

G1

FILE#: G 15241
 Name SPRINGFIELD UTILITY BOARD;
 By MCKEE, BART
 Address 202 S 18TH ST
 SPRINGFIELD, OR 97477

Application No. G-15241Permit No. G-16147

Certificate No.

Stream Index, Page No.

Date filed

Priority

Action suspended until C27

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning

Date for completion

Extended to

Date for application of water 1-2-2007

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

FEEES PAID

Date	Amount	Receipt No.
11/8/00	475.00	41592
12/6/05	250.00	78958

Cert. Fee

FEEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

* See Also - G-15242
 G-15243
 G-15244
 S-85336



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 12, 2009

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD, OREGON 97477-5240

Reference: File G-15242

Dear Applicant:

The Water Resources Department received your letter dated October 25, 2005, requesting withdrawal of File G-15242 upon issuance of permits for Files G-15241, G-15243, G-15244, and S-85336. On January 2, 2007, permits were issued for Files G-15241, G-15243, G-15244, and S-85336.

Please find the attached withdrawal order for File G-15242 attached.

If you have any questions, please feel free to call me at 503-986-0859.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeana Eastman".

Jeana Eastman
Water Rights Application Caseworker

cc: Watermaster District #2
Stoel Rives, LLP, Greg Corbin, 900 SW Fifth Ave, Ste 2600, Portland OR 97204
File

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON
LANE COUNTY

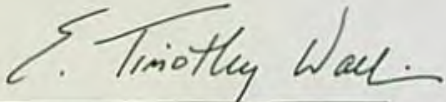
IN THE MATTER OF THE WITHDRAWAL) FINAL
OF APPLICATION FOR G-15242) ORDER

The following application for permit is being withdrawn voluntarily by the applicant.

<u>APPLICANT</u>	<u>APPL.#</u>	<u>BASIN #</u>
Springfield Utility Board	G-15242	2

It is hereby ORDERED that the application is of no further force or effect.

Dated at Salem, Oregon, on June 12, 2009.



E. Timothy Wallin, Water Rights Program Manager, for
Phillip C. Ward, Director

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and ORS 137-004-0080 you may either 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.

MikeR

From: Michael J. Mattick [michael.j.mattick@wrđ.state.or.us]
Sent: Monday, December 04, 2006 6:15 PM
To: Mike Reynolds
Subject: SUB's Nov 22, 06 proposal

-->

Hi Mike,

I finally read it and I am good with it.

Thanks,

MM

Michael J. Mattick

District 2 Watermaster

ph 541 682-3620

fax 541 746-1861

220 5th St, Springfield, generally open 8:30 am until 4:00 pm

Water Resources Department Web Page: www.wrd.state.or.us

12/6/2006



SPRINGFIELD UTILITY BOARD

WATER SERVICE CENTER 202 South 18th Street Springfield, OR 97477-5240 Tel 541.726.2396 Fax 541.747.7348 www.subutil.com

November 22, 2006

Mr. Dwight French, Administrator
Water Rights and Adjudications Division
Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, OR 97301

Re: Water Right Applications G-15241, G-15243, G-15244, and S-85336

Dear Dwight:

On February 24, 2006, the Oregon Water Resources Department ("OWRD") and Springfield Utility Board ("SUB") entered into a Settlement Agreement concerning SUB's protests to the Final Proposed Orders ("PFOs") for water right applications G-15241, G-15243, G-15244, and S-85336 (the "Applications"). On March 23, 2006, OWRD and SUB entered into an Amendment to Settlement Agreement (the "Amendment") that, among other things, set out a timeline for obtaining and considering additional information about mitigation requirements in Cedar Creek that could be incorporated into the PFOs. Pursuant to the Amendment, SUB is required to provide any additional information to OWRD by November 27, 2006. This letter contains SUB's submission under the Amendment.

As you know, surface water permit application S-85336 allows SUB to divert water from the McKenzie River into Cedar Creek. A portion of the permitted flow (4.1 CFS) is for fish and wildlife use and is intended to mitigate for impacts on Cedar Creek that may be caused by approval of the other Applications. After OWRD and SUB entered into the Settlement Agreement, but before OWRD issued Final Orders and Permits pursuant to the Settlement Agreement, SUB learned of a significant change in the McKenzie River that impacts the ability to divert water into Cedar Creek.

Specifically, in early March 2006, Eric Gossler of the Cedar Creek Irrigation District notified me that the McKenzie River flows had reached the normal summer time rate of about 1100 CFS, but the level of the McKenzie River was approximately 5 feet below normal for that flow. This elevation change is thought to be caused by the river "head cutting" a deeper channel, allowing the river to carry the same volume of water in a narrower river channel. The result of this head cutting was to move the McKenzie River flow away from the side channel that feeds the head gate for diverting water into Cedar Creek. The head gate was isolated from the main channel by about 100 feet perpendicular to the main channel. SUB informed OWRD of this change in the river system shortly after being notified of it, which lead to OWRD and SUB entering into the Amendment to allow time to fully evaluate and consider the effect of the shift in the McKenzie River on the Applications and the mitigation portion of S-85336.

From about mid-March to mid-April the McKenzie River ran at sufficient elevation to allow water to be diverted into Cedar Creek. This, combined with the natural flow of the southern branch of Cedar Creek, maintained near normal flows in Cedar Creek during this period.

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**WATER RESOURCES DEPT
SALEM, OREGON**

In late April of 2006, the McKenzie River level dropped to its regulated, summer level, which because of the head cutting isolated the Cedar Creek head gate, making diversion into Cedar Creek impossible using the current system. In response to a significant drop in Cedar Creek flow, someone (identity unknown to SUB) removed enough gravel from the McKenzie River side channel inlet to restore McKenzie River flows to the Cedar Creek head gate.

On May 10, 2006, SUB hosted a field tour of the McKenzie River, Cedar Creek, and Thurston Well field that was attended by OWRD staff and Eric Gossler. You will recall that during the tour, the McKenzie River level was high enough to allow a limited diversion of water into Cedar Creek. At the field tour, SUB and OWRD agreed that it would be useful for SUB to observe the effects of the changes to the McKenzie River on Cedar Creek over the summer months and report those results to OWRD. It was thought that this study period would help identify alternatives to using the 4.1 CFS of S-85336 as mitigation for the groundwater Applications.

Unfortunately, several times during the summer as the McKenzie River has dropped, unidentified persons further deepened the side channel to allow water to reach the Cedar Creek head gate. This action made it impossible for SUB to gather any useful data about the impact of the shift of the McKenzie River on Cedar Creek. Therefore, SUB is not able at this time to report anything useful to OWRD concerning this situation, and does not have a mitigation alternative to propose. Nevertheless, SUB does propose one minor change.

Each of the PFOs and Draft Permits for the groundwater Applications includes a restriction that the wells may be used only when SUB is able to divert a specified amount of water "from the McKenzie River into Cedar Creek" under S-85336. SUB requests that this requirement be modified to allow SUB to provide the required amount of mitigation from S-85336 *or under another permit or authorization for diversion into Cedar Creek at or above the uppermost extent of the zone of impact of the wells appropriating water under G-15241, G-15243, G-15244, as identified by OWRD's Groundwater Section.* As you know, this is part of the requirement for SUB's use of Limited License No. 892. The map produced by the Groundwater Section could be made a part of this requirement to make clear the location of the uppermost zone of impact. This modification would allow SUB continued flexibility to explore mitigation options in the knowledge that a viable alternative could be used to meet the mitigation requirements for G-15241, G-15243, G-15244. Without this knowledge, there may be less of an incentive for SUB to continue seeking creative mitigation options that will benefit Cedar Creek.

Thank you for OWRD's cooperation and efforts to assist SUB in finding a solution to these issues, and for OWRD's full consideration of this letter and SUB's request.

Sincerely,



Charles C. Arrera, PE
Director of Water Engineering and Operations

CCA:mkm

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SALEM, OREGON



SPRINGFIELD UTILITY BOARD

PO Box 300, Springfield, OR 97477-0077

ADDRESS SERVICE REQUESTED

Mr. Dwight French, Administrator
Water Rights and Adjudications Division
Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, OR 97301

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Final Order Incorporating Settlement Agreement

Application History

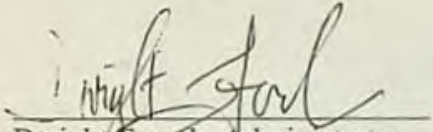
On DECEMBER 11, 2000, SPRINGFIELD UTILITY BOARD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 8, 2005. The protest period closed December 23, 2005. A timely protest was filed by the applicant on December 19, 2005.

A "Settlement Agreement" was entered into between the applicant and the Department on February 24, 2006. An "Amendment" to the Settlement Agreement was entered into between the applicant and the Department as of March 23, 2006. The Settlement Agreement and the Amendment are incorporated herein by reference.

Order

Application G-15241 therefore is approved consistently with the terms of the aforementioned Settlement Agreement and Amendment, and Permit G-16147 is issued.

DATED January 2, 2007


Dwight French, Administrator
Water Rights and Adjudications,
for

Phillip C. Ward, Director
Oregon Water Resources Department

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Applications G-15241,)
G-15243, G-15244, and S-85336 in the name of)
Springfield Utility Board) **SETTLEMENT**
Applicants and Protestants) **AGREEMENT**
_____)

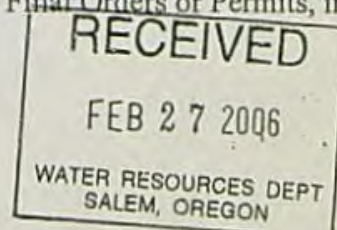
The Oregon Water Resources Department ("OWRD") and Springfield Utility Board ("Applicant"), referred to collectively as "the Parties" and each individually a "Party," do hereby stipulate and agree in this "Settlement Agreement" as follows:

Stipulations

- I. On December 11, 2000, Applicant submitted Applications G-15241, G-15243, and G-15244. These applications proposed to use water from various wells in the vicinity of Cedar Creek for municipal use. On February 9, 2001, OWRD determined that the applications would have the potential for substantial interference with Cedar Creek which, if not mitigated, would result in denial of the applications. On November 8, 2002, Applicant submitted application S-85336. In addition to proposing to use water from the McKenzie River for municipal use, Applicant proposed in S-85336 to mitigate the impacts to Cedar Creek by the use of water from the wells, by diverting water from the McKenzie River into Cedar Creek.
- II. On November 8, 2005, OWRD issued Proposed Final Orders ("PFOs") for Applications G-15241, G-15243, G-15244, and S-85336, recommending approval of all four applications.
- III. On December 19, 2005, Applicant protested all four PFOs. All four protests were timely filed.
- IV. OWRD and Applicant agree that all issues raised in Applicant's protests against the PFOs for Applications G-15241, G-15243, G-15244, and S-85336 are resolved solely on the following terms.

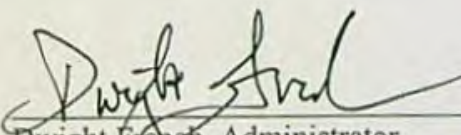
Terms of Agreement

1. In signing this Settlement Agreement, and contingent on OWRD performing in accordance with this Settlement Agreement, Applicant withdraws its protests to the PFOs for Applications G-15241, G-15243, G-15244, and S-85336 with prejudice.
2. Regarding Applications G-15241, G-15243, G-15244, and S-85336, upon full performance under this Settlement Agreement, Applicant expressly waives all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, or to seek judicial review of the Final Orders or Permits, in

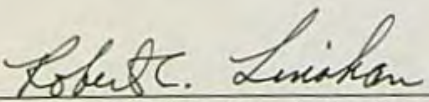


addition to waiving any right and opportunity to challenge this Settlement Agreement.

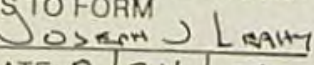
3. After Applicant signs this Settlement Agreement, it will mail the signed original back to Oregon Water Resources Department, ATTN: Mike Reynolds, 725 Summer St. NE Suite A, Salem OR 97301-1266.
4. Within 30 days after OWRD receives the original Settlement Agreement signed by OWRD and Applicant, OWRD will issue Final Orders and Permits that are consistent with the Draft Final Orders and Draft Permits attached to this Settlement Agreement. The Final Orders will incorporate this Settlement Agreement by reference and as an attachment.
5. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executed this Settlement Agreement on its behalf has the full right and authority to enter into this Settlement Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
6. Each Party to this Settlement Agreement certifies that they have had a reasonable opportunity to review and request changes to the Settlement Agreement, and that they have signed this Settlement Agreement of their own free will and accord. Each Party to this Settlement Agreement also certifies that it has read the entire Settlement Agreement, Draft Final Orders, and Draft Permits, and understands and fully agrees with the contents thereof.
7. This Settlement Agreement may be signed in counterparts.


Dwight French, Administrator,
Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

2-14-06
Date


Springfield Utility Board, Applicant

2/24/06
Date

REVIEWED & APPROVED
AS TO FORM

DATE: 2/24/06
LEGAL COUNSEL
SPRINGFIELD UTILITY BOARD

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15241

DRAFT Final Order Incorporating Settlement Agreement

Application History

On DECEMBER 11, 2000, SPRINGFIELD UTILITY BOARD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 8, 2005. The protest period closed December 23, 2005. A timely protest was filed by the applicant on December 19, 2005.

Through a Settlement Agreement between the applicant and the Department, the protest was withdrawn on _____. The terms of the Settlement Agreement are incorporated herein by reference.

DRAFT Order

Application G-15241 therefore is approved consistently with the terms of the aforementioned Settlement Agreement, and Permit G-DRAFT is issued as limited by the conditions set forth therein.

DATED February , 2006

----- DRAFT -----

Phillip C. Ward, Director
Water Resources Department

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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SALEM OREGON

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Cory Engel. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0813.

If you have questions about how to file a protest or a request for standing, please refer to section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF LANE

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FEB 27 2006

WATER RESOURCES DEPT
SALEM, OREGON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD, OREGON 97477

541-726-2396

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

APPLICATION FILE NUMBER: G-15241

SOURCE OF WATER: TWO WELLS IN CEDAR CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 1.78 CUBIC FEET PER SECOND (CFS), BEING 0.89 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 11, 2000

WELL LOCATIONS:

WELL #1: NW ¼ NE ¼, SECTION 34, T17S, R2W, W.M.; 43 FEET SOUTH & 280 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 34

WELL #2: SE ¼ SW ¼, SECTION 27, T17S, R2W, W.M.; 1002 FEET NORTH & 118 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 27

THE PLACE OF USE IS THE SERVICE AREA OF CITY OF SPRINGFIELD.

Measurement, recording and reporting conditions:

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

measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

Willamette Basin basalt ground water condition:

- (1) Use of water from either well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the wells.
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.

