement recorded February 4, 1942 in Book 205 Page 554, Records of Washington County, Oregon in favor of Portland General Electric Company for guy wire and anchor.
2. Easement recorded November 15, 1949 in Book 301 Page 37, Records of Washington County, Oregon in favor of Adjacent property owners for an open ditch.
3. Easement recorded December 31, 1952 in Book 340 Page 153, Records of Washington County, Oregon in favor of Portland General Electric for electric lines.
4. Easement recorded March 18, 1955 in Book 367 Page 22, Records of Washington County, Oregon in favor of Portland General Electric for guy wires and anchors.
5. Mortgage dated July 29, 1980, recorded August 1, 1980 as Recorder's Fee No. 80026432.
6. Sewer Easement and Agreement dated March 11, 1981, Recorded March 26, 1981 as Recorder's Fee No. 81010362.
7. Agreement dated February 6, 1948, Recorded February 9, 1948 in Book 282, Page 575 by and between Peter Borchers AND Robert Eoff for drain tile.
8. Easement dated July 23, 1973, Recorded August 24, 1973 in Book 941, Page 894 in favor of The Unified Sewerage Agency of Washington to construct and perpetually maintain a sewer or sewers.

WHEREAS, the said rights of way, easements and reservations not of record are:

1. Right, title and interest of the State of Oregon in and to that portion of the subject property lying below the ordinary high water line of the Tualatin River, as of February 14, 1859.

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2. Any adverse claim based upon the assertion that some portion of the subject property has been removed from or brought within the property's boundaries by an avulsive movement of the Tualatin River or has been formed by the process of accretion or reliction.
3. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation and other rights of the public, Indian tribes or governmental bodies in and to the waters of the Tualatin River.
4. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation and other rights of the public, Indian tribes or governmental bodies in and to the waters of Cedar Creek.

WHEREAS, the said lands are to be acquired subject to said rights-of-way, easements, and reservations.

NOW, THEREFORE, I do hereby certify that in my opinion the said rights-of-way, easements and reservations, from their nature, will not impair the value of or interfere with the use of the area so encumbered for the purpose for which said land is being acquired.

3/1/45
Date

John W. White
Senior Realty Officer
U.S. FISH AND WILDLIFE SERVICE

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THIS AGREEMENT Made and entered into this 24th day of
1948, by and between Peter Forchiers, party of the first part,
Robert Eoff, Russell T. Eoff, George L. Eoff, B. F. Eoff, and
Margaret E. Eoff, wife of R. T. Eoff, and Margaret E. Eoff, wife
of Robert Eoff, parties of the second part, with covenants,

WHEREAS the parties of the second part are owners of
land in Sect' 20, T2S, R12E, W. E. Washington County, Missouri;

And WHEREAS party of the first part is owner of
land lying immediately south of said land of second parties;

And WHEREAS first party has heretofore, with consent
of second parties, furnished tile and material and constructed
a tile drain from first party's property in said section northward
through said land belonging to second parties in Section 20, town-
ship and range aforesaid to Rock Creek;

And WHEREAS second parties in consideration of the
material and services used by first party in constructing said tile
drain, and in consideration that second parties receive benefit to
their property because of said drain;

Now THEREFORE for and in consideration hereinbefore
mentioned in this contract and herein mentioned paid by first party
to second parties as herein set forth by services and benefits to
second parties property, do hereby give and grant unto first party,
his heirs and assigns forever, a permanent right-of-way through
their said land as hereinbefore described and the right to enter
upon said property for the purpose of keeping said drain in repair.

And second parties do hereby agree for themselves, their
heirs, assigns, executors and administrators, not to interfere
with said drain or drainage, or materials and right-of-way, in any
way or matter.

And first party for himself, his heirs and assigns,

1.

does hereby agree to maintain and keep said drain and drainage in suitable repair at his own expense.

And second parties do hereby covenant and agree that said right-of-way, drain and all the rights connected therewith as herein mentioned, shall descend to first party, his heirs, executors, administrators and assigns forever.

And second parties are entering into this agreement and agree and bind themselves to the terms of this agreement for themselves, their heirs, executors, administrators and their assigns forever.

IN WITNESS WHEREOF We have hereunto set our hands and seals in duplicate this 6th day of February, 1948.

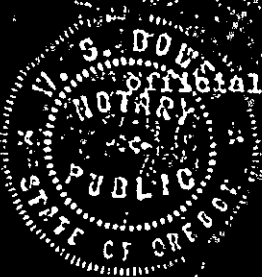
Peter Borchers
Robert Eoff
Russell T. Eoff
George L. Eoff
H. T. Eoff
Margaret L. Eoff
Maryann E. Eoff

STATE OF OREGON }
County of Washington } ss

BE IT REMEMBERED That on this 6th day of February, 1948, before me the undersigned, a Notary Public in and for said County and State, personally appeared the within named Peter Borchers, Robert Eoff, Russell T. Eoff, George L. Eoff, H. T. Eoff and Margaret Eoff, his wife, and Maryann Eoff, wife of Robert Eoff, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and

629



Official seal the day and year last above written.

