

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming more than 0.1 cfs**



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

**A fee of \$230 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

This COBU is for a permit with a priority date of May 28, 1991; the \$230 fee is included.

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Go to "Resources for Water Right Examiners (CWRE)" Page
<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/Pages/default.aspx>
The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see
<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

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**SECTION 1
GENERAL INFORMATION**

1. File Information:

APPLICATION # S-71647	PERMIT # S-52620	PERMIT AMENDMENT # T-
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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Waste Management – Hillsboro Landfill ATTN: William Hickey		PHONE NO. 503-964-4429	ADDITIONAL CONTACT NO.
ADDRESS 3205 SE Minter Bridge Road			
CITY Hillsboro	STATE OR	ZIP 97123	E-MAIL whickey2@wm.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. *Each permit holder of record must sign this form.*

3. Permit holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD Hillsboro Landfill, Inc.		
ADDRESS 3205 SE Minter Bridge Road		
CITY Hillsboro	STATE OR	ZIP 97123

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

9/15/2023

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
William Hickey	9/15/2023	Environmental Protection Manager, Waste Management
Nathan Fulcher	9/15/2023	Tech, Waste Management

6. County

Washington

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Theodore R. Ressler		PHONE NO. 503-701-4535	ADDITIONAL CONTACT NO.
ADDRESS Summit Water Resources, LLC; 4784 SE 17th Avenue, Suite 111			
CITY Portland	STATE OR	ZIP 97202	E-MAIL tressler@summitwr.com

Permit Holder of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	William Hickey	Env. Protection Mgr.	10/21/2023

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**SECTION 3
CLAIM DESCRIPTION**

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1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
Reservoir Outlet

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
Reservoir Outlet	Victor S Madsen Reservoir (Permit R-11928)	Tualatin River

3. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Reservoir Outlet	Wetland Enhancement	--	Year round	111 AF
Total Quantity of Water Used				111 AF

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion to the place of use:

Water is released from the Victor S Madsen Reservoir (Permit R-11928) into the linked system of wetlands (the place of use for Permit S-52620) for wetland enhancement via an 18-inch outlet control structure located in the southeast corner of the reservoir. Water flows by gravity through the wetlands.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, or permit amendment final order? If yes, describe below.

YES

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

PLACE OF USE. The place of use listed on the permit includes both the area submerged by the reservoir (under Permit R-11928) and the wetlands where stored water is used (under Permit S-52620). The place of use listing provided in Section 4, Part A includes only the wetlands where stored water is used (under Permit S-52620).

6. Claim Summary:

POD NAME OR #	MAXIMUM RATE USE AUTHORIZED	CALCULATED THEORETICAL RATE USE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Reservoir Outlet	111 AF	111 AF	Not measured	Wetland Enhancement	35	35

**SECTION 4
SYSTEM DESCRIPTION**

Are there multiple PODs?

NO

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
1S	2W	WM	7	SWNE		42	Wetland Enhancement	6.87	--
1S	2W	WM	7	NESW			"	2.22	--
1S	2W	WM	7	SESW			"	9.79	--
1S	2W	WM	7	SWSE		42	"	4.89	--
1S	2W	WM	7	NWSE		42	"	11.23	--
Total Acres Irrigated								35.0	N/A

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

NO

If "NO" items 2 through item 6 may be deleted.

7. Is the distribution system piped?

NO

If "NO" items 8 through item 13 may be deleted.

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

NO

If "NO", item 2 and 3 relating to this section may be deleted.