- (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each month between the 1st and 5th day of the month.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructors, licensed pump installers, or the permittee / appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall submit a record of the measurements to the Department on a form available from the Department. The record of measurements shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements. The permittee/appropriator shall submit to the Department one year of monthly measurements (December through November) by December 1. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

The use allowed herein may be made only at times when 1.78 cubic feet per second of water is diverted from the McKenzie River into Cedar Creek under permit [approving S-85336]. This water may not be used to provide mitigation for permit [approving G-15243] or [approving G-15244].

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the

Application G-15241 Water Resources Department

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PERMIT G-DRAFT
FEB 27 2006

WATER RESOURCES DEPT.

schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

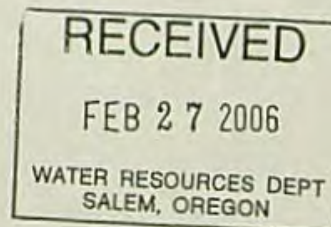
Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit. If the water is not completely applied within 20 years, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2005

----- DRAFT -----

Phillip C. Ward, Director
Water Resources Department



Application G-15241 Water Resources Department
Basin 02 Volume 2 MCKENZIE R MISC
engelcc WEEK 537

PERMIT G-DRAFT
District 2

Mailing List for FO Copies

Application #G-15241

Original mailed to applicant with claim of beneficial use form:

SPRINGFIELD UTILITY BOARD; MCKEE, BART
202 S 18TH ST
SPRINGFIELD OREGON 97477

Copies sent to: 1. WRD - File # G-15241
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - John Falk (for reservoir applications only)

Copies Mailed	
By: _____	(SUPPORT STAFF)
On: _____	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

5. WRD - Watermaster District #: District 2
6. WRD - Regional Manager: (Not to SCR)

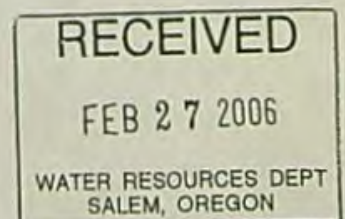
Copies sent to Other Interested Persons (CWRE, Agent, Commenter, etc.)

7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____
2. _____
3. _____

CASEWORKER : Cory Engel



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15243

DRAFT Final Order Incorporating Settlement Agreement

Application History

On DECEMBER 11, 2000, SPRINGFIELD UTILITY BOARD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 8, 2005. The protest period closed December 23, 2005. A timely protest was filed by the applicant on December 19, 2005.

Through a Settlement Agreement between the applicant and the Department, the protest was withdrawn on _____. The terms of the Settlement Agreement are incorporated herein by reference.

DRAFT Order

Application G-15243 therefore is approved consistently with the terms of the aforementioned Settlement Agreement, and Permit G-DRAFT is issued as limited by the conditions set forth therein.

DATED February , 2006

----- DRAFT -----

Phillip C. Ward, Director
Water Resources Department

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.

RECEIVED

FEB 27 2006

WATER RESOURCES DEPT
SAIFM OREGON

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Cory Engel. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0813.

If you have questions about how to file a protest or a request for standing, please refer to section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Mike Reynolds at 503-986-0820.

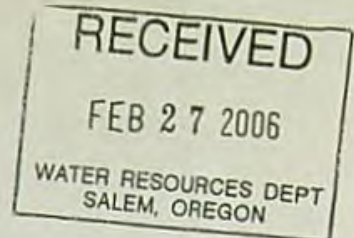
If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF LANE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS



THIS DRAFT PERMIT IS HEREBY ISSUED TO

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD, OREGON 97477

541-726-2396

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

APPLICATION FILE NUMBER: G-15243

SOURCE OF WATER: FOUR WELLS IN CEDAR CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 4.91 CUBIC FEET PER SECOND (CFS), BEING 1.34 CFS FROM EACH OF THREE WELLS (5, 6, AND 10) AND 0.89 CFS FROM WELL 7

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 11, 2000

WELL LOCATIONS:

WELL #5: 154 FEET SOUTH & 239 FEET EAST
WELL #6: 241 FEET SOUTH & 240 FEET EAST
WELL #7: 333 FEET SOUTH & 707 FEET EAST
WELL #10: 518 FEET SOUTH & 21 FEET EAST

ALL FROM THE WEST 1/4 CORNER OF SECTION 26, WITHIN THE NW 1/4 SW 1/4, OF SECTION 26, T17S, R2W, W.M.

THE PLACE OF USE IS THE SERVICE AREA OF CITY OF SPRINGFIELD.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

Willamette Basin basalt ground water condition:

- (1) Use of water from either well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the wells.

- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
- (b) In addition to the measurement required in subsection (a). of this section, a water level measurement shall be made each month between the 1st and 5th day of the month.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructors, licensed pump installers, or the permittee / appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall submit a record of the measurements to the Department on a form available from the Department. The record of measurements shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements. The permittee/appropriator shall submit to the Department one year of monthly measurements (December through November) by December 1. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

The use allowed herein may be made only at times when 1.28 cubic feet per second of water is diverted from the McKenzie River into Cedar Creek under permit [approving S-85336]. This water may not be used to provide mitigation for permit [approving G-15241] or [approving G-15244].

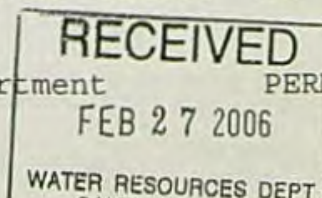
The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

Application G-15243 Water Resources Department

PERMIT G-DRAFT



If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit. If the water is not completely applied within 20 years, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2006

----- DRAFT -----

Phillip C. Ward, Director
Water Resources Department

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FEB 27 2006

WATER RESOURCES DEPT
SALEM, OREGON

Application G-15243
Basin 02
engelcc WEEK 537

Water Resources Department
Volume 2 MCKENZIE R MISC

PERMIT G-DRAFT
District 2

Mailing List for FO Copies

Application #G-15243

Original mailed to applicant with claim of beneficial use form:

SPRINGFIELD UTILITY BOARD; MCKEE, BART
202 S 18TH ST
SPRINGFIELD OREGON 97477-5240

- Copies sent to:**
1. WRD - File # G-15243
 2. WRD - Ken Stahr
 3. WRD - Data Center
 4. WRD - John Falk (for reservoir applications only)

Copies Mailed	
By: _____	(SUPPORT STAFF)
on: _____	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

5. WRD - Watermaster District #: District 2
6. WRD - Regional Manager: (Not to SCR)

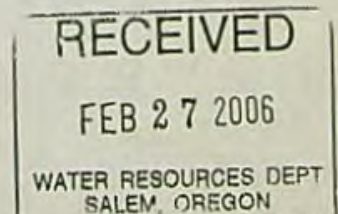
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"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____
2. _____
3. _____

CASEWORKER : Cory Engel



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15244

DRAFT Final Order Incorporating Settlement Agreement

Application History

On DECEMBER 11, 2000, SPRINGFIELD UTILITY BOARD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 8, 2005. The protest period closed December 23, 2005. A timely protest was filed by the applicant on December 19, 2005.

Through a Settlement Agreement between the applicant and the Department, the protest was withdrawn on _____. The terms of the Settlement Agreement are incorporated herein by reference.

DRAFT Order

Application G-15244 therefore is approved consistently with the terms of the aforementioned Settlement Agreement, and Permit G-DRAFT is issued as limited by the conditions set forth therein.

DATED February , 2006

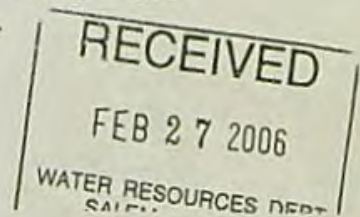
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Phillip C. Ward, Director
Water Resources Department

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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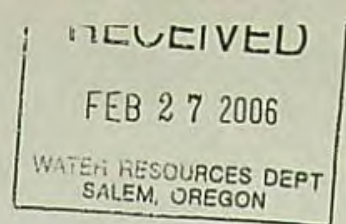
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If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF LANE



DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD, OREGON 97477

541-726-2396

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

APPLICATION FILE NUMBER: G-15244

SOURCE OF WATER: THREE WELLS IN CEDAR CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 4.02 CUBIC FEET PER SECOND (CFS), BEING 1.34 CFS EACH FROM
WELLS 8, 9, AND 11

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 11, 2000

WELL LOCATIONS:

- WELL #8: NW ¼ SW ¼ SECTION 26, T17S, R2W, W.M.; 533 FEET SOUTH &
699 FEET EAST
- WELL #9: NW ¼ SW ¼ SECTION 26, T17S, R2W, W.M.; 693 FEET SOUTH &
364 FEET EAST
- WELL #11: NE ¼ SE ¼ SECTION 27, T17S, R2W, W.M.; 206 FEET SOUTH &
169 FEET WEST

ALL FROM THE WEST 1/4 CORNER OF SECTION 26

THE PLACE OF USE IS THE SERVICE AREA OF CITY OF SPRINGFIELD.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

Willamette Basin basalt ground water condition:

- (1) Use of water from either well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the wells.

FEB 27 2006

PAGE 3

WATER RESOURCES DEPT
SALEM, OREGON

- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
- (b) In addition to the measurement required in subsection (a). of this section, a water level measurement shall be made each month between the 1st and 5th day of the month.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructors, licensed pump installers, or the permittee / appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall submit a record of the measurements to the Department on a form available from the Department. The record of measurements shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements. The permittee/appropriator shall submit to the Department one year of monthly measurements (December through November) by December 1. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

The use allowed herein may be made only at times when 1.04 cubic feet per second of water is diverted from the McKenzie River into Cedar Creek under permit [approving S-85336]. This water may not be used to provide mitigation for permit [approving G-15241] or [approving G-15243].

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

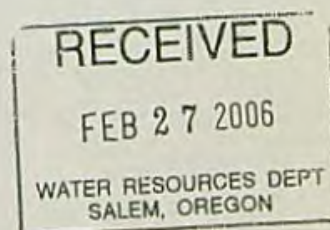
Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit. If the water is not completely applied within 20 years, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2006

----- DRAFT -----

Phillip C. Ward, Director
Water Resources Department



Application G-15244 Water Resources Department
Basin 02 Volume 2 MCKENZIE R MISC
engelcc WEEK 537

PERMIT G-DRAFT
District 2

Mailing List for FO Copies

Application #G-15244

Original mailed to applicant with claim of beneficial use form:

SPRINGFIELD UTILITY BOARD; MCKEE, BART
202 S 18TH ST
SPRINGFIELD OREGON 97477

Copies sent to: 1. WRD - File # G-15244

2. WRD - Ken Stahr

3. WRD - Data Center

4. WRD - John Falk (for reservoir applications only)

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5. WRD - Watermaster District #: District 2

6. WRD - Regional Manager: (Not to SCR)

Copies Mailed	
By: _____	(SUPPORT STAFF)
on: _____	(DATE)

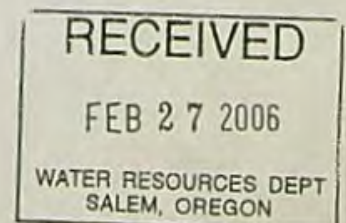
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2. _____
3. _____

CASEWORKER : Cory Engel



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-85336

DRAFT Final Order Incorporating Settlement Agreement

Application History

On November 8, 2002, SPRINGFIELD UTILITY BOARD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 8, 2005. The protest period closed December 23, 2005. A timely protest was filed by the applicant on December 19, 2005.

Through a Settlement Agreement between the applicant and the Department, the protest was withdrawn on _____. The terms of the Settlement Agreement are incorporated herein by reference.

DRAFT Order

Application S-85336 therefore is approved consistently with the terms of the aforementioned Settlement Agreement, and Permit S-DRAFT is issued as limited by the conditions set forth therein.

DATED February , 2006

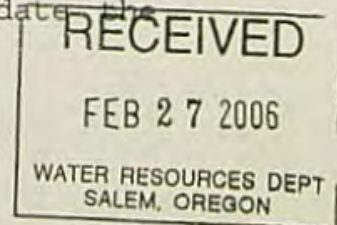
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Phillip C. Ward, Director
Water Resources Department

Hearing and Appeal Rights

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Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF LANE

RECEIVED

FEB 27 2006

WATER RESOURCES DEPT
SALEM, OREGON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD, OR 97477

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

APPLICATION FILE NUMBER: S-85336

SOURCE OF WATER: MCKENZIE RIVER, A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: MUNICIPAL USE, FISH LIFE USE, AND WILDLIFE USE

MAXIMUM RATE: 35.9 CUBIC FEET PER SECOND (CFS) FOR MUNICIPAL USE AND 4.1 CFS FOR FISH LIFE AND WILDLIFE USES

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 8, 2002

POINT OF DIVERSION LOCATIONS:

MUNICIPAL USE: NW ¼ SW ¼ SECTION 26, T17S, R2W, W.M.; 250 FEET SOUTH & 972 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 26

FISH LIFE AND WILDLIFE USES: SE ¼ SW ¼ SECTION 29, T17S, R1W, W.M.; 300 FEET NORTH & 2400 FEET EAST FROM THE SW CORNER OF SECTION 29

THE PLACE OF USE IS LOCATED AS FOLLOWS:

MUNICIPAL USE: WITHIN THE SERVICE AREA OF CITY OF SPRINGFIELD

FISH LIFE AND WILDLIFE USES: WITHIN THE CHANNEL OF CEDAR CREEK

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information,

including the place and nature of use of water under the permit.

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

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage at the diversion into Cedar Creek without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

If the Cedar Creek flow monitoring program currently maintained by the U.S. Geological Survey (USGS) in conjunction with the U.S. Army Corps of Engineers and the Eugene Water and Electric Board (EWEB) is discontinued, the permittee shall ensure that a similar flow monitoring program is implemented on Cedar Creek. For the purpose of this condition, such a flow monitoring program must include, at minimum, installation of a calibrated staff gage.

While EWEB's license from Federal Energy Regulatory Energy Commission (FERC) requires EWEB to bypass 1,000 cfs of water past the Walterville Canal diversion, the permittee may divert water into Cedar Creek under this permit only when the flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to 1,000 cfs plus the actual rate of appropriation into Cedar Creek under this permit. In the event that EWEB's license from FERC is modified, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to the FERC-required minimum bypass flow plus the actual rate of appropriation into Cedar Creek under this permit, or 1,400 cfs plus the actual rate of appropriation into Cedar Creek under this permit, whichever is greater. In the event that EWEB's license from FERC is rescinded, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to 1,400 cfs plus the actual rate of appropriation under this permit.

