CLAIM OF BENEFICIAL USE for Reservoir Permits by CWRE's (not self-certified)

OREGON WATER RESOURCES DEPARTMENT
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.
Claims received without the correct fee of $200 will be returned.

This COBU is for a permit with a priority date of May 16, 2018; 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
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

SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
R-88582	R-15347	

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2. Property Owner (current owner information)

Applicant/Business Name	Phone No.	Additional Contact No.
City of Hillsboro **ATTN: Laura Trunk - Parks and Recreation Department**	**503-681-5373**	

Address			
4400 NW 229th Avenue			
City	State	Zip	E-Mail
Hillsboro	**OR**	**97124**	**Laura.Trunk@hillsboro-oregon.gov**

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		
City of Hillsboro		
Address		
4400 NW 229th Avenue		
City	State	Zip
Hillsboro	**OR**	**97124**

Additional Permit Holder of Record		
N/A		
Address		
City	State	Zip

4. Date of Site Inspection:

9/26/2023

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

Name	Date	Association with the Project
Laura Trunk	**9/26/2023**	**Watershed Restoration Coordinator, Parks & Recreation Department, City of Hillsboro**

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		
N/A		
Address		
City	State	Zip

Add additional tables for owners of record as needed

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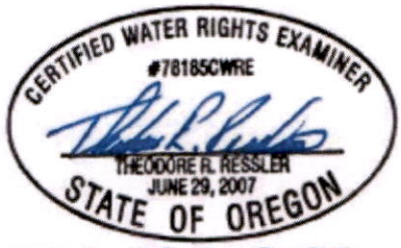
SECTION 2

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.

Seal and Signature



RENEWS: 12·31·2024

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

Permit Holder's of Record Signature or Acknowledgement

Each *permit or transfer 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
Jeroen Kok	Jeroen Kok	Senior Parks + Recreation Manager	11/17/2023

SECTION 3

CLAIM DESCRIPTION

1. Reservoir source and, if from surface water, the tributary:

Reservoir Name or Number	Source	Tributary
Oak Island Marsh and Ash Slough (at Jackson Bottom Wetlands Preserve)	**Runoff**	**Jackson Slough**

2. Developed use(s), period of use, and acre foot (af) for each use:

Reservoir Name or Number	Uses	Season or Months When Water was Appropriated for Storage	Volume Stored (AF)
Oak Island Marsh and Ash Slough	**Multiple Purpose**	**11/1 to 5/31**	**10.7**
Total Quantity of Water Stored			**10.7**

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the reservoir:

The design includes perimeter berms and dividing levees for impounding and controlling water in the Oak Island Marsh and Ash Slough facility. The dividing levees have a 24-inch diameter outlet equipped with an in-line water control structure with removable stop logs. The lowermost levee functions as the ultimate water control structure for impounding water in the facility (i.e., the point of diversion for the permit).

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).

4. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **NO**

(e.g. *"The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs."* or *"The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet."*)

5. Claim Summary:

Reservoir Name or #	Maximum Storage Authorized by Permit (AF)	Maximum Storage Developed (AF)
Oak Island Marsh and Ash Slough	**10.7**	**10.7**

SECTION 4

SYSTEM DESCRIPTION

Are there multiple reservoirs? **NO**

If *"YES"* you will need to copy and complete Sections A through E for each reservoir.

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

A. Reservoir Location

1. Is the reservoir on-channel? **NO**

2. Provide dam outlet location and/or point of diversion(s).

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
1 S	2 W	WM	6	SWSE	--	42	Outlet. Located 607 feet north and 3409 feet east from SW corner of Section 6

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

1. Is a pump used? **NO**

If "NO" items 2 through item 5 may be deleted.

C. 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: (Listed specifications are based on design; refer to Item E, Number 7)

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
24-inch	HDPE	145	0.1 ft	30 ft	0.0033	17.8 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

$A = \pi \times (24/2)^2 = 452.4 \text{ in}^2 = 3.14 \text{ ft}^2$
Wetted perimeter = $2\pi \times (24/2) = 75.40$ in = 6.28 ft
$Q = [1.318 \times 145 \times (3.14/6.27)^{0.63} \times 0.0033^{0.54}] \times 3.14 =$ **17.8 cfs**

Note: The calculated theoretical flow rate assumes full pipe flow. The flow through the pipe is controlled by stop logs in the outlet control structure.