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
18-inch	HDPE	150	1.38 ft	147 ft	0.0094	15.1 cfs

3. Provide calculations:

Hazen-Williams Formula

$$V = 1.318 \times Ch \times R^{0.63} \times S^{0.54}$$

V = velocity (ft/s)
 Ch = Hazen-Williams friction coefficient
 R = hydraulic radius (ft) = cross-sectional area of flow ÷ wetted perimeter
 S = slope

Flow (Q) = V × A
 A = cross-sectional area of flow

$$A = \pi \times (18/2)^2 = 254.5 \text{ in}^2 = 1.77 \text{ ft}^2$$

$$\text{Wetted perimeter} = 2\pi \times (18/2) = 56.55 \text{ in} = 4.71 \text{ ft}$$

$$Q = [1.318 \times 150 \times (1.77/4.71)^{0.63} \times 0.0094^{0.54}] \times 1.77 = \underline{15.1 \text{ cfs}}$$

Note: The calculated theoretical flow rate assumes full pipe flow. The outlet pipe is valved and the release rate from the reservoir is controlled by the valve.

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
N/A – no measurement made			

Attach measurement notes.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Additional notes or comments related to the system:

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**SECTION 5
CONDITIONS**

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	8/7/1996		
BEGIN CONSTRUCTION (A)	8/7/1997	Prior to 1997	Began construction of the water source (storage facility under Permit R-11928) and wetlands
COMPLETE CONSTRUCTION (B)	10/1/2018	Prior to 2018	Original construction completed in 1991; rebuild of water diversion and conveyance system (from reservoir to the wetlands) completed in
COMPLETE APPLICATION OF WATER (C)	10/1/2018	2014	Documented use of water for wetland enhancement – see Attachment 3, and WUR 51011 for water year 2014.

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)? **YES**

If "NO", items a and b relating to this section may be deleted.

a. Did the Extension Final Order require the submittal of Progress Reports? **YES**

If "NO", item b relating to this section may be deleted.

b. Were the Progress Reports submitted? **YES**

If the reports have not been submitted, attach a copy of the reports if available.

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? **YES**

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed? **NO**

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
N/A – no meter installed					

If a meter has been installed, items d through f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **YES**

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
Darrel Hedin	District 18 Watermaster	September 2009

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Staff gage in reservoir (Permit R-11928)	Working	2009

4. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department? **YES**

If "NO", item b relating to this section may be deleted.

b. Have the reports been submitted? **YES**
(WUR 51011)*

***NOTE: Although the permit holder has been using water from the reservoir as needed since 2016, the permit holder reported 0 AF of water use for years 2016-2022 because the permit completion date had passed and the permit holder mistakenly believed that water use data should not be reported for an 'expired' permit. To the extent that past records of storage volumes are available for years 2016-2022, this data will be submitted to the Department.**

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening:

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **NO**

If "NO", items b through e relating to this section may be deleted.

6. By-pass Devices:

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **NO**

If "NO", items b and c relating to this section may be deleted.

7. Other conditions required by permit, permit amendment final order, or extension final order:

a. Was the water user required to restore the riparian area if it was disturbed? **NO**

- b. Was a fishway required? NO
- c. Was submittal of a water management and conservation plan required? NO
- d. Other conditions? NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

SECTION 6 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment 1	Maps
Attachment 2	Water Right Information
Attachment 3	Supporting Documentation of Beneficial Use

SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The point of diversion, visible system components, and the place of use were visited during the site inspection. The extent of the place of use was documented by a field survey completed during the site inspection and confirmed based on aerial imagery acquired prior to the completion date of the permit (dated April 30, 2002, USGS). The Claim of Beneficial Use map was created using Geographic Information System (GIS) software and spatial datasets obtained from Bureau of Land Management (BLM), Oregon Water Resources Department (OWRD), United States Geological Survey (USGS), and Metro. Additional data and information specific to the storage of water under the permit described in this Claim of Beneficial Use report were obtained from the water right holder.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- NA** Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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Attachment 1
Maps

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Attachment 2
Water Right Information

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-52620, Water Right Application S-71647) FINAL ORDER
in the name of Hillsboro Landfill, Inc.)