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

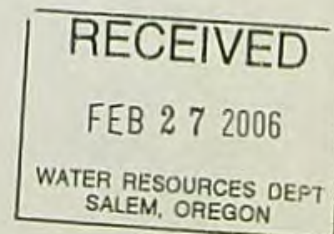
Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit. If the water is not completely applied within 20 years, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2006

----- DRAFT -----

Phillip C. Ward, Director
Water Resources Department



PERMIT S-DRAFT
2

Application S-85336 Water Resources Department
Basin 2 Volume 2 MCKENZIE R MISC
engelcc WEEK 537

Mailing List for FO Copies

Application #S-85336

Original mailed to applicant with claim of beneficial use form:

BART MCKEE
SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD OR 97477

Copies sent to:

1. WRD - File # S-85336
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - John Falk (for reservoir applications only)

Copies Mailed	
By: _____	(SUPPORT STAFF)
on: _____	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

5. WRD - Watermaster District #: 2
6. WRD - Regional Manager: (Not to SCR)

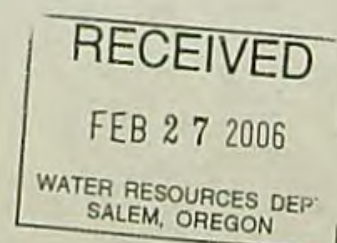
Copies sent to Other Interested Persons (CWRE, Agent, Commenter, etc.)

7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____
2. _____
3. _____

CASEWORKER : Cory Engel



BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Applications G-15241,)
G-15243, G-15244, and S-85336 in the name of)
Springfield Utility Board)
Applicants and Protestants)
_____)

AMENDMENT TO
SETTLEMENT AGREEMENT

On February 24, 2006, the Oregon Water Resources Department ("OWRD") and Springfield Utility Board ("Applicant"), referred to collectively as "the Parties" and each individually a "Party," entered into a "Settlement Agreement" pertaining to Applicant's water right applications G-15241, G-15243, G-15244, and S-85336. This document is an "Amendment" to the Settlement Agreement.

1. The Parties agree that Stipulation IV of the Settlement Agreement is amended to read in its entirety as follows:

"OWRD and Applicant agree that all issues raised in Applicant's protests against the PFOs for Applications G-15241, G-15243, G-15244, and S-85336 are resolved solely on the following terms, including any amendment(s) to this Settlement Agreement."

2. The Parties agree that Term #1 of the Settlement Agreement is amended to read in its entirety as follows:

"In signing this Settlement Agreement, and contingent on OWRD performing in accordance with this Settlement Agreement and any Amendment(s) thereto, Applicant withdraws its protests to the PFOs for Applications G-15241, G-15243, G-15244, and S-85336 with prejudice."

3. The Parties agree that Term #2 of the Settlement Agreement is amended to read in its entirety as follows:

"Regarding Applications G-15241, G-15243, G-15244, and S-85336, upon full performance under this Settlement Agreement and any Amendment(s) thereto, Applicant expressly waives all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, or to seek judicial review of the Final Orders or Permits, in addition to waiving any right and opportunity to challenge this Settlement Agreement."

4. The Parties agree that Term #4 of the Settlement Agreement is modified to state, in its entirety:

"Except as provided below, no later than January 26, 2007, OWRD will issue Final Orders and Permits that are consistent with the Draft Final Orders and Draft Permits attached to the February 24, 2006 Settlement Agreement. Any Final Orders on water right applications G-15241, G-15243, G-15244, and S-85336 will incorporate the February 24, 2006 Settlement Agreement and any Amendment(s) thereto, by reference and as attachments.

On or before November 27, 2006, the Applicant may submit additional information or proposals to OWRD pertaining to mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336.

If the Applicant timely submits such information or proposals, OWRD will make a determination, no later than December 27, 2006, as to whether any modification to mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336 will be approved.

In the event that the Applicant submits information or proposals to OWRD as provided above, but OWRD determines that no modifications will be made to the mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336, the Parties agree that OWRD will issue, no later than January 26, 2007, final orders and permits consistent with the Draft Final Orders and Draft Permits attached to the February 24, 2006 Settlement Agreement.

If OWRD determines that modification(s) will be made to mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336, OWRD will issue, no later than January 26, 2007, Final Orders and Permits consistent with the Draft Final Orders and Draft Permits attached to the February 24, 2006 Settlement Agreement, except as modified by OWRD.

In addition to the Applicant's waivers contained in Term #2 of the February 24, 2006 Settlement Agreement including any amendment(s) to Term #2, the Applicant hereby expressly waives all right and opportunity to challenge any determination by OWRD as to whether modifications will or will not be made to the mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336. Applicant also hereby expressly waives all right and opportunity to challenge any modification(s) made by OWRD to the mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336.

However, if the Applicant disagrees with modification(s) that OWRD has determined will be made to the mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336, the Applicant may submit a letter to OWRD on or before January 10, 2007, requesting to retain the mitigation requirements set forth in the February 24, 2006 Settlement Agreement and the attached Draft Final Orders and Draft Permits. If the Applicant timely makes such a request, OWRD will issue, no later than February 8, 2007, Final Orders and Permits consistent with the Draft Final Orders and Draft Permits attached to the February 24, 2006 Settlement Agreement."

5. The Parties to this Amendment agree that this Amendment does not allow, and cannot be construed to allow, any challenge whatsoever to the February 24, 2006 Settlement Agreement including the attached Draft Final Orders and Draft Permits, this Amendment, or Final Orders or Permits for water right applications G-15241, G-15243, G-15244, and S-85336.

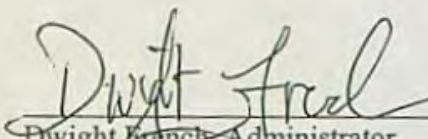
6. Except as provided above, the Parties to this Amendment agree that the Settlement Agreement is unchanged and remains in full effect.

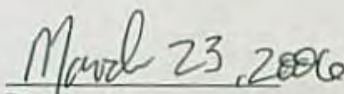
7. The Parties to this Amendment acknowledge that the time periods specified in item #4, above, may be extended for a reasonable duration by an additional amendment to the Settlement Agreement. However, neither Party is bound to propose or agree to any such additional amendment, and any additional amendment would require the written agreement of both Parties.

8. Each Party to this Amendment represents, warrants, and agrees that the person who executed this Amendment on its behalf has the full right and authority to enter into this Amendment on behalf of that Party and bind that Party to the terms of this Amendment.

9. Each Party to this Amendment certifies that they have had a reasonable opportunity to review and request changes to the Amendment, and that they have signed this Amendment of their own free will and accord. Each Party to this Amendment also certifies that it has read the entire Amendment, and understands and fully agrees with the contents thereof.

10. This Amendment may be signed in counterparts.


Dwight French, Administrator,
Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301


Date

Springfield Utility Board, Applicant

Date

5. The Parties to this Amendment agree that this Amendment does not allow, and cannot be construed to allow, any challenge whatsoever to the February 24, 2006 Settlement Agreement including the attached Draft Final Orders and Draft Permits, this Amendment, or Final Orders or Permits for water right applications G-15241, G-15243, G-15244, and S-85336.

6. Except as provided above, the Parties to this Amendment agree that the Settlement Agreement is unchanged and remains in full effect.

7. The Parties to this Amendment acknowledge that the time periods specified in item #4, above, may be extended for a reasonable duration by an additional amendment to the Settlement Agreement. However, neither Party is bound to propose or agree to any such additional amendment, and any additional amendment would require the written agreement of both Parties.

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10. This Amendment may be signed in counterparts.

Dwight French, Administrator,
Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

Date


Springfield Utility Board, Applicant

3/22/06
Date

RECEIVED

MAR 23 2006

WATER RESOURCES DEPT
SALEM OREGON

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

SPRINGFIELD UTILITY BOARD
202 S 18TH ST 541-726-2396
SPRINGFIELD, OREGON 97477

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

APPLICATION FILE NUMBER: G-15241

SOURCE OF WATER: TWO WELLS IN CEDAR CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 1.78 CUBIC FEET PER SECOND (CFS), BEING 0.89 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 11, 2000

WELL LOCATIONS:

WELL #1: NW ¼ NE ¼, SECTION 34, T17S, R2W, W.M.; 43 FEET SOUTH & 280 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 34

WELL #2: SE ¼ SW ¼, SECTION 27, T17S, R2W, W.M.; 1002 FEET NORTH & 118 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 27

THE PLACE OF USE IS THE SERVICE AREA OF CITY OF SPRINGFIELD.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the

permittee to report general water use information, including the place and nature of use of water under the permit.

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

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

Willamette Basin basalt ground water condition:

- (1) Use of water from either well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the wells.
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.

- (b) In addition to the measurement required in subsection (a). of this section, a water level measurement shall be made each month between the 1st and 5th day of the month.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructors, licensed pump installers, or the permittee / appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall submit a record of the measurements to the Department on a form available from the Department. The record of measurements shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements. The permittee/appropriator shall submit to the Department one year of monthly measurements (December through November) by December 1. The Department shall determine when any of the declines cited in section 1. are evidenced by the well measurement required in section (3).

The use allowed herein may be made only at times when 1.78 cubic feet per second of water is diverted from the McKenzie River into Cedar Creek under permit [approving application S-85336], or under another permit or legal authorization held by the same permittee/appropriator (currently Springfield Utility Board) for diversion of water into Cedar Creek for fish and wildlife purposes or other non-consumptive instream purposes, at or above the uppermost extent of the zone of impact, as determined by the Department on the attached map, of the wells appropriating water under permits or certificates resulting from water right applications G-15241, G-15243, and G-15244. This water may not be used to provide mitigation for permit [approving application G-15243] or permit [approving application G-15244].

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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.

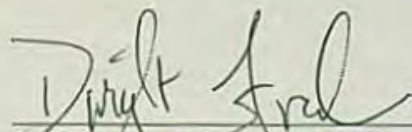
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit. If the water is not completely applied within 20 years, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 2, 2007

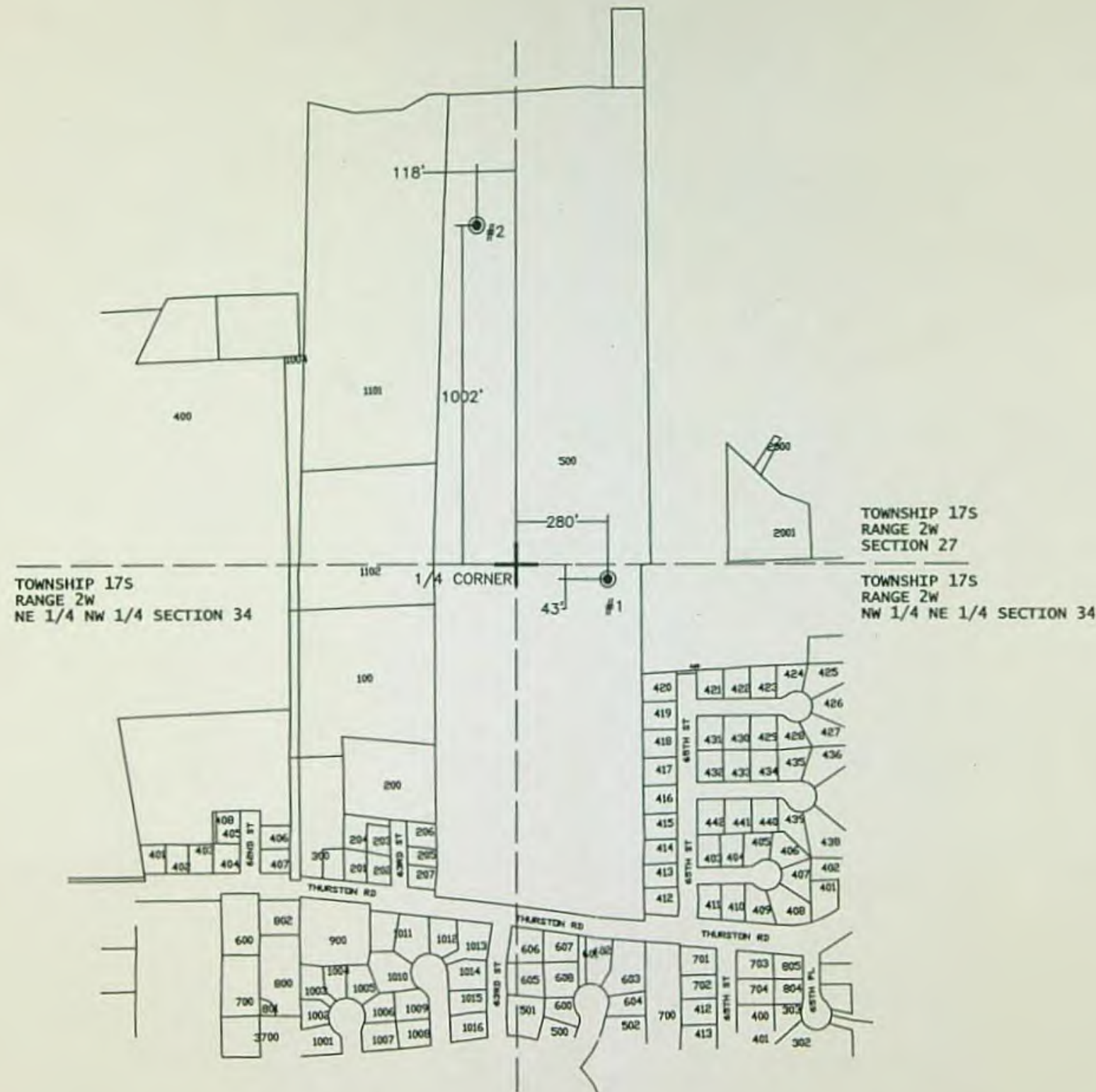


Dwight French, Administrator
Water Rights and Adjudications,

for

Phillip C. Ward, Director
Oregon Water Resources Department





Application No. 915241
Permit No.

RECEIVED

DEC 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON



SPRINGFIELD UTILITY BOARD
SPRINGFIELD, OREGON

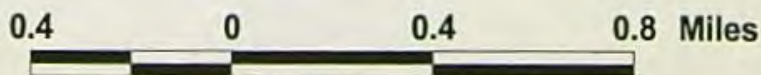
SCHOOL DISTRICT SITE
(THURSTON MIDDLE SCHOOL)

REV.	DATE	BY	DATE	SCALE	DRIVING NO.	PAGE
				1"=400'		
				DATE 7/3/00		

Potential Area of Influence For Wells Under G-15243 & G-15244 & G-15241



1:12000 Scale



Mailing List for FO Copies
Application #G-15241

Original mailed to applicant with claim of beneficial use form:

SPRINGFIELD UTILITY BOARD; BART MCKEE and CHUCK ARRERA
202 S 18TH ST
SPRINGFIELD OREGON 97477

Copies Mailed

By: MS
(SUPPORT STAFF)
on: 1-2-07
(DATE)

*Mailed
1-3-07 MS*

Copies sent to: WRD - File # G-15241 ✓

WRD - Ken Stahr ✓

WRD - Data Center ✓

WRD - John Falk (for reservoir applications only)

FO and Map Copies sent to (remember to reduce copy margins):

WRD - Watermaster District #: District 2 ✓

WRD - Regional Manager: (Not to SCR)

NW Region ✓

Copies sent to Other Interested Persons (CIWRE, Agent, Commenter, etc.)