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.

D. 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.

E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications? **NO**

*If "**YES**", answer item 2; items 3 through 8 relating to this section may be deleted.*
*If "**NO**", skip items 2; answer items 3 through 8.*

2. Complete the table:

Have the Documents been submitted? YES or NO	When were the Documents Submitted?	Have they been approved by the Department?	Number of acre feet stored
N/A			

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

Maximum depth	Average depth	Surface area (in acres)	Volume (in acre feet)
1.0 ft	**0.54 ft**	**19.8 acres**	**10.7 AF**

4. Provide reservoir volume calculations:

Refer to storage table provided in Attachment 3.

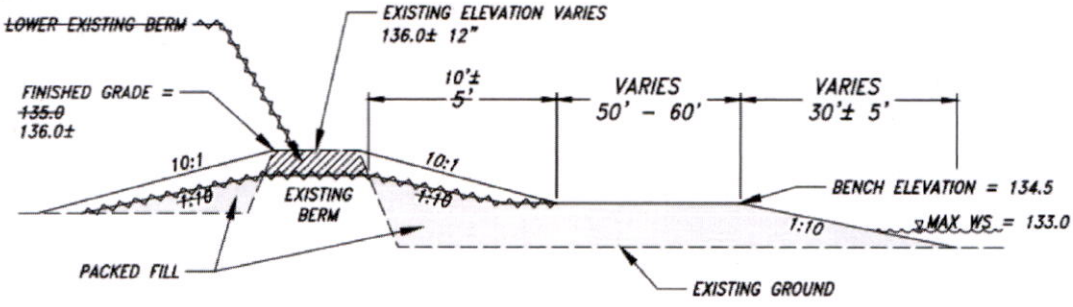
5. Provide the following information concerning the physical characteristics of the dam:

Crest width (W)	Dam height at centerline (H)	Distance from downstream top of dam to downstream toe (L)	Distance from upstream top of dam to upstream toe (U)	Water level at inspection	Down-stream slope	Up-stream slope
8 to 12 ft	5 ft	50 ft	50 ft	1.0 ft	10:1	10:1
8 to 12 ft	5.4 ft	54 ft	54 ft	1.0 ft	10:1	10:1

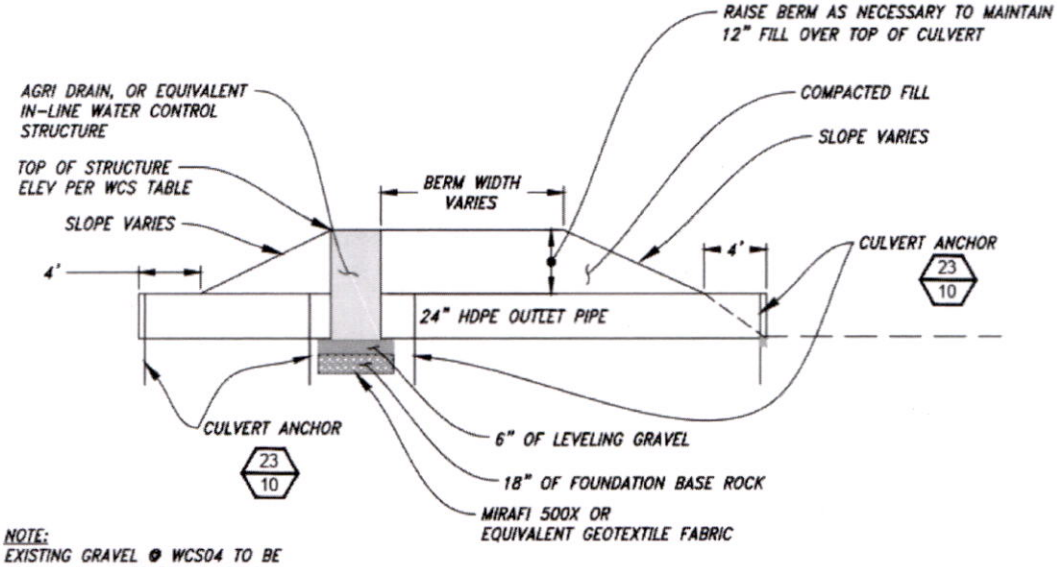
6. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