W. S. Downey

Notary Public for Oregon

My commission expires ~~March 1, 1940~~

NOTARY PUBLIC FOR OREGON
My Commission expires July

3 - agreement

SEP 11 2025

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ALL HERETOFORER SAID PARTIES, That Robert K. Eoff and
Margorie Eoff, husband and wife, Russell Eoff, George Eoff, H. T.
Eoff, and Margaret L. Eoff, hereinafter termed the Grantors, for and
in consideration of the sum of ONE (\$1.00) DOLLAR and other valuable
consideration to us in hand paid by

Nola O. Anderson and Eleanor Anderson, husband and wife
Arnold M. Conzelman and Edith Conzelman, husband and wife
Walter Holzer and Dorothy Holzer, husband and wife
James F. Mester and Label F. Mester, husband and wife
Sherman Seeley and Helen Seeley, husband and wife
Glaus Borchers and Bertha Borchers, husband and wife

hereinafter termed the grantees, the receipt whereof is hereby
acknowledged, does hereby grant and convey unto the said grantees,
their heirs and assigns, a perpetual right of way for, and the per-
petual right to construct, reconstruct, repair and maintain, an open
ditch upon, over and across the lands of the grantors in the Southwest
Quarter (SW¹/₄) and the East one-half (E¹/₂) of Section 20, Township 2 south
Range 1 West, W. M., said lands of the grantors being more particularly
described in Deed of record in Book 286 at Page 213 Records
of Deeds, Washington County, Oregon, together with the right of ingress
thereto and egress therefrom as reasonably necessary at the option of
the grantees to maintain, construct, reconstruct, and repair said ditch;
said right of way being more particularly described as follows:

A ditch right of way, 121 feet in width, beginning at a
point on the southerly boundary line of the said lands of the
grantors where the open ditch on the adjoining lands of
Peter Borchers intersects said boundary line; thence northeasterly
a distance of approximately 2400 feet to the northerly boundary
line of said lands of the grantors at the approximate point
where presently existing covered ditch right of way of Peter
Borchers as described in instrument dated February 9, 1948,
recorded in Book 282, Page 575 Records of Deeds of
Washington County, Oregon, intersects said northerly boundary
line, Section 20 as aforesaid.

The Grantors hereby warrant that they are possessed of a fee simple
title and estate in the above described lands and that said grantors have
a full legal right to grant unto the grantees herein named the easement
herein set forth.

In Witness Whereof, the grantors have hereunto set their names
this 29th day of September 1949.

Executed in the presence of:

Jean Anderson

Robert K. Eoff (SEAL)
Margorie Eoff (SEAL)
Russell Eoff (SEAL)
George Eoff (SEAL)
H. T. Eoff (SEAL)
Margaret L. Eoff (SEAL)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181



In Reply Refer to:
FWS/RI

September 6th, 2023

Memorandum

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

From: Rachel Esralew
Supervisor, Water Resources Branch
U.S. Fish and Wildlife Service

Re: Submission of Application to Store Water in a Reservoir Pond 1P and 2P at Tualatin River National Wildlife Refuge

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Enclosed please find an Application for a Permit to Store Water in a Reservoir for Tualatin River National Wildlife Refuge, Washington County. An electronic copy of this application was also submitted to WRD_DL_customerservice@water.oregon.gov. The U.S. Fish and Wildlife Service (Service) has received email correspondence from Katie Ratcliffe with Oregon Water Resources Department (OWRD) indicating that OWRD wishes to review the application prior to initiation of the fee payment process using Automated Clearing House (ACH) procedures, to ensure that the fees are correct. At the current time, the Service estimates the fee to be \$2,998.50 based on Table 1 below. Once the fee is reviewed and confirmed by OWRD, the Service will initiate payment using ACH with OWRD Accounts Receivable Administrative Services Division.

This application is for the storage of water in two adjacent ponds: Pond 1P (177.4 acre-feet) and Pond 2P (70.1 acre-feet). OWRD issued certificate 96648 on September 30th, 2022, for reservoir storage in multiple ponds managed by the Service, two of which are the subject of this current application. The source indicated on the original application is Chicken Creek but due to restoration work at the refuge that relocated the creek back to its historic channel, it is no longer the source for the ponds. Initial POD and the "new channel" is no longer used to convey water to Ponds 1P and 2P. The purpose of this application is to designate precipitation runoff as the source for two ponds, Pond 1P and 2P.

We understand that if this new application is approved with a 2023 priority date, that OWRD will need to partially cancel certificate 96648 to remove these two ponds with Chicken Creek as the source. We request that a partial cancellation only be processed if a Final Order is issued that approves this application.

REGION 1
COLUMBIA-PACIFIC NORTHWEST

WASHINGTON, OREGON, IDAHO, PACIFIC
ISLANDS

REGION 8
PACIFIC SOUTHWEST

CALIFORNIA, NEVADA, OREGON (KLAMATH
BASIN)

Table 1. Estimation of fee for water right application at Tualatin River National Wildlife Refuge 2

Application to Store Water in a Reservoir: 2 ponds with total acre-feet of 247.5			
Item	Cost	Quantity	Total
To Store Water Base	\$1,090.00	1	\$1,090.00
Each Acre Foot (AF) or fraction thereof up to 20 AF	\$41.00	20	\$820.00
Each additional AF or fraction thereof	\$1.40	227.5	\$318.50
Each additional storage location after the 1st	\$160.00	1	\$160.00
Permit Recording Fee	\$610.00	1	\$610.00
Grand Total			\$2,998.50

We appreciate your consideration of this application. If you have any questions, please contact me at 916-790-0645, Rachel_Esralew@fws.gov.

Sincerely,

RACHEL ESRALEW Digitally signed by RACHEL ESRALEW
Date: 2023.09.06 13:03:03 -07'00'

Rachel Esralew Water Resources Branch Chief - Supervisory Hydrologist
U.S. Fish and Wildlife Service
Columbia Pacific Northwest and Pacific Southwest Region

CC:

Michael Jeletic, USFWS
Rebecca Gomez-Chuck, USFWS
Kimberly Hall, OWRD

Attachments:

Application
Application Map
Addendum A: Encumbrances
Addendum B: Dam Composition and Outlet Works
Addendum C: Water Quality
Water Control Structure Pond 2P Design Drawings
Title Report
1948 Agreement (Easement)
1949 Easement

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