Greg D. Corbin, Stoel Rives LLP, 900 SW Fifth Avenue, Suite 2600, Portland, OR 97204 ✓

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

WATER RESOURCES DEPARTMENT

MEMO

June 12, 2006

TO: Mike Reynolds, Water Rights Section

FROM: Marc Norton, Ground Water Section *MAN*

SUBJECT: Ground Water Application G-15241, G-15243 & G-15244

Springfield Utility Board agreed to divert 2.0 cfs to Cedar Creek to mitigate impacts of pumping from the three applications, G-15241, G-15243 & G-15244. There has been a shift in the McKenzie River and the stream is no longer near the diversion for Cedar Creek. Diverting the water is much more complicated now. SUB and the Department are looking at alternatives and options for mitigation.

I was asked to determine the area of influence of the wells listed for the following ground water applications; G-15241, G-15243 & G-15244. I discussed options with Karl Wozniak. I determined the distance from each well to the McKenzie River. Under perfect conditions the cone of depression would reach the recharge boundary, and stop. Because there probably is some clogging, the river is not straight through the area and other variables, a circle around each well was drawn using 1.5 times the measured distance. The other variables include changes in aquifer thickness, permeability, the many variations in pumping rates, times and number of wells in use. The circles or cones are shown are the attached maps.

This is a simple method for looking at the portions of Cedar Creek that might be impacted by pumping the well field. There are far too many variables to be much more accurate.

6-8-2006

RE: Western CW Services memo of
6-6-2006 regarding aquifer
drawdown analysis in the Thurston
well field.

- ① Basic methodology is acceptable.
Line. Run model with & without Cedar
Creek, run w/t w/o wells 5, 6, & 7 and
subtract differences.
- ② Difficult to thoroughly evaluate analysis
without knowing how the McKeesie
River and Cedar Creek were
modeled, streambed thickness &
streambed conductance values
for both streams?
- ③ The extent of the cone of depression
at steady state is likely to be highly
sensitive to these parameters. This
implies that there is considerable
uncertainty regarding the configuration
and extent of the steady state
cone of depression in both
model runs.
- ④ Report uses a minimum modeled drawdown
of 0.25 feet stating that this
is a minimum practical drawdown that
can be measured in the field.
This is hardly the case. 0.05 or
0.1 ft might be reasonable.

(4) A comparison of Figure 1 + Figure 2 suggests that the model sees Cedar Creek as a fairly efficient boundary since the cone of depression (at the effective limit of 0.25 ft)

does not extend beyond the creek.

If this is in fact the case, pumping is likely to have significant impacts on the creek within the up and downstream limits of the cone of depression as depicted on figure 1. If the creek is in fact a less efficient boundary, impacts will be spread over a longer reach of the creek.

(5) These modeled scenarios only evaluate the incremental impacts of the new wells. Impacts from wells on older permits will also impact streamflow in Cedar Creek.

(6) It would be useful to know what the modeled impacts to Cedar Creek are (in cfs). The magnitude of these impacts compared to historic streamflow would allow a better evaluation of how reasonable the underlying model is.

⑦ Although it is useful to know what steady state impacts might be, it is likely that pumping will be highly variable during the year within the wellfield. Because the creek is in close proximity to the well field, transient impacts are likely to be variable throughout the year even when the well field is fully developed and has reached steady state. Therefore, seasonal transient impacts will likely be higher in some months (or lower in others) than the average annual steady state impacts.

Karl Wazniak

Potential Area of Influence For Wells Under G-15243 & G-15244 & G-15241

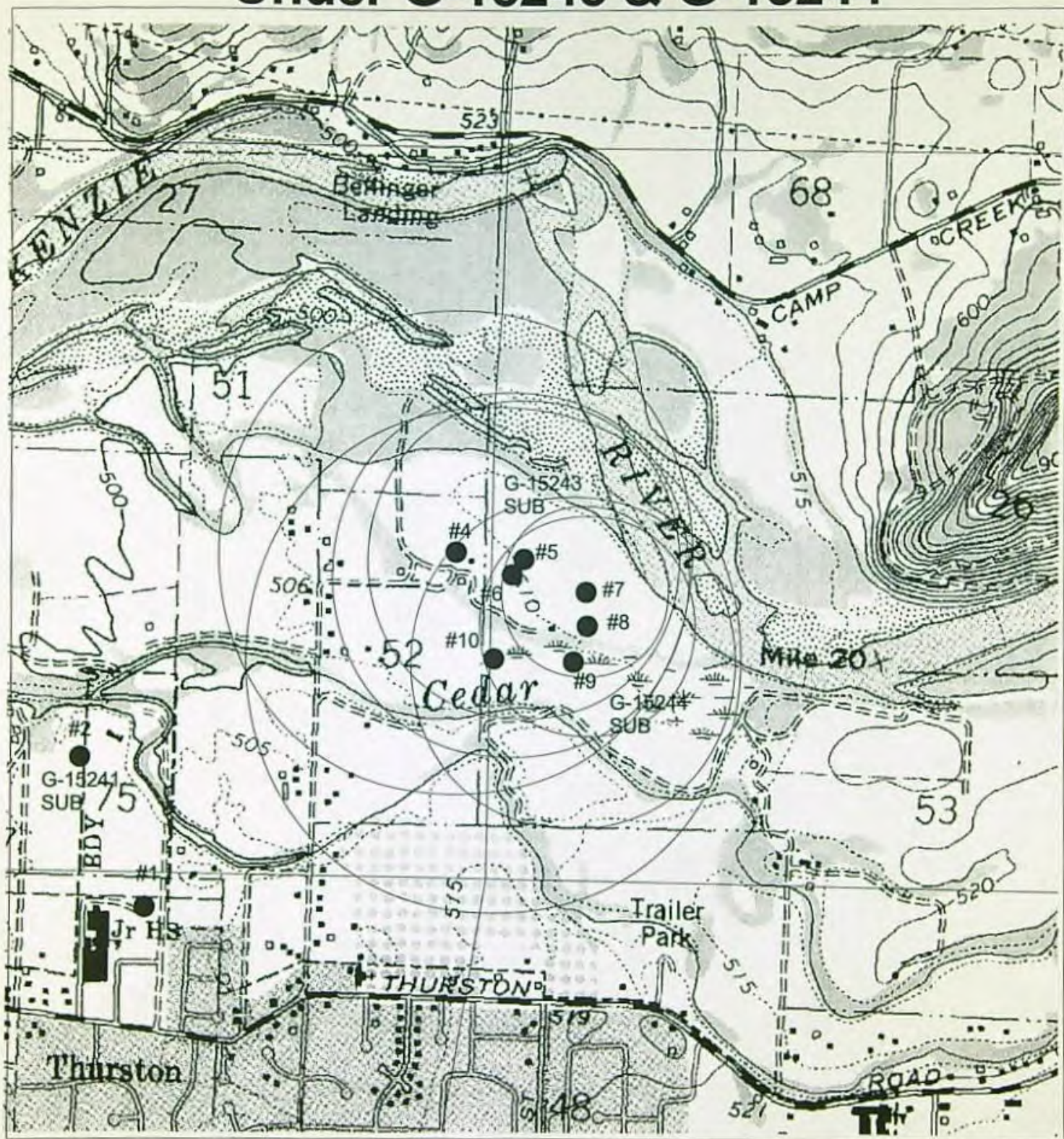


1:12000 Scale

0.4 0 0.4 0.8 Miles



Potential Area of Influence For Wells Under G-15243 & G-15244



1:12000 Scale

0.2 0 0.2 0.4 Miles



June 6, 2006

Mr. Chuck Arrera, PE
Springfield Utility Board
202 South 18th Street
Springfield, OR 97477

RE: AQUIFER DRAWDOWN ANALYSIS
THURSON WELLFIELD NOS. 5, 6 AND 7

Dear Chuck:

This letter presents drawdown calculations for the Thurston Wellfield to evaluate the extent to which well nos. 5, 6 and 7 create a cone of depression below the channel of Cedar Creek. The work was completed using the same model as used to support the permit application for these wells (G-15243), and is documented further in the earlier report submitted to Oregon Water Resources Department¹.

Model Setup

Two versions of the model were run, with and without Cedar Creek represented by river cells. The original model setup includes Cedar Creek. A second model was saved and then the river cells of Cedar Creek were deleted. Otherwise, all other model parameters were left unchanged. Modeling was conducted in steady-state (continuous pumping, no changes to boundaries with time).

Well Pumping Rates

The pumping rate of well no. 2 was set to zero in order to represent the 2006 operation schedule. Existing well nos. 1, 3, and 4, and Platt well nos. 1 and 2 were set to the rates shown in Table 1. Well nos. 5, 6 and 7 were set to rates of 600, 600, and 400 gpm, respectively, as appears on the permit for these wells. Well no. 10, which is included in permit G-15243, was set to zero, as it is not yet constructed, and therefore will not operate during 2006.

¹ Western Groundwater Services, LLC (2002) Supplementary Technical Analysis for Permit Application Nos. G-15241, G-15243, and G-15244, report to Springfield Utility Board, October 8, 2002.

TABLE 1
MODEL PUMPING RATES FOR EXISTING WELLS

Well Name	Model Pumping Rate (gpm)
Thurston Wellfield #1	797
Thurston Wellfield #2	0
Thurston Wellfield #3	497
Thurston Wellfield #4	202
Platt #1	251
Platt #2	448
Total	2,195

Drawdown Analysis

In both cases, with and without Cedar Creek flow, the model was first run with only the older permit wells operating (nos. 1, 3, and 4, and Platt nos. 1 and 2). The water table elevation calculated by the model was saved from this run to be used as a basis for determining the incremental drawdown caused by well nos. 5, 6, and 7. The model was subsequently run with the addition of well nos. 5, 6 and 7, and the new drawdown caused only by these wells was evaluated (i.e., water table elevations with nos. 5, 6, and 7 operating were subtracted from water table elevations without nos. 5, 6, and 7 operating).

Figures 1 and 2 illustrate the extent to which the cone of depression related to well nos. 5, 6 and 7 underlies the channel of Cedar Creek. The drawdown value of 0.25 feet was taken as a practical minimum drawdown that could be measured in the field, and therefore delineates the extent of the cone of depression. A larger cone of depression is developed without Cedar Creek flow as shown on Figure 2.

Sincerely,

WESTERN GROUNDWATER SERVICES, LLC

Mark Cunnane, P.E., P.G.
Civil Engineer – Hydrogeologist

Attachments: Figures 1 and 2



Figure 2
Modeled Incremental Drawdown without Cedar Creek Flow



Figure 1
Modeled Incremental Drawdown with Cedar Creek Flow

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

In the Matter of the Proposed Final Order
Proposing to Grant Water Right Application
No. G-15241

PROTEST AND REQUEST FOR
HEARING OF SPRINGFIELD UTILITY
BOARD

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202 S 18th Street
Springfield, Oregon 97477
(541) 726-2396

with copies to:

Greg D. Corbin
Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600
Portland, Oregon 97204
(503) 294-9632

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SALEM, OREGON

2. **Springfield Utility Board's Interests.** SUB is the named applicant for the Application and a municipal water supplier to the city of Springfield, Oregon. The Application seeks to draw groundwater from two wells in the Cedar Creek Basin for municipal use.

On February 9, 2001, the Department issued its Initial Review of the Application, determining that "the use of 1.78 cubic feet per second, being .89 cfs from each of two wells (1 and 2) for municipal use is not allowable, and it appears unlikely that you will be issued a permit." (PFO at 1.) On February 27, 2001, the Department gave public notice of the Application. The Eugene Water and Electric Board submitted written comments in support of the Application.

The Department found that the use of water for municipal purposes from wells producing water from unconfined alluvium within one-fourth mile of Cedar Creek is not allowed by the Willamette Basin Program. *See* OAR 690-502-0240 (presuming groundwater from unconfined alluvium is hydraulically connected to surface water within one-fourth mile and classifying such groundwater the same as the surface water source). The Department determined that the proposed groundwater use will have the potential for substantial interference with Cedar Creek, because there is a hydraulic connection from the proposed wells to the creek and the point of appropriation is less than one-fourth mile from the creek. (PFO at 2.) However, on April 14, 2005, the Water Resources Commission (the "Commission") approved SUB's request for an exception to the basin program pursuant to ORS 536.295, on the grounds that denial of the use would result in extreme hardship and the request is consistent with the general policies established in the basin program. (*See* PFO at 2); ORS 536.295(1)(e), (4). Thereafter the Department issued the PFO and Draft Permit.

The Draft Permit includes the following condition, which is the subject of this protest:

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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(Draft Permit at 5.) As discussed in more detail in Section 4 below, the foregoing condition is inconsistent with the Oregon legislature's 2005 amendments to ORS 537.230 and 537.630

and SUB's representations concerning its intent to develop the water right within the time allowed by amended ORS 537.230 and 537.630.

3. **Standing.** Pursuant to ORS 537.621(7), an applicant for a water right permit may protest a proposed final order approving or denying a water rights application. ORS 537.621(7).

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(2) The holder of a permit for municipal use shall commence and complete the construction of any proposed works within 20 years from the date on which a permit for municipal use is issued under ORS 537.211. The construction must proceed with reasonable diligence and be completed within the time specified in the permit, not to exceed 20 years. However, the department may order and allow an extension of time to complete construction or to perfect a water right beyond the time specified in the permit under the following conditions:

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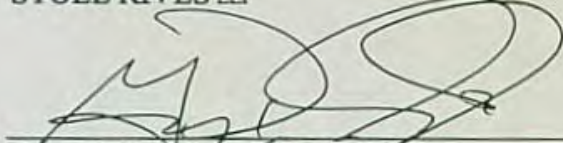
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DATED: December 16, 2005.

STOEL RIVES LLP

A handwritten signature in black ink, appearing to read "Greg D. Corbin", is written over a horizontal line.

Greg D. Corbin, OSB No. 00033
Of Attorneys for Springfield Utility Board

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SPRINGFIELD UTILITY BOARD

202 South 18th Street Springfield, OR 97477-5240 Tel: 541.726.2396 Fax: 541.747.7348 www.sub.or.gov

October 12, 2005

Mr. Cory Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-0900

RE: Application Files S-85336, G-15241, G-15242, G-15243, G-15244

Dear Mr. Engel:

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CA:mkm

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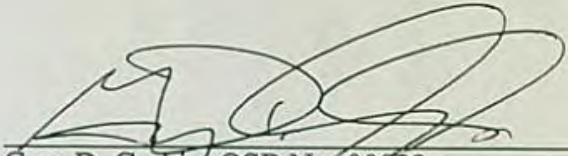
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EXHIBIT A

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on December 16, 2005 I filed the original of **PROTEST AND REQUEST FOR HEARING OF SPRINGFIELD UTILITY BOARD** with Michael J. Reynolds and Cory Engel, Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301-1271 by first class mail.