The design includes perimeter berms and dividing levees for impounding and controlling water in the Oak Island Marsh and Ash Slough facility. The dividing levees have a 24-inch diameter outlet equipped with an in-line water control structure with removable stop logs. The lowermost levee functions as the ultimate water control structure for impounding water in the facility (i.e., the point of diversion for the permit).

Perimeter Berm



Dividing Levee



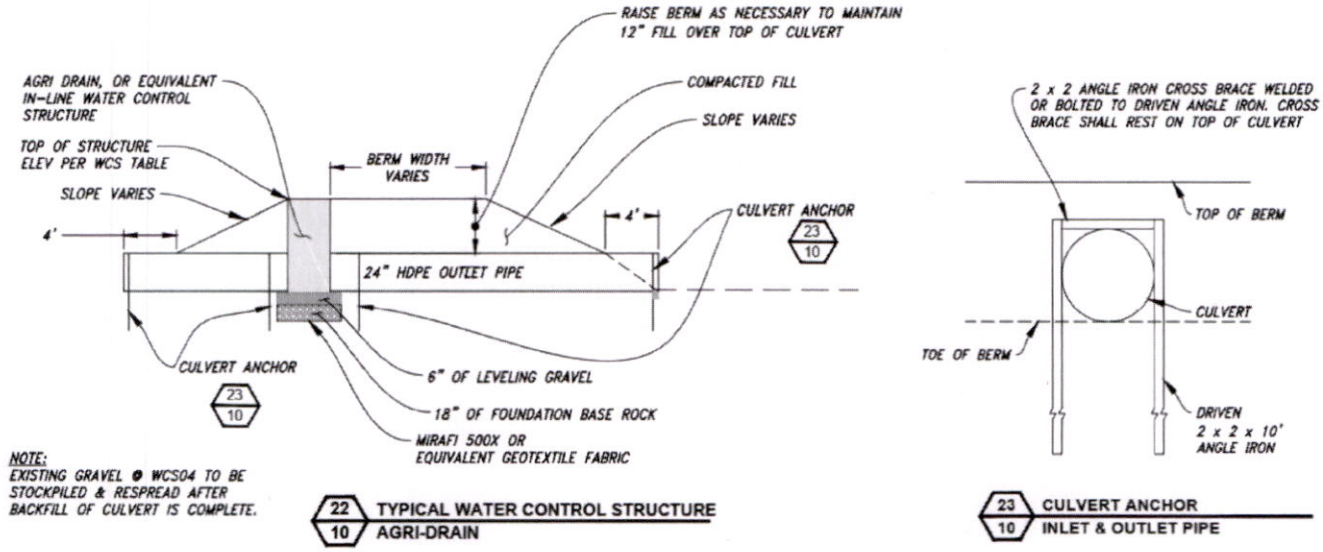
NOTE:
EXISTING GRAVEL @ WCS04 TO BE STOCKPILED & RESPREAD AFTER BACKFILL OF CULVERT IS COMPLETE.

22
10
TYPICAL WATER CONTROL STRUCTURE
AGRI-DRAIN

7. **Describe the outlet works (size and type of the outlet conduit and location):**

Each of the two levees are equipped with a 24-inch diameter outlet equipped with an in-line water control structure with removable stop logs, which allow release of water progressively down gradient through the wetland. The location of the Water Control Structures (WCS) are shown on the COBU map.