Permit Information

Application:	S-71647
Permit:	S-52620
Basin:	Lower Willamette / Watermaster District 18
Date of Priority:	May 28, 1991
Source of Water:	Victor S Madsen Reservoir, constructed under Application R-71646, Permit R-11928, a tributary of Tualatin River
Purpose or Use:	35.0 acres of constructed wetlands
Maximum Volume:	111.0 acre-feet (AF) stored water only

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

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

Application History

Permit S-52620 was issued by the Department on August 7, 1996. The permit called for actual construction to begin by August 7, 1997, completion of construction by October 1, 1998, and complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2015. On April 27, 2016, Hillsboro Landfill, Inc. submitted an Application for Extension of Time for Permit S-52620. In accordance with OAR 690-315-0050(2), on June 14,

2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 2015 to October 1, 2018 and the time to apply water to full beneficial use from October 1, 2015 to October 1, 2018. The protest period closed July 29, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated June 14, 2016.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

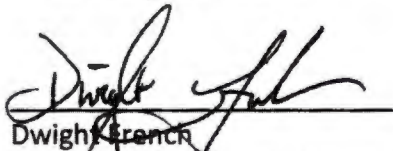
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application S-71647, Permit S-52620, therefore, is approved. The deadline for completing construction is extended from October 1, 2015 to October 1, 2018. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2015 to October 1, 2018.

DATED: August 5, 2016



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GARY CLAPSHAW
HILLSBORO LANDFILL, INC.
3205 SE MINTER BRIDGE RD
HILLSBORO, OREGON 97123

(503)640-9427

The specific limits for the use are listed below along with conditions of use:

APPLICATION FILE NUMBER: S-71647

SOURCE OF WATER: VICTOR S MADSEN RESERVOIR, CONSTRUCTED UNDER APPLICATION R71646, PERMIT R-11928, A TRIBUTARY OF TUALATIN RIVER

PURPOSE OR USE: 35.0 ACRES OF CONSTRUCTED WETLANDS

Volume of use: 111 AC-FT STORED WATER ONLY

PERIOD OF USE: Stored water may be used at any time during the year.

DATE OF PRIORITY: May 28, 1991

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 8, T 1 S, R 2 W, W.M.; 900 FEET SOUTH & 900 FEET EAST FROM NORTHWEST CORNER, SECTION 8

THE PLACE OF USE IS LOCATED AS FOLLOWS:

S 1/2 NE 1/4
E 1/2 SW 1/4
W 1/2 SE 1/4
SECTION 7
SW 1/4 NW 1/4
SECTION 8

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

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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

Application S-71647 Water Resources Department

PERMIT 52620

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.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 7, 1996

Martha O. Pagel
 for Martha O. Pagel, Director
 Water Resources Department

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Application S-71647
Basin 02

Water Resources Department
Volume 19 Tualatin River

PERMIT 52620
District 18

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Attachment 3
Supporting Documentation of Beneficial Use



Claim of Beneficial Use for Permit S-52620

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Waste Management – Hillsboro Landfill

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October 23, 2023

Ms. Kerry Kavanagh
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Claim of Beneficial Use for Permit S-52620 and Request for Reimbursement Authority Processing

Ms. Kavanagh:

On behalf of the permit holder, please find enclosed a Claim of Beneficial Use (COBU) report for Permit S-52620 (Application S-71647). The permit holder would like to use Reimbursement Authority processing for the COBU and Reimbursement Authority Estimate Application is enclosed. Please also find enclosed as check in the amount of \$355 for payment of the \$230 filing for the COBU and \$125 for payment of the Reimbursement Authority Estimate fee.

If you have any questions regarding this submittal, please call me at 503-967-7050 x204. Thank you for your assistance and I look forward to hearing from you soon

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Cc: William Hickey – Waste Management

Enclosures:

Claim of Beneficial Use for Permit S-52620
Certificate Reimbursement Authority Estimate Application for Permit S-52620
Check #79555 in the amount of \$355

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