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Greg D. Corbin, OSB No. 00033
Of Attorneys for SPRINGFIELD UTILITY
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**BEFORE THE WATER RESOURCES COMMISSION
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Proposing to Grant Water Right Application
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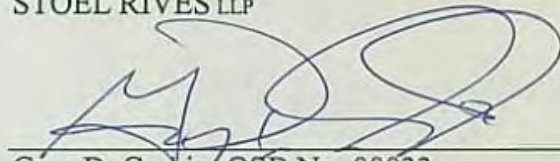
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SPRINGFIELD UTILITY BOARD

WATER SERVICE CENTER 202 South 18th Street Springfield, OR 97477-5240 Tel 541.726.2396 Fax 541.747.7348 www.subutil.com

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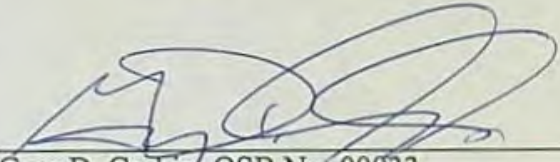
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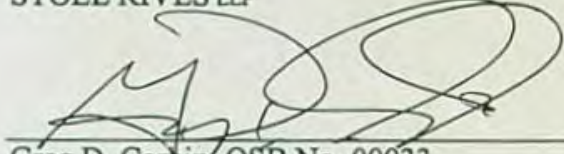
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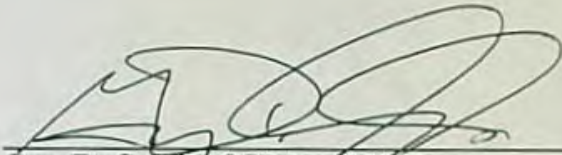
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on December 16, 2005 I filed the original of **PROTEST AND REQUEST FOR HEARING OF SPRINGFIELD UTILITY BOARD** with Michael J. Reynolds and Cory Engel, Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301-1271 by first class mail.

DATED: December 16, 2005.



Greg D. Corbin, OSB No. 00033
Of Attorneys for SPRINGFIELD UTILITY
BOARD

RECEIVED

DEC 19 2005

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Applications G-15241,)
G-15243, G-15244, and S-85336 in the name of)
Springfield Utility Board)
Applicants and Protestants)
_____)

AMENDMENT TO
SETTLEMENT AGREEMENT

On February 24, 2006, the Oregon Water Resources Department ("OWRD") and Springfield Utility Board ("Applicant"), referred to collectively as "the Parties" and each individually a "Party," entered into a "Settlement Agreement" pertaining to Applicant's water right applications G-15241, G-15243, G-15244, and S-85336. This document is an "Amendment" to the Settlement Agreement.

1. The Parties agree that Stipulation IV of the Settlement Agreement is amended to read in its entirety as follows:

"OWRD and Applicant agree that all issues raised in Applicant's protests against the PFOs for Applications G-15241, G-15243, G-15244, and S-85336 are resolved solely on the following terms, including any amendment(s) to this Settlement Agreement."

2. The Parties agree that Term #1 of the Settlement Agreement is amended to read in its entirety as follows:

"In signing this Settlement Agreement, and contingent on OWRD performing in accordance with this Settlement Agreement and any Amendment(s) thereto, Applicant withdraws its protests to the PFOs for Applications G-15241, G-15243, G-15244, and S-85336 with prejudice."

3. The Parties agree that Term #2 of the Settlement Agreement is amended to read in its entirety as follows:

"Regarding Applications G-15241, G-15243, G-15244, and S-85336, upon full performance under this Settlement Agreement and any Amendment(s) thereto, Applicant expressly waives all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, or to seek judicial review of the Final Orders or Permits, in addition to waiving any right and opportunity to challenge this Settlement Agreement."

4. The Parties agree that Term #4 of the Settlement Agreement is modified to state, in its entirety:

"Except as provided below, no later than January 26, 2007, OWRD will issue Final Orders and Permits that are consistent with the Draft Final Orders and Draft Permits attached to the February 24, 2006 Settlement Agreement. Any Final Orders on water right applications G-15241, G-15243, G-15244, and S-85336 will incorporate the February 24, 2006 Settlement Agreement and any Amendment(s) thereto, by reference and as attachments.

On or before November 27, 2006, the Applicant may submit additional information or proposals to OWRD pertaining to mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336.

If the Applicant timely submits such information or proposals, OWRD will make a determination, no later than December 27, 2006, as to whether any modification to mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336 will be approved.

In the event that the Applicant submits information or proposals to OWRD as provided above, but OWRD determines that no modifications will be made to the mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336, the Parties agree that OWRD will issue, no later than January 26, 2007, final orders and permits consistent with the Draft Final Orders and Draft Permits attached to the February 24, 2006 Settlement Agreement.

If OWRD determines that modification(s) will be made to mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336, OWRD will issue, no later than January 26, 2007, Final Orders and Permits consistent with the Draft Final Orders and Draft Permits attached to the February 24, 2006 Settlement Agreement, except as modified by OWRD.

In addition to the Applicant's waivers contained in Term #2 of the February 24, 2006 Settlement Agreement including any amendment(s) to Term #2, the Applicant hereby expressly waives all right and opportunity to challenge any determination by OWRD as to whether modifications will or will not be made to the mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336. Applicant also hereby expressly waives all right and opportunity to challenge any modification(s) made by OWRD to the mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336.

However, if the Applicant disagrees with modification(s) that OWRD has determined will be made to the mitigation requirements associated with water right applications G-15241, G-15243, G-15244, and S-85336, the Applicant may submit a letter to OWRD on or before January 10, 2007, requesting to retain the mitigation requirements set forth in the February 24, 2006 Settlement Agreement and the attached Draft Final Orders and Draft Permits. If the Applicant timely makes such a request, OWRD will issue, no later than February 8, 2007, Final Orders and Permits consistent with the Draft Final Orders and Draft Permits attached to the February 24, 2006 Settlement Agreement."

5. The Parties to this Amendment agree that this Amendment does not allow, and cannot be construed to allow, any challenge whatsoever to the February 24, 2006 Settlement Agreement including the attached Draft Final Orders and Draft Permits, this Amendment, or Final Orders or Permits for water right applications G-15241, G-15243, G-15244, and S-85336.

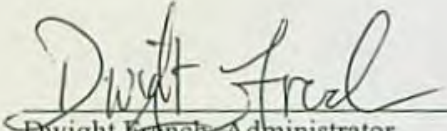
6. Except as provided above, the Parties to this Amendment agree that the Settlement Agreement is unchanged and remains in full effect.

7. The Parties to this Amendment acknowledge that the time periods specified in item #4, above, may be extended for a reasonable duration by an additional amendment to the Settlement Agreement. However, neither Party is bound to propose or agree to any such additional amendment, and any additional amendment would require the written agreement of both Parties.

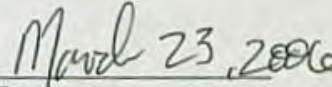
8. Each Party to this Amendment represents, warrants, and agrees that the person who executed this Amendment on its behalf has the full right and authority to enter into this Amendment on behalf of that Party and bind that Party to the terms of this Amendment.

9. Each Party to this Amendment certifies that they have had a reasonable opportunity to review and request changes to the Amendment, and that they have signed this Amendment of their own free will and accord. Each Party to this Amendment also certifies that it has read the entire Amendment, and understands and fully agrees with the contents thereof.

10. This Amendment may be signed in counterparts.



Dwight French, Administrator,
Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301



Date

Springfield Utility Board, Applicant

Date

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Applications G-15241,)
G-15243, G-15244, and S-85336 in the name of)
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Applicants and Protestants)
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WATER RESOURCES DEPT
SALEM, OREGON

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WATER RESOURCES DEPT
SALEM OREGON

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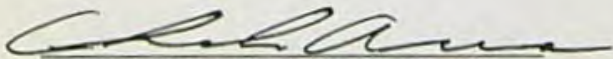
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9. Each Party to this Amendment certifies that they have had a reasonable opportunity to review and request changes to the Amendment, and that they have signed this Amendment of their own free will and accord. Each Party to this Amendment also certifies that it has read the entire Amendment, and understands and fully agrees with the contents thereof.

10. This Amendment may be signed in counterparts.

Dwight French, Administrator,
Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

Date


Springfield Utility Board, Applicant

3/22/06
Date

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MAR 23 2006

WATER RESOURCES DEPT
SALEM OREGON

Subject: RE: SUB completion of construction language
Date: Tue, 13 Dec 2005 09:35:22 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: SUB completion of construction language
Thread-Index: AcX/oEsz8we7Ze3QmC7VxCJczEwOAAAVJpgAAKQfSAAAEtTIA==
From: "Corbin, Greg" <GDCORBIN@stoel.com>
To: "Dwight French" <Dwight.W.FRENCH@wrđ.state.or.us>
Cc: "Cory Engel" <Cory.C.ENGEL@wrđ.state.or.us>
X-OriginalArrivalTime: 13 Dec 2005 17:35:21.0654 (UTC) FILETIME=[97B59D60:01C6000B]
X-MIME-Autoconverted: from quoted-printable to 8bit by kettle.wrđ.state.or.us id jBDHEYn24736
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrđ.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

Understood. I will prepare appropriate protests. Thanks to both of you for focusing on this issue at this early stage.

Greg

-----Original Message-----

From: Dwight French [<mailto:Dwight.W.FRENCH@wrđ.state.or.us>]
Sent: Tuesday, December 13, 2005 9:28 AM
To: Corbin, Greg
Cc: 'Cory Engel'
Subject: RE: SUB completion of construction language

Greg and Cory,

I think this is on the right track. However, I don't think it is prudent to commit to a language change at this point since we're in the middle of the protest period and we may receive protests from third parties.

After the close of the protest period, we'll look at the information in front of us and decide what to do next.

Dwight

-----Original Message-----

From: Corbin, Greg [<mailto:GDCORBIN@stoel.com>]
Sent: Tuesday, December 13, 2005 8:15 AM
To: Cory Engel
Cc: Dwight.W.FRENCH@wrđ.state.or.us
Subject: RE: SUB completion of construction language

Cory & Dwight,

Yes, Cory has captured my comments. I expect to talk with Chuck Arrera at SUB this afternoon to discuss this further. Assuming no additional issues come up, I believe this language would work for SUB and could be used to

From: "Dwight French" <Dwight.W.FRENCH@wrđ.state.or.us>
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Cc: "Cory Engel" <Cory.C.ENGEL@wrđ.state.or.us>
Subject: RE: SUB completion of construction language
Date: Tue, 13 Dec 2005 09:28:16 -0800
X-Mailer: Microsoft Office Outlook, Build 11.0.6353
Thread-Index: AcX/oEsz6we7Ze3QmC7VxCJczEwOAAAVJpgAAKQfSA=
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrđ.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
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Greg

-----Original Message-----

From: Cory Engel [<mailto:Cory.C.ENGEL@wrđ.state.or.us>]
Sent: Tuesday, December 13, 2005 8:02 AM
To: Corbin, Greg
Cc: Dwight.W.FRENCH@wrđ.state.or.us
Subject: RE: SUB completion of construction language

Greg,

If I understand you correctly, you would agree to this language:

Subject: RE: SUB completion of construction language
Date: Tue, 13 Dec 2005 08:14:38 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: SUB completion of construction language
Thread-Index: AcX/oEsz6we7Ze3QmC7VxCJczEwOAAAVJpg
From: "Corbin, Greg" <GDCORBIN@stoel.com>
To: "Cory Engel" <Cory.C.ENGEL@wrđ.state.or.us>
Cc: <Dwight.W.FRENCH@wrđ.state.or.us>
X-OriginalArrivalTime: 13 Dec 2005 16:14:39.0283 (UTC) FILETIME=[516E7030:01C60000]
X-MIME-Autoconverted: from quoted-printable to 8bit by kettle.wrđ.state.or.us id jBDFrWC12765
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrđ.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

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Greg

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Subject: RE: SUB completion of construction language

Greg,

If I understand you correctly, you would agree to this language:

"Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit. If the water is not completely applied within 20 years, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application."

This is identical to the standard language in the PFOs, except that the phrase "on or before October 1, 2010" has been replaced with "within 20 years of the date of this permit". Again, if I understand correctly, you would also agree to simply changing the year from 2010 to 2025.

To: "Corbin, Greg" <GDCORBIN@stoel.com>
From: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
Subject: RE: SUB completion of construction language
Cc: Dwight French
Bcc: f\Specific applications\SUB
Attached:

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This is identical to the standard language in the PFOs, except that the phrase "on or before October 1, 2010" has been replaced with "within 20 years of the date of this permit". Again, if I understand correctly, you would also agree to simply changing the year from 2010 to 2025.

By copy of this reply, I'm referring your proposal to Dwight for his consideration.

Cory Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301-1266
Phone: 503-986-0813
Fax: 503-986-0901
<http://www.wrd.state.or.us/>

At 04:17 PM 12/12/2005, you wrote:

Cory,

I don't think this is beyond reaching an agreement prior to filing a protest. Note that the second sentence of your proposed new paragraph still states that if the water is not completely applied the permittee can seek an extension. Reading my first sentence together with your second sentence it is clear that complete application of the water is required. My sentence simply separates the activities of completing construction and application of water. If the department is uncomfortable with that separation, SUB would agree to an almost identical repeat of the first sentence in the draft permit:

"Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit."

Subject: RE: SUB completion of construction language
Date: Mon, 12 Dec 2005 16:17:02 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: SUB completion of construction language
Thread-Index: AcX/dr7i2F8dVISORfmLEuXK1y8huAAAmfCg
From: "Corbin, Greg" <GDCORBIN@stoel.com>
To: "Cory Engel" <Cory.C.ENGEL@wrld.state.or.us>
X-OriginalArrivalTime: 13 Dec 2005 00:17:02.0664 (UTC) FILETIME=[8A9E2480:01C5FF7A]
X-MIME-Autoconverted: from quoted-printable to 8bit by kettle.wrd.state.or.us id jBCNuIS14259
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

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"Completion of construction and complete application of the water to the use shall be made within 20 years of the date of this permit."

If you prefer to put in the exact date instead of using the phrase "within 20 years of the date of this permit", that also is acceptable.

Please advise if this works for the department.

Greg

-----Original Message-----

From: Cory Engel [<mailto:Cory.C.ENGEL@wrld.state.or.us>]
Sent: Monday, December 12, 2005 3:50 PM
To: Corbin, Greg
Subject: RE: SUB completion of construction language

Greg,

I have discussed your proposal with Dwight. The language you provided omits the requirement to completely apply the water to beneficial use by a certain date, an important element of both the language in our PFOs as well as the revised proposed language I provided to you.