Water Control Structure with Stop Logs



WATER CONTROL STRUCTURE TABLE

WCS	WIDTH (in)	DEPTH (in)	H (ft)	STRUCTURE INVERT	INLET PIPE LENGTH (ft)	OUTLET PIPE LENGTH (ft)	PIPE DIAMETER (in)	INLET INVERT	OUTLET INVERT	TOP BOARD ELEVATION (FULL POOL	TOP OF STRUCTURE ELEVATION	TOP OF BERM WIDTH (ft)	TOP OF BERM ELEVATION
1	31	39	2.5	130.8	20 ~~10~~	20 ~~10~~	24	131	131	133	133.3	6	134
2	31	39	2.5	129.8	10	30	24	~~129~~ 129.6	~~129~~ 129.6	132	132.3	10±2'	133

8. **Describe the emergency spillway (dimensions and location):**

BOTTOM WIDTH (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
The is no emergency spillway per se. The dividing levees are designed to be overtopped during high flow conditions, allowing water to move downgradient through the wetland facility toward the planned point of discharge (Tualatin River).		

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 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 extension final order:

	Date from Permit	Date Accomplished*	Description of Actions Taken by Water User to Comply with the Time Limits
Issuance Date	**9/10/2018**		
Begin construction (A)	**9/10/2023**	**Prior to 9/10/2023**	**Construction of wetlands was initiated.**
Complete construction (B)	**Not specified**	**N/A**	**N/A**
Complete application of water (C)	**9/10/2023**	**2019**	**Storage of the entire permit authorized volume.**

* 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)? **NO**

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 or appropriation.

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

c. Meter Information

POD/POA Name or #	Manufacturer	Serial #	Condition (working or not)	Current Meter Reading	Date Installed
N/A					

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
Refer to permit – the permit requires the installation of a staff gage		

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Staff gage	**Working**	**2018**

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 67916)**

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

5. Outlet Pipe

a. Is the water user required to install a minimum 8"outlet pipe/conduit? **YES**

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

b. Has the outlet pipe been installed? **YES**

If "YES", items c relating to this section may be deleted.

6. 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.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

7. 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 (refer to ODFW correspondence in Attachment 4)**

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

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

8. 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? **YES**

b. Was a fishway required? **NO**

c. Was submittal of a letter from an engineer required prior to storage of water? **NO**

d. Was submittal of a water management and conservation plan required? **NO**

e. 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):

8(a) The riparian habitat is improved by the development of the wetland associated with this water right, which is part of the Jackson Bottom Wetland Preserve.

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	**Storage Table for Reservoir**
Attachment 4	**ODFW correspondence**

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 reservoir was visited during the site inspection. The location of the wetland berms and water control structures were documented during the site inspection. The extent of the reservoir pool is based on the record drawings for the reservoir, staff gage readings made by the water right holder, and aerial imagery acquired prior to the completion date of the permit. The Claim of Beneficial Use map was created using Geographic Information System (GIS) software and spatial datasets obtained from Bureau of Land Management (BLM), ESRI, Oregon Water Resources Department (OWRD), and United States Geological Survey (USGS). 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.

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.)

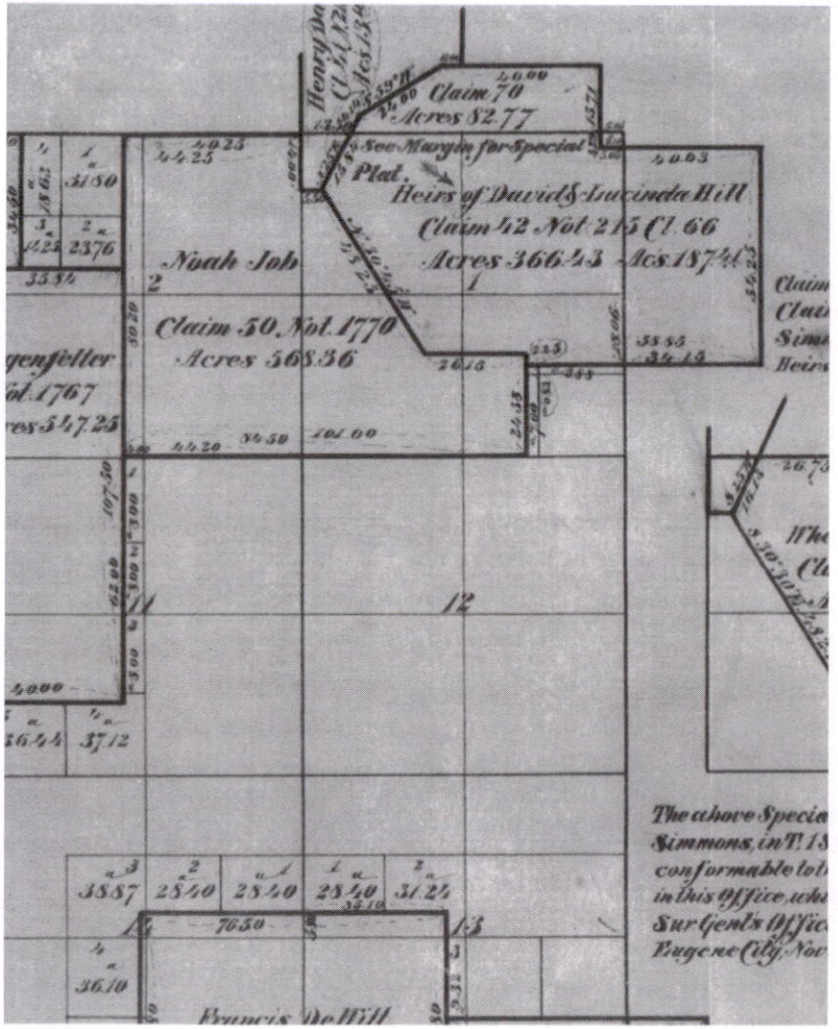
- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- **NA** If irrigation, number of acres irrigated within each projected Donation Land Claims, 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
- ☒ 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