To: "Corbin, Greg" <GDCORBIN@stoel.com>
From: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
Subject: RE: SUB completion of construction language
Cc:
Bcc: f\Specific applications\SUB
Attached:

Greg,

I have discussed your proposal with Dwight. The language you provided omits the requirement to completely apply the water to beneficial use by a certain date, an important element of both the language in our PFOs as well as the revised proposed language I provided to you.

It is unlikely that we will compromise on that point; perhaps it would be best to express your concerns with the PFO language in a protest.

Mr. Cory C. Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301-1266
Phone: 503-986-0813
Fax: 503-986-0901
<http://www.wrд.state.or.us/>

At 05:01 PM 12/6/2005, you wrote:
Cory,

As we discussed on the telephone earlier today, SUB would prefer that the first sentence of the substituted language more closely track the original, except for the change from 5 to 20 years consistent with HB 3038. SUB suggests the following:

"The permittee shall commence and complete construction and apply the water to the use allowed herein within 20 years of the date of this permit."

Please let me know if this change is acceptable to the Department so I can prepare SUB's protests accordingly.

Greg

Greg D. Corbin
Stoel Rives LLP
900 SW Fifth Avenue
Portland, OR 97204
503.294.9632 office
503.220.2480 fax
www.stoel.com

-----Original Message-----

From: "Dwight French" <Dwight.W.FRENCH@wr.d.state.or.us>
To: "Cory Engel" <Cory.C.ENGEL@wr.d.state.or.us>
Subject: RE: RE: SUB completion of construction language
Date: Fri, 9 Dec 2005 10:43:49 -0800
X-Security: MIME headers sanitized on kettle.wr.d.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
X-Mailer: Microsoft Office Outlook, Build 11.0.6353
Thread-Index: AcX7S2qhBg8Pd4KT4qT1tdlD0dqqBpM7/Q
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wr.d.state.or.us
X-Spam-Status: No, hits=-4.7 required=5.0 tests=BAYES_00,HTML_FONTCOLOR_BLUE,
HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level:

Because we (Corbin has explained to us) think WW will file a protest I'm less inclined to work on language that will work for SUB at this time. Also, it doesn't look like it will be easy to come to an agreement.

I agree with you.
Dwight

From: Cory Engel [mailto:Cory.C.ENGEL@wr.d.state.or.us]
Sent: Wednesday, December 07, 2005 8:50 AM
To: Dwight.W.FRENCH@wr.d.state.or.us
Subject: Fwd: RE: SUB completion of construction language

Dwight,

SUB doesn't like the language we proposed. As you can see below, Greg Corbin (Stoel Rives) has proposed that we issue the permit with language a little closer to the standard language. However, there is a substantial difference between his proposed language and both the standard and our newly proposed language: his language does not require *complete* application of the water to the use by any certain date. I told him over the phone that such language was a departure not just from our newly proposed language, but from the standard language proposed in the PFO as well, and that it probably wouldn't fly. Prior to our telephone conversation yesterday, he wasn't aware that this has always been a standard permit condition. Based on our conversation, I'm sure he intentionally omitted the "complete application to beneficial use" requirement from his language.

DISCUSSION: Upon first glance, the newly amended ORS 537.230 (<http://www.leg.state.or.us/05orlaws/sess0400.dir/0410ses.pdf>) doesn't seem to require beneficial use of water within a certain time line. (Both the municipal and non-municipal portions in subsections (1) and (2) speak specifically only of the beginning and completion of construction.) However, I think subsection (4) makes it clear that the intent of 537.230 is to require full beneficial use within the same "completion of construction" time lines as subsections (1) and (2); it says "...upon completion of beneficial use as required under this section, the permittee shall hire a water right examiner..." Implicit in this language is that the requirement to complete

To: Dwight French
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Subject: Fwd: RE: SUB completion of construction language
Cc:
Bcc: f\In
Attached:

Dwight,

SUB doesn't like the language we proposed. As you can see below, Greg Corbin (Stoel Rives) has proposed that we issue the permit with language a little closer to the standard language. However, there is a substantial difference between his proposed language and both the standard and our newly proposed language: his language does not require *complete* application of the water to the use by any certain date. I told him over the phone that such language was a departure not just from our newly proposed language, but from the standard language proposed in the PFO as well, and that it probably wouldn't fly. Prior to our telephone conversation yesterday, he wasn't aware that this has always been a standard permit condition. Based on our conversation, I'm sure he intentionally omitted the "complete application to beneficial use" requirement from his language.

DISCUSSION: Upon first glance, the newly amended ORS 537.230 (<http://www.leg.state.or.us/05orlaws/sess0400.dir/0410ses.pdf>) doesn't seem to require beneficial use of water within a certain time line. (Both the municipal and non-municipal portions in subsections (1) and (2) speak specifically only of the beginning and completion of construction.) However, I think subsection (4) makes it clear that the intent of 537.230 is to require full beneficial use within the same "completion of construction" time lines as subsections (1) and (2); it says "...upon completion of beneficial use as required under this section, the permittee shall hire a water right examiner..." Implicit in this language is that the requirement to complete construction is also a requirement to use the water; the statute seems to presume that the two events are concurrent. So I believe the completion of beneficial use is a requirement of ORS 537.230, and the time required for beneficial use is the period for completion of construction set forth in subsections (1) and (2).

The same is true for ground water as described in ORS 537.630. (SUB's pending applications are for both surface and ground water.)

Based on this, unless SUB decides to drop the issue, it seems unlikely that we're going to be able to come to an agreement about the language in time for them to properly craft a protest. He has already decided to file a regular protest--as opposed to the conditional one we had discussed--because it's starting to look like WaterWatch is going to protest as well. Perhaps it would be best to just tell Corbin to go ahead and file the protest and we can hash it out later. Do you agree?

Cory

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Subject: RE: SUB completion of construction language
Date: Tue, 6 Dec 2005 17:01:38 -0800
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
Thread-Topic: SUB completion of construction language
Thread-Index: AcX51GGpDpvAGSrdSpuQKCzXUcBRQA4dp5w
From: "Corbin, Greg" <GDCORBIN@stoel.com>
To: "Cory Engel" <Cory.C.ENGEL@wrd.state.or.us>
X-OriginalArrivalTime: 07 Dec 2005 01:01:38.0329 (UTC) FILETIME=[C6F5B890:01C5FAC9]
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

Cory,

As we discussed on the telephone earlier today, SUB would prefer that the first sentence of the substituted language more closely track the original, except for the change from 5 to 20 years consistent with HB 3038. SUB suggests the following:

"The permittee shall commence and complete construction and apply the water to the use allowed herein within 20 years of the date of this permit."

Please let me know if this change is acceptable to the Department so I can prepare SUB's protests accordingly.

Greg

Greg D. Corbin
Stoel Rives LLP
900 SW Fifth Avenue
Portland, OR 97204
503.294.9632 office
503.220.2480 fax
www.stoel.com

-----Original Message-----

From: Cory Engel [<mailto:Cory.C.ENGEL@wrd.state.or.us>]
Sent: Monday, December 05, 2005 11:46 AM
To: Corbin, Greg
Cc: Dwight.W.FRENCH@wrd.state.or.us; Mike.J.REYNOLDS@wrd.state.or.us
Subject: SUB completion of construction language

Greg,

As promised, here's the language we want to put in the final permits

Subject: RE: SUB completion of construction language
Date: Mon, 5 Dec 2005 11:58:08 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: SUB completion of construction language
Thread-Index: AcX51GGpDpvAGSrdSpuQKCzXUcBRQAAPH7w
From: "Corbin, Greg" <GDCORBIN@stoel.com>
To: "Cory Engel" <Cory.C.ENGEL@wrld.state.or.us>
Cc: <Dwight.W.FRENCH@wrld.state.or.us>, <Mike.J.REYNOLDS@wrld.state.or.us>
X-OriginalArrivalTime: 05 Dec 2005 19:58:08.0740 (UTC) FILETIME=[36C93240:01C5F9D6]
X-MIME-Autoconverted: from quoted-printable to 8bit by kettle.wrld.state.or.us id jB5Jd4s17469
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrld.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

Cory,

Thanks for getting this out. I will review with SUB and get back to you, hopefully this week.

Greg

-----Original Message-----

From: Cory Engel [<mailto:Cory.C.ENGEL@wrld.state.or.us>]
Sent: Monday, December 05, 2005 11:46 AM
To: Corbin, Greg
Cc: Dwight.W.FRENCH@wrld.state.or.us; Mike.J.REYNOLDS@wrld.state.or.us
Subject: SUB completion of construction language

Greg,

As promised, here's the language we want to put in the final permits for S-85336, G-15241, G-15243, and G-15244. The following paragraph would replace the second from the last paragraph in the draft permits--the paragraph beginning "Completion of construction..."

The permittee shall commence and complete the construction of any proposed works and execute the full beneficial use of water allowed herein within 20 years of the date of this permit. If the water is not completely applied within 20 years, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

(The second sentence of this paragraph is standard wording which remains unchanged.)

To: gdcorbin@stoel.com
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: SUB completion of construction language
Cc: Dwight French, Mike Reynolds
Bcc: f\Specific applications\SUB
Attached:

Greg,

As promised, here's the language we want to put in the final permits for S-85336, G-15241, G-15243, and G-15244. The following paragraph would replace the second from the last paragraph in the draft permits--the paragraph beginning "Completion of construction..."

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(The second sentence of this paragraph is standard wording which remains unchanged.)

As I understand it, if you are in agreement with this approach, you will send a letter which we will not consider a protest, conditioned upon our use of said language in the final permits for these applications.

If you have any questions, please let me know.

Mr. Cory C. Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301-1271
Phone: 503-986-0813
Fax: 503-986-0901
<http://www.wrd.state.or.us/>

To: "Dwight French" <Dwight.W.FRENCH@wrld.state.or.us>
From: Cory Engel <Cory.C.ENGEL@wrld.state.or.us>
Subject: RE: SUB
Cc:
Bcc: f\In
Attached:

I have placed a draft permit containing the new language in one of your IN boxes.

If I get your approval today, we can probably avert a protest.

Cory

At 01:19 PM 11/29/2005, you wrote:

Because of the way they answered, your quoted language at the bottom of your email should be adequate. (I've pasted it below.) Please use it in this instance.

We need to say something about how an extension will be needed if additional time is needed.

Please send me one of the pfo documents to look at so I can see all of the related language together.

Dwight

"The permittee shall commence and complete the construction of any proposed works and execute the full beneficial use of water allowed herein within 20 years of the date of this permit."

-----Original Message-----

From: Cory Engel [mailto:Cory.C.ENGEL@wrld.state.or.us]
Sent: Monday, November 28, 2005 8:45 AM
To: Dwight French
Subject: RE: SUB

Dwight,

I sent SUB a letter (which you endorsed) in advance of the ones that Kerry sent. Consistent with the law, the letter said "House Bill 3038...[provided] the applicant of a permit for a municipal water use a maximum of 20 years to commence and complete construction of proposed works. In order to comply with HB3038, please submit a statement providing the number of years (not to exceed 20 years) you need to complete construction from the date of permit issuance." In their reply, they said completion of construction will occur within 20 years. Obviously beginning of construction will be less than that.

Therefore, they have provided A and B dates that meet the statutory

From: "Dwight French" <Dwight.W.FRENCH@wrđ.state.or.us>
To: "Cory Engel" <Cory.C.ENGEL@wrđ.state.or.us>
Subject: RE: SUB
Date: Tue, 29 Nov 2005 13:19:45 -0800
X-Mailer: Microsoft Office Outlook, Build 11.0.6353
Thread-Index: AcXDOIGVjwrCHnSpytmN61loAqQA8a3Pw
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrđ.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

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Therefore, they have provided A and B dates that meet the statutory requirement. (B<=20, and A<B.) Their reply supersedes the dates in their application that I quoted to you. The law doesn't say anything about a C date, but my understanding is that we will be requiring municipal permittees to make beneficial use within 20 years as well.

To: "Dwight French" <Dwight.W.FRENCH@wrld.state.or.us>
From: Cory Engel <Cory.C.ENGEL@wrld.state.or.us>
Subject: RE: SUB
Cc:
Bcc: f\Specific applications\SUB
Attached:

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Frankly, I don't see why we need to list A, B, and C dates at all. To comply with the law, permits need only say "The permittee shall commence and complete the construction of any proposed works within 20 years of the date of this permit." And if we want, we can include water use in that equation, like this: "The permittee shall commence and complete the construction of any proposed works and execute the full beneficial use of water allowed herein within 20 years of the date of this permit."

My day is free if you want to chat about it.

Cory

At 04:45 PM 11/23/2005, you wrote:

OK

They need to give us new information - if they haven't already.

Did they receive a letter from us on this subject (Kerry prepared for you?)

?

See me if necessary and we'll talk it over.

Dwight

-----Original Message-----

From: Cory Engel [<mailto:Cory.C.ENGEL@wrld.state.or.us>]
Sent: Wednesday, November 23, 2005 3:40 PM
To: Dwight French
Subject: RE: SUB

At 01:52 PM 11/23/2005, you wrote:

>1. What does their application materials say about "beginning

From: "Dwight French" <Dwight.W.FRENCH@wrd.state.or.us>
To: "Cory Engel" <Cory.C.ENGEL@wrd.state.or.us>
Subject: RE: SUB
Date: Wed, 23 Nov 2005 16:45:02 -0800
X-Mailer: Microsoft Office Outlook, Build 11.0.6353
Thread-Index: AcXwhMC+IWaBtUvoQKWx6SBfDCMNogAC2VWA
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

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Dwight

-----Original Message-----

From: Cory Engel [mailto:Cory.C.ENGEL@wrd.state.or.us]
Sent: Wednesday, November 23, 2005 3:40 PM
To: Dwight French
Subject: RE: SUB

At 01:52 PM 11/23/2005, you wrote:

>1. What does their application materials say about "beginning
construction"?

G-15241: 2000
G-15243: 12/00
G-15244: 2001
S-85536: 2003

>2.completing construction?

G-15241: 2006
G-15243: 12/01
G-15244: 2005
S-85536: 2010

Cory Engel
Water Right Application Caseworker
503-986-0813

From: "Dwight French" <Dwight.W.FRENCH@wrđ.state.or.us>
To: "Cory Engel" <Cory.C.ENGEL@wrđ.state.or.us>
Subject: RE: SUB
Date: Wed, 23 Nov 2005 13:52:50 -0800
X-Mailer: Microsoft Office Outlook, Build 11.0.6353
Thread-Index: AcXwBJRnoBRG+LxQEYwXd+BMLFfQAt8h+w
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrđ.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

We can do it. We need to develop the new language anyway - might as well do it now. I'll put something together and run it past a couple people and see if we can get it done next week.

1. What does their application materials say about "beginning construction"?
2.completing construction?

We will need these two items to give to Corbin.