Attachment 1
Maps

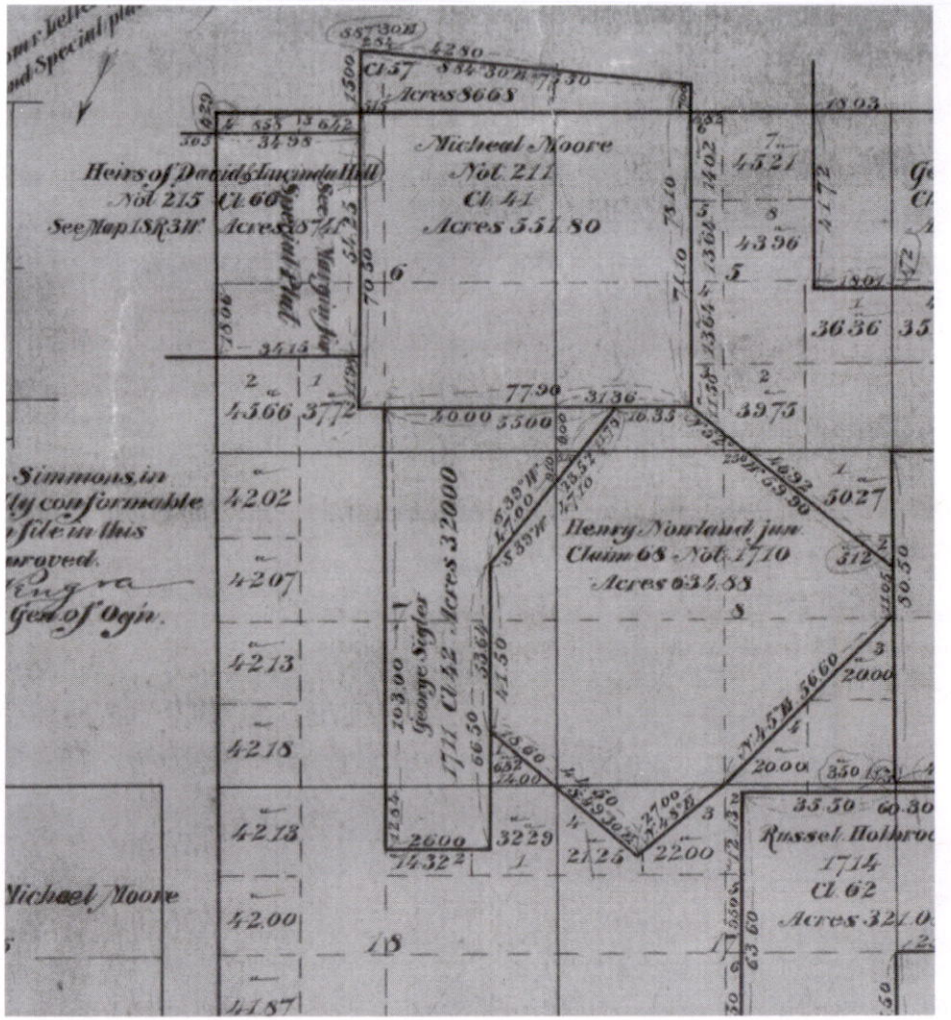
Portion of Cadastral Survey Record

https://www.blm.gov/or/landrecords/survey/ySrvy1.php

Township 1 South, Range 3 West



Township 1 South, Range 2 West



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Claim of Beneficial Use for Permit R-15347 **City of Hillsboro**

Attachment 2
Water Right Information

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STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

CITY OF HILLSBORO
4400 NW 229TH AVE
HILLSBORO OR 97124

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

APPLICATION FILE NUMBER: R-88582

SOURCE OF WATER: RUNOFF, TRIBUTARY TO UNNAMED STREAM

STORAGE FACILITY: OAK ISLAND AND ASH SLOUGH AT JACKSON BOTTOM WETLANDS PRESERVE

MAXIMUM VOLUME: 10.7 ACRE-FEET

DAM HEIGHT: NOT TO EXCEED 9.0 FEET

DATE OF PRIORITY: MAY 16, 2018

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH MAY 31

USE: MULTIPLE PURPOSE

Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	6	SW SE	607 FEET NORTH AND 3409 FEET EAST FROM SW CORNER, SECTION 6

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
1 S	2 W	WM	6	SE NW
1 S	2 W	WM	6	NE SW
1 S	2 W	WM	6	NW SW
1 S	2 W	WM	6	NW SE
1 S	2 W	WM	6	SW SE

1. **Measurement Devices and Recording/Reporting of Annual Water Storage Conditions:**

   A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage shall be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.

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

4. 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.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
9. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
10. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
11. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
12. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

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

Issued September 10th, 2018

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

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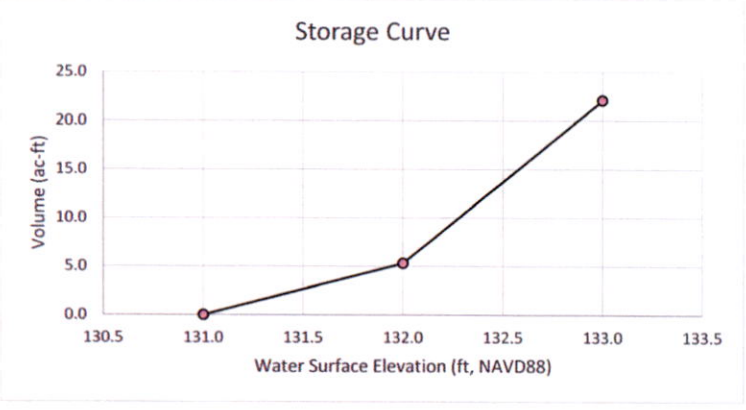
Attachment 3
Storage Table for Reservoir

Oak Island

Water Surface Elevation (ft, NAVD88)	*Surface Area (ac)*	*Storage Volume (ac-ft)*
131.0	0.2	0.0
132.0	10.4	5.3
133.0	23.1	22.1

Full pool design WSELEV = 133.0

Notes:
1. Storage table from Sheet 10A of Record Drawings for Jackson Bottom Phase II dated Nov 2017
2. Gage location in Oregon Coordinate Reference System - Portland Zone