Dwight

-----Original Message-----

From: Cory Engel [mailto:Cory.C.ENGEL@wrđ.state.or.us]
Sent: Tuesday, November 22, 2005 4:12 PM
To: Dwight.W.FRENCH@wrđ.state.or.us
Subject: SUB

Dwight,

Regarding the previously discussed SUB date issue, Greg Corbin said he would like, if possible, to see the revised language for the SUB PFOs before filing a protest. If he doesn't have a problem with the language, he would like to craft a protest that is worded something like "unless WRD replaces the current development schedule paragraph with this paragraph [quoted], we protest the PFO". That way, we can simply fix the problem without going through all that a protest would entail. If he can't get access to the language in time (around December 16, he thought) then we'll have to engage in a more time-consuming communication with them to resolve the problem.

Do you think it is feasible to have the language settled within that time frame? Corbin is going to call me early next week to find out whether that is likely. If it is not likely, then he's going to go ahead and file a protest without waiting. I'd prefer to resolve the matter without a formal protest, if possible.

Cory Engel
Water Right Application Caseworker
503-986-0813

To: Dwight French
From: Cory Engel <Cory.C.ENGEL@wrld.state.or.us>
Subject: SUB
Cc:
Bcc: f\In
Attached:

Dwight,

Regarding the previously discussed SUB date issue, Greg Corbin said he would like, if possible, to see the revised language for the SUB PFOs before filing a protest. If he doesn't have a problem with the language, he would like to craft a protest that is worded something like "unless WRD replaces the current development schedule paragraph with this paragraph [quoted], we protest the PFO". That way, we can simply fix the problem without going through all that a protest would entail. If he can't get access to the language in time (around December 16, he thought) then we'll have to engage in a more time-consuming communication with them to resolve the problem.

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Cory Engel
Water Right Application Caseworker
503-986-0813



SPRINGFIELD UTILITY BOARD

WATER SERVICE CENTER 202 South 18th Street Springfield, OR 97477-5240 Tel 541.726.2396 Fax 541.747.7348 www.subutil.com

December 5, 2005

Mr. Cory C. Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1271

RE: Water Right Recording Fees for S-85336, G-15241, G-15243, and G-15244

Dear Mr. Engle:

Please find enclosed Springfield Utility Board Check # 153094 for \$925.00 as payment for the following water right recording fees:

S-85336:	\$250.00
G-15241:	\$250.00
G-15243:	\$175.00
G-15244:	\$250.00

Thank you for your assistance in processing these applications. Please call if there is any additional information needed.

Sincerely,

Chuck Arrera, P.E.
Director of Water Operations and Engineering

CA:mkm

Enclosure

RECEIVED

DEC 06 2005

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **78958**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Springfield Utility Board
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 153094 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 925.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS	<u>5-85336 - 250.00</u>	
0407 COPY & TAPE FEES	<u>6-15241 - 250.00</u>	\$
0410 RESEARCH FEES	<u>6-15243 - 175.00</u>	\$
0408 MISC REVENUE: (IDENTIFY) _____	<u>6-15244 - 250.00</u>	\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____		\$
0240 EXTENSION OF TIME		\$
WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202 \$ <u>250.00</u>
0203 GROUND WATER	\$	0204 \$ <u>675.00</u>
0205 TRANSFER	\$	
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219 \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY) _____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$

RECEIPT: **78958**

DATED: 12/6/05 BY: L. Paschke

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

To: "DAVIS Chuck" <ChuckD@subutil.com>
From: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
Subject: Re: SUB Water Rights application processing fees
Cc:
Bcc: f\Specific applications\SUB
Attached:

At 04:05 PM 12/1/2005, you wrote:

I am having difficulty determining if SUB has paid all of the fees needed to finalize the four applications that you have prepared draft orders for. Would you be able to check for me? If there are any payments due I will process them ASAP.

Thanks for you help.

Chuck,

Thanks for your message. Outstanding permit recording fees for the four applications are as follows:

S-85336: \$250.00
G-15241: \$250.00
G-15243: \$175.00
G-15244: \$250.00

Total: \$925.00

If you have any other questions please do not hesitate to ask.

Mr. Cory C. Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301-1271
Phone: 503-986-0813
Fax: 503-986-0901
<http://www.wrd.state.or.us/>

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Subject: SUB Water Rights application processing fees
Date: Thu, 1 Dec 2005 16:05:02 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: SUB Water Rights application processing fees
Thread-Index: AcX21Ay9WFrLRle5SI6GtYo/az7fiQ==
From: "DAVIS Chuck" <ChuckD@subutil.com>
To: "Cory Engel" <Cory.C.ENGEL@wrd.state.or.us>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.7 required=5.0 tests=BAYES_00,HTML_50_60,
HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level:

Hi Cory,

I am having difficulty determining if SUB has paid all of the fees needed to finalize the four applications that you have prepared draft orders for. Would you be able to check for me? If there are any payments due I will process them ASAP.

Thanks for you help.

Charles Davis

Water Quality Manager

Springfield Utility Board

202 S. 18th St.

Springfield, OR 97477

Phone: (541) 726-2396

Fax: (541) 747-7348

Mailing List for PFO Copies

Application #G-15241

PFO Date November 1, 2005

Original mailed to:

Applicant: SPRINGFIELD UTILITY BOARD, 202 S 18TH ST, SPRINGFIELD, OREGON 97477

Copies sent to:

1. WRD - File # G-15241
2. Water Availability: Ken Stahr

PFO and Map Copies sent to:

3. WRD - Watermaster # District 2
4. Regional Manager: NWR

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

5. Thomas Buckhouse, Eugene Water & Electric Board, PO Box 10148, Eugene OR 97440-2148
6. Greg D. Corbin, Stoel Rives LLP, 900 SW 5th Ave Ste 2600, Portland OR 97204

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

Affected Landowners (include "Notice of Proposed Final Order--Affected Landowner"):

CASEWORKER:engelcc- WEEK 537

Copies Mailed
By: <u>ICB</u>
(SUPPORT STAFF)
on: <u>11/1/05</u>
(DATE)

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15241

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$250.00. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **December 23, 2005**, issuance of a permit may be delayed.

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On DECEMBER 11, 2000, SPRINGFIELD UTILITY BOARD submitted an application to the Department for the following water use permit:

- Amount of Water: 1.78 CUBIC FEET PER SECOND (CFS)
- Use of Water: MUNICIPAL USE
- Source of Water: TWO WELLS IN CEDAR CREEK BASIN
- Area of Proposed Use: Within the service area of City of Springfield

On February 9, 2001, the Department mailed the applicant notice of its Initial Review, determining that "the use of 1.78 CUBIC FEET PER SECOND, BEING .089 CFS FROM EACH OF TWO WELLS (1 AND 2) for MUNICIPAL USE is not allowable, and it appears unlikely that you will be issued a permit." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On February 27, 2001, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Written comments in support of the application have been received from Eugene Water and Electric Board.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program

- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The use of water from wells producing water from unconfined alluvium within 1/4 mile from Cedar Creek for municipal use is not allowed by OAR 690-502, the Willamette Basin Program, during the period July 1 through September 30 of each year. However, on April 14, 2005, the Water Resources Commission approved a request by the applicant for an exception to the basin program pursuant to ORS 536.295 on the bases that denial of the use would result in extreme hardship, and that the request is consistent with the general policies established in the Willamette Basin Program.

Senior water rights exist on TWO WELLS IN CEDAR CREEK BASIN, or on downstream waters.

TWO WELLS IN CEDAR CREEK BASIN are not within or above a State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Groundwater Findings Under OAR 690-09

The Department determined, consistent with OAR 690-09-0040(4), that the proposed ground water use will have the potential for substantial interference with the nearest surface water source, namely Cedar Creek.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;

- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

For this application, the Department determined that there is the potential for substantial interference because of the following items described above: (a), (b)

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

The use allowed herein may be made only at times when 1.78 cubic feet per second of water is diverted from the McKenzie River into Cedar Creek under permit [approving S-85336]. This water may not be used to provide mitigation for permit [approving G-15243] or [approving G-15244].

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will, if properly conditioned, avoid injury to existing rights and the resource.

Because the proposed ground water use will have the potential for substantial interference with surface water, in accordance with Oregon Administrative Rules 690-410-0070(1) and 690-400-0010(11)(a)(A), surface water availability has also been considered. This assessment compared a calculation of natural streamflow minus the consumption portion of all

relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) year round.

The Department finds that the amount of water requested, 1.78 CFS, is an acceptable amount.

The proposed well is not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use is not allowed by the basin program. However, the Commission approved a request by the applicant for an exception to the basin program pursuant to ORS 536.295.

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and

- (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

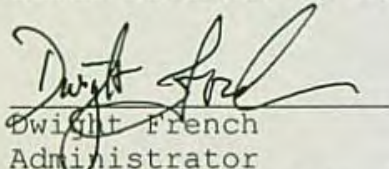
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED November 8, 2005


Dwight French
Administrator

Water Rights & Adjudication Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;

- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **December 23, 2005**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Cory Engel. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0813. If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

engelcc- WEEK 536

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF LANE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD, OREGON 97477

541-726-2396

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

APPLICATION FILE NUMBER: G-15241

SOURCE OF WATER: TWO WELLS IN CEDAR CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 1.78 CUBIC FEET PER SECOND (CFS), BEING 0.89 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 11, 2000

WELL LOCATIONS:

WELL #1: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T17S, R2W, W.M.; 43 FEET SOUTH & 280 FEET EAST FROM THE NORTH $\frac{1}{4}$ CORNER OF SECTION 34

WELL #2: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 27, T17S, R2W, W.M.; 1002 FEET NORTH & 118 FEET WEST FROM THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 27

THE PLACE OF USE IS THE SERVICE AREA OF CITY OF SPRINGFIELD.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

Application G-15241 Water Resources Department

PERMIT DRAFT

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

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

Willamette Basin basalt ground water condition:

- (1) Use of water from either well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.

- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the wells.
- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a). of this section, a water level measurement shall be made each month between the 1st and 5th day of the month.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructors, licensed pump installers, or the permittee / appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurements to the Department on a form available from the Department. The record of measurements shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements. The permittee/appropriator shall submit to the Department one year of monthly measurements (December through November) by December 1. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

The use allowed herein may be made only at times when 1.78 cubic feet per second of water is diverted from the McKenzie River into Cedar Creek under permit [approving S-85336]. This water may not be used to provide mitigation for permit [approving G-15243] or [approving G-15244].

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

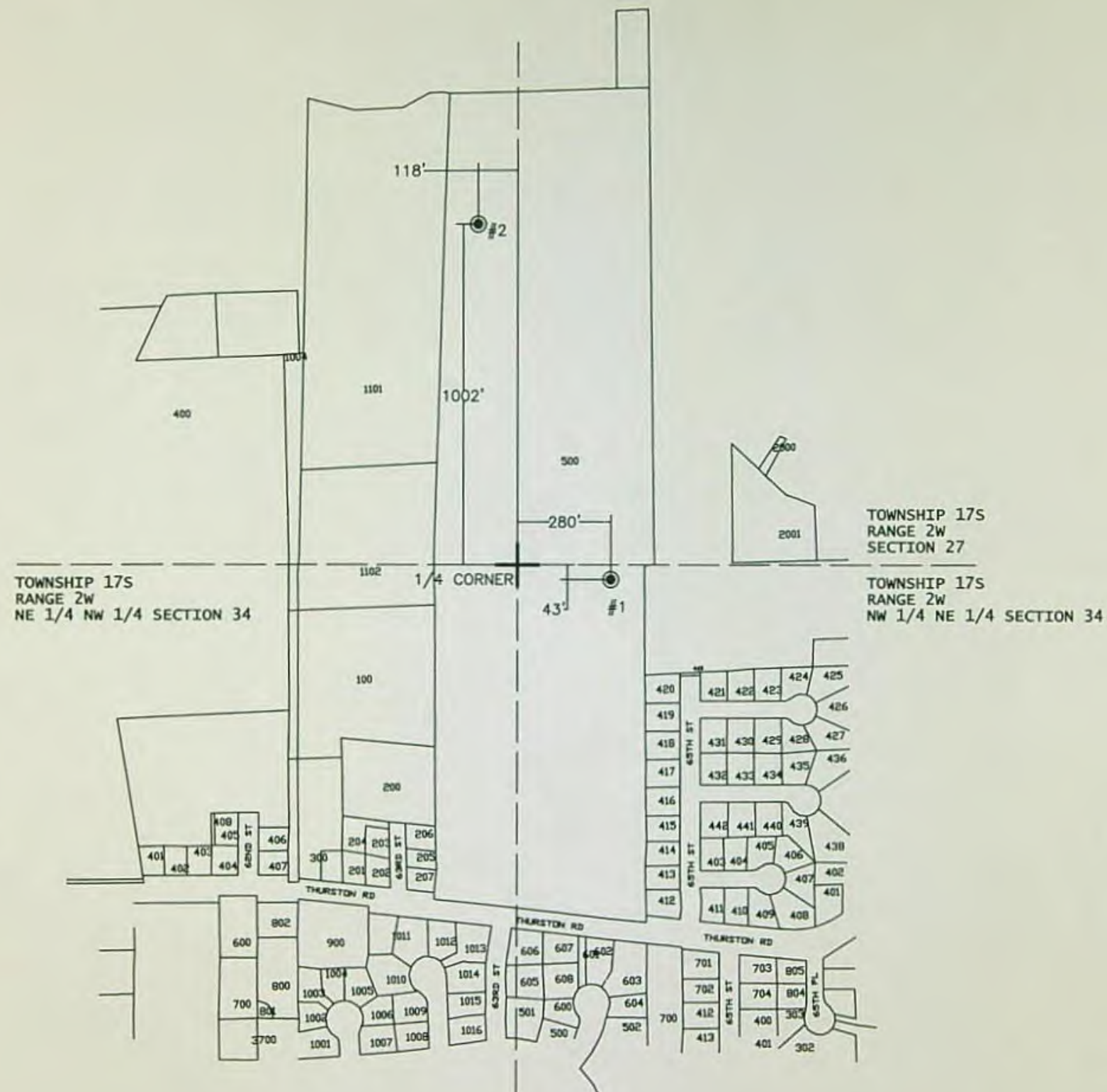
Issued _____, 2005

DRAFT - THIS IS NOT A PERMIT

Phillip C. Ward, Director
Water Resources Department

Application G-15241 Water Resources Department
Basin 02 Volume 2 MCKENZIE R MISC
engelcc WEEK 537

PERMIT DRAFT
District 2



Application No. 915241
Permit No.