Gauge 21		
Northing	167707.6	
Easting	266973.0	
Staff Gage (ft)	**Elevation (ft, NAVD88)**	**Storage Volume (ac-ft)**
0	131.22	1.2
0.1	131.32	1.7
6.1	137.32	
6.2	137.42	
6.3	137.52	
6.4	137.62	
6.5	137.72	
6.6	137.82	

Gauge 30		
Northing	167840.0	
Easting	267262.9	
Staff Gage (ft)	**Elevation (ft, NAVD88)**	**Storage Volume (ac-ft)**
0	130.10	
0.1	130.20	
6.1	136.20	
6.2	136.30	
6.3	136.40	
6.4	136.50	
6.5	136.60	
6.6	136.70	

Attachment 4
ODFW correspondence

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: City of Hillsboro Parks and Recreational Department

Attn: Jeroen Kok 503-681-6120

Reservoir Name: Oak Island Marsh and Ash Slough Source: Runoff Volume (AF): 22

Twp Rng Sec QQ: T1S, R2W, Sec 6, SENW, N1/2SW, NWSE, SWSE Basin Name: Tualatin ☐ in-channel ☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO[1] off channel? ..... ☒ **YES** ☐ **NO**
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF[2] <u>are or were historically</u> present?..... ☐ **YES** ☐ **NO**
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF <u>are or were historically</u> present:
a. Is there an ODFW-approved fish-passage plan?..... ☐ **YES** ☐ **NO**
b. Is there an ODFW-approved fish-passage waiver or exemption?..... ☐ **YES** ☐ **NO**

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir <u>does not meet</u> the requirements of Oregon Fish Passage Law and <u>shall not</u> be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... ☐ **YES** ☒ **NO**
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. *(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ODFW concludes that though OAK ISLAND MARSH and ASH SLOUGH are in the Tualatin RIVER floodplain and subject to →

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[1] **AO = Artificial Obstruction** means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

[2] **NMF = Native Migratory Fish** Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

inundation every winter, that the levees and impoundments are constructed to allow water to drain towards the Tualatin River. This design allows any NMF or ESA fish that enters the impounded reaches of this floodplain to outmigrate as the flows drop in the Tualatin. ODFW approved of the design and outmigrant channel in 2017.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
☐ **NO** (explain) ☐ **YES** (select from Menu of Conditions on next page)

ODFW Signature: Tom Murtagh Print Name: Tom Murtagh

ODFW Title: Dist Fish Biologist Date: 4-20-2018

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12

Ted Ressler

From: Tom Murtagh <tom.murtagh@state.or.us>
Sent: Wednesday, July 01, 2015 4:17 PM
To: Ted Ressler
Subject: Jackson Bottom Wetlands Preserve and Permit R-14953

Hi Ted – Pursuant to our conversation by phone today, and the materials provided in regards to Permit R-14953 for the purposes of impounding water at the Jackson Bottom Wetlands Preserve, ODFW waives the need for both fish passage and screening in association with any structure or feature constructed at this location. The project improves native habitat and vegetation performance, improves floodplain function, and benefits a suite of native wildlife species and certain fish. As designed and built, the project does not hinder native fish migration and will not entrap native migratory fish after flooding events subside. ODFW approves the project as it was designed and currently functions, and waives any need for the owner or operator under Permit R-14953 to provide fish passage or screening. I appreciate the opportunity to comment, and please feel free to contact me for additional information or input if needed. Thanks. Tom.

Tom Murtagh
District Fish Biologist
ODFW – Clackamas
W – 971.673.6044
C – 971.678.4871

November 20, 2023

Mr. Gerry Clark
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Claim of Beneficial Use for Permit R-15347 (Application R-88582)

Mr. Clark:

On behalf of the permittee, please find enclosed Claim of Beneficial Use (COBU) report for Permit R-15347 accompanied by a check in the amount of $230 for payment of the COBU submittal fee. Please do not hesitate to contact me at 503-967-7050 x204 with questions about the enclosed COBU.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Enclosures:
Claim of Beneficial Use for Permit R-15347
Check #79834 in the amount of $230

Cc: Laura Trunk – Parks and Recreation Department, City of Hillsboro

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