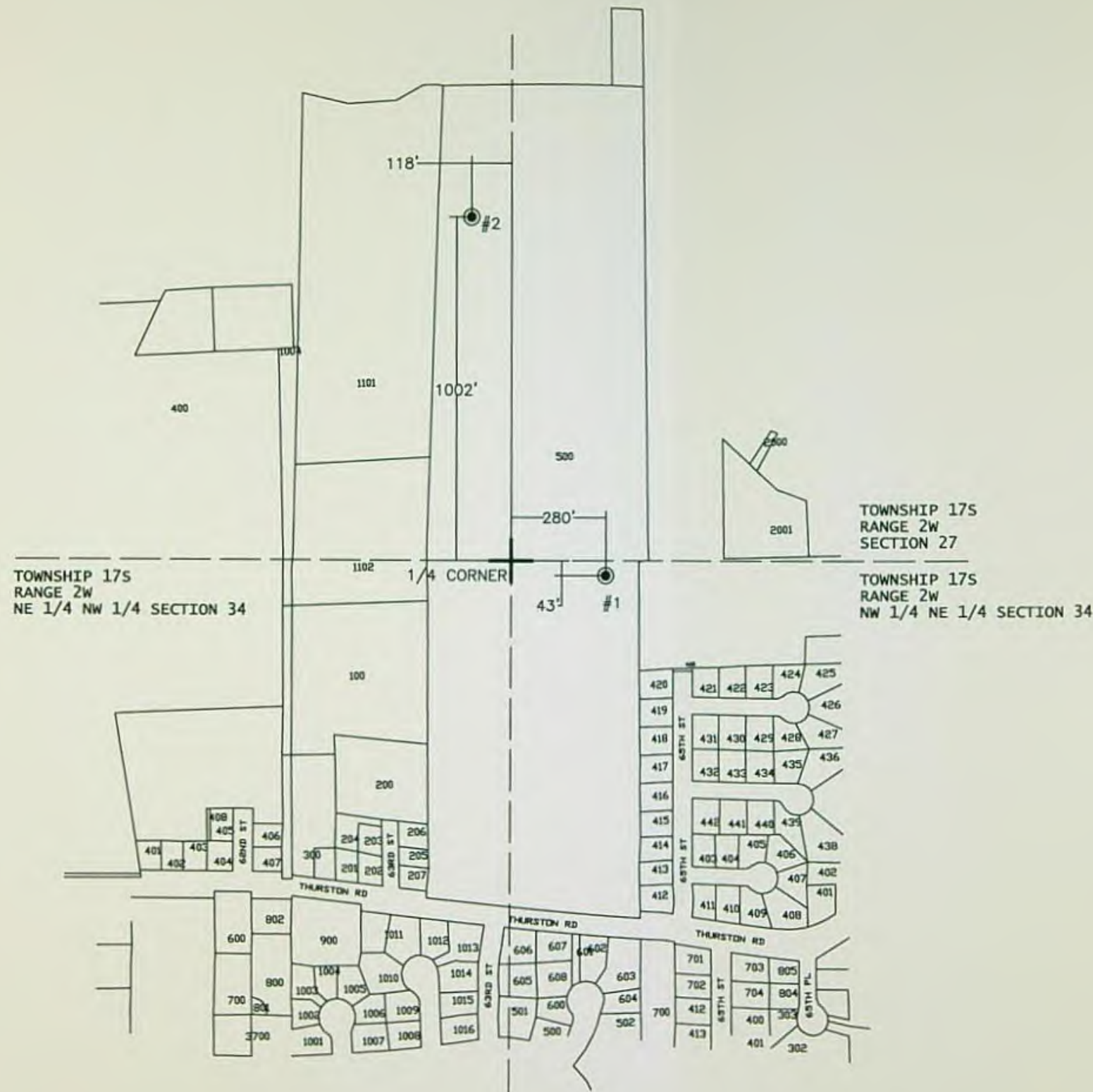
RECEIVED

DEC 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON



SPRINGFIELD UTILITY BOARD SPRINGFIELD, OREGON			
REV.	DATE	SCHOOL DISTRICT SITE (THURSTON MIDDLE SCHOOL)	
		DRAWN BY: E.N.	SCALE: 1"=400'
		CHECKED: KC	DATE: 7/3/00
		APPROVED: [Signature]	DRAWING NO. PAGE: OF



Application No. 915241
Permit No.

RECEIVED

DEC 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON



SPRINGFIELD UTILITY BOARD SPRINGFIELD, OREGON			
REV.	DATE	SCHOOL DISTRICT SITE (THURSTON MIDDLE SCHOOL)	
DESIGN BY	E.J.N.	SCALE	1"=400'
DRAWN BY	K.C.	DATE	7/3/00
APPROVAL	[Signature]	DRAWING NO.	PAGE
			OF



SPRINGFIELD UTILITY BOARD

WATER SERVICE CENTER 202 South 18th Street Springfield, OR 97477-5240 Tel 541.726.2396 Fax 541.747.7348 www.subutil.com

October 25, 2005

Mr. Cory Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-0900

RE: Application File G-15242

Dear Mr. Engel:

Thank you for your phone call regarding the 16th and Q Street Well application G-15242. SUB hereby requests that the Department extend the administrative hold period for this application for six months to allow sufficient time to resolve the pending applications for S-85336, G-15241, G-15243 and G-15244. Our approach to the 16th and Q Street Well will be dependant on final action by the Department on these applications.

If we are successful with these four applications, please consider this letter, as notification of SUB's intent to withdraw our Application G-15242 for the 16th and Q Well site. Effective date of the withdrawal will be the issue date of the new permits.

Please call me at (541) 726-2396 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles C. Arrera".

Charles C. Arrera P.E.
Director of Water Engineering and Operations

CA: cjc

cc: Greg Corbin, Stoel Rives, LLP, 900 SW Fifth Avenue, Suite 2600,
Portland, OR 97204

RECEIVED

OCT 26 2005

WATER RESOURCES DEPT
SALEM, OREGON

PFO CHECKLIST

Application #: G-15241 Applicant: SPRINGFIELD UTILITY BOARD PFO week: 536

- ✓ Shortcomings preventing PFO? Y / N Should process continue? Y / N
- ✓ IR Date 2/9/01 Public Notice Date 2/27/01 Comments received? Y / N
- ✓ Was additional information requested in the IR? Y / N If so, do we now have enough info to do the PFO? Y / N
- ✓ Was the application filed after 10/23/99? Y / N (If not, add A date requirement)
- ✓ B.O.R. or Doug Co. project Y / N Contract in file? N contract # _____
- ✓ IR identifies as DEQ 303d? Y / N NA Comments received? Y / N
- ✓ Is second gw review necessary? Y N / NA Complete? Y / N
- ✓ Water Availability OK / REDONE / NA
- ✓ Have conflicts been addressed? Y / N / NA
- ✓ Changes from IR determinations _____

BARTON PROGRAM EXCEPTION,
MISSOURI

CONDITIONS

1. Permit's - copy from 85236
2. ODFW - " " "
3. GW: 7A, 7B, 7F, 7I (MODIFIED)

✓ Copy to EWOB
GOSLER (\$10)

Fees	Base Fee	Water Amount (Q)
	\$100 / \$150	1 st CFS/AF
	<u>\$250</u> / \$300	<u>1</u> Addl @ <u>75</u> + <u>75</u>
	<u>250</u> (base)	<u>225</u> (Q)
		<u>475</u> (total exam fee)

EXAM FEE REQUIRED	<u>475</u>	RECORDING FEE REQUIRED	\$175 / <u>\$250</u>
EXAM FEE PAID	<u>475</u>	RECORDING FEE PAID	<u>0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>250</u>

Name: Cory Engel Date: 10/19/2005 Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Subject: RE: SUB comments
Date: Mon, 18 Jul 2005 13:43:32 -0700
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
Thread-Topic: SUB comments
Thread-Index: AcV+eY0XQF2mIVfeShq+nKzsyvqZqgNVGNHg
From: "Jeffrey Ziller" <Jeffrey.S.Ziller@state.or.us>
To: "ENGEL Cory C" <Cory.C.ENGEL@state.or.us>,
"Jeffrey Ziller" <Jeffrey.S.Ziller@state.or.us>
Cc: "MATTICK Michael J" <Michael.J.MATTICK@state.or.us>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.7 required=5.0 tests=BAYES_00,HTML_FONTCOLOR_BLUE,
HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level:

Hi Cory.

Thanks for your thorough reading of the conditions. I like your suggestions and have put my comments (in blue) into your text. Let me know if you have any questions. Otherwise, I think you could kick this one out the door.

Jeffrey S. Ziller
District Fish Biologist
South Willamette Watershed District
541-726-3515 x26
Jeffrey.S.Ziller@state.or.us
www.dfw.state.or.us/South_Willamette

From: Cory Engel [mailto:Cory.C.ENGEL@state.or.us]
Sent: Friday, July 01, 2005 1:11 PM
To: Jeffrey Ziller
Cc: MATTICK Michael J
Subject: Re: SUB comments

At 06:32 PM 6/9/2005, you wrote:

Attached is a letter amending ODFW's previous comments on the Springfield Utility Board's groundwater applications G-15241, G-15243, and G-15244 and surface application S-85336. ODFW developed the conditions with SUB's input and I believe they are acceptable to both SUB and ODFW. Please let me know if you have any questions.

Jeffrey S. Ziller
District Fish Biologist

Jeff,

It's been a bit of a crazy month, but I've finally been able to go over your recommendations for SUB. For the most part, I think we can implement conditions similar to those in your letter which will address your concerns. However, I have questions about some of the conditions. Below, I've addressed each item

with numbers corresponding to those in your letter.

#1: To accommodate the need for fish passage, I recommend the following standard condition for S-85336:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage at the diversion into Cedar Creek without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Please inform me if you see a problem with this. (The condition's last sentence may be unnecessary.) **Looks fine to me.**

#2: Your recommendation for G-15241 might read as follows when worded as a permit condition:

If the Cedar Creek flow monitoring program currently maintained by the U.S. Geological Survey in conjunction with the U.S. Army Corps of Engineers and the Eugene Water and Electric Board is discontinued, the permittee shall ensure that a similar flow monitoring program is implemented on Cedar Creek.

It would be difficult for us to know what a "similar" program would be when we evaluate their future claim of beneficial use (or "final proof") while processing a final certificate. To rectify this, it would be helpful to identify the minimum characteristics of the flow monitoring program. **At a minimum, a calibrated staff gage would suffice.**

#3: This condition says "*SUB should continue working cooperatively with any relevant person or entity to ensure that the headgate for Cedar Creek is maintained and operated consistent with the Surface Application.*" I think this condition might be a bit too vague, and it may be unclear to the permittee and to WRD what is required (e.g. the degree of cooperation or who is "relevant"), and could lead to a dispute at the time of final proof over whether they complied with the condition. If we include this condition in the surface water permit without modifying its substance, it would likely be worded as follows:

SUB shall work cooperatively with any other relevant party to ensure that the Cedar Creek headgate is maintained and operated consistently with this permit.

I'm not sure what this condition will achieve, and it might have unintended consequences. For example, if the headgate is maintained and operated

consistently with the permit, but SUB does not cooperate with other parties to achieve that goal, technically SUB would not have complied with the condition, which would place the permit in jeopardy even though the headgate is adequately maintained and operated. I assume the real goal here is that the headgate be maintained and operated in in good working order. If that requires cooperation with other parties, then SUB must cooperate even if we don't use this condition. Also, the ground water permits will contain a condition prohibiting the use of water from the wells except at times when 4.1 cfs is being diverted from the McKenzie through the headgate. Since the headgate must be maintained and operated to achieve that goal, I'm not sure this condition adds anything. For those reasons, I recommend that this condition be excluded. I'm OK with excluding this. I believe SUB was attempting to cover their cooperation with the Cedar Creek Irrigation District with this condition.

#4: (skipped for the moment to consider #5, which is related)

#5: The suggested condition requires installation of a staff gage at Hendricks Bridge and related calibration and monitoring. There is already a gage (USGS 14163900) with live telemetry viewable at http://waterdata.usgs.gov/or/nwis/uv/?site_no=14163900&PARAMETER_cd=00065,00060 located 0.8 mile downstream from the Walterville Canal. Though this is 3.7 miles upstream from the bridge, the watermaster has told me that differences in flow between the two points would not be measurable. Because live telemetry would eliminate the need for installation of a new gage and ongoing manual on-site calibration and readings, the probability of compliance would be increased. Is this acceptable to you? Yes.

#4 (resumed): At its core, I think this condition makes sense, and achieves a specific goal, but I have two concerns. The recommended condition essentially says that as long as FERC requires EWEB to bypass 1,000 cfs past Walterville Canal, SUB must bypass 1,000 cfs, but if the FERC requirement changes or ceases, the bypass flow goes up to 1,440 cfs or to EWEB's bypass, whichever is greater.

a. This might also have the unintended consequence of causing SUB to have an interest in FERC's regulation of EWEB's Walterville diversion that would not have otherwise been present. SUB will certainly want to avoid a 44% increase in their required bypass flow. As a result, SUB may have an increased level of interest and/or activity in future relicensing. Though the current FERC license will be in effect until 2037, any certificate issued as a result of this permit will continue in perpetuity. I don't think this is necessarily a problem, but I just wanted to bring it up for your consideration.

b. The condition is quite complex. It covers several possibilities:

- * If EWEB's bypass remains 1,000, SUB's bypass remains 1,000.
- * If EWEB's bypass ceases, SUB's bypass increases to 1,440.
- * If EWEB's bypass decreases, SUB's bypass increases to 1,440.
- * If EWEB's bypass increases to a rate less than or equal to 1,440, SUB's bypass increases to 1,440.
- * If EWEB's bypass increases to a rate greater than 1,440, SUB's bypass increases to match EWEB's.

From our telephone conversation a few weeks ago, my understanding was that ODFW believes any flow less than 1,440 is not truly adequate. However, despite my desire for a simplified permit condition, it is also apparent that requiring a simple bypass flow of 1,440 wouldn't necessarily be productive either; it would prohibit diversion by SUB much of the time, but it would not result in actual flows of 1,440 below the Walterville diversion because EWEB is not required to bypass that amount. Despite its complexity, unless further discussion causes reconsideration, I intend to use the following paragraph. This substantially follows your recommendation, the only major difference being the gage that is used.

While Eugene Water and Electric Board's (EWEB) license from Federal Energy Regulatory Energy Commission (FERC) requires EWEB to bypass 1,000 cfs of water past the Walterville Canal diversion, the permittee may divert water under this permit only when the flow in the McKenzie River, as measured at U.S. Geological Survey (USGS) gage 14163900, is greater than or equal to 1,000 cfs plus the actual rate of appropriation under this permit. In the event that EWEB's license from FERC is modified or rescinded, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to the FERC-required minimum bypass flow plus the actual rate of appropriation under this permit, or 1,400 cfs plus the actual rate of appropriation under this permit, whichever is greater. The minimum in-stream flow requested by ODFW is 1400 cfs. Though I'd like to see a simpler condition to avoid confusion, this is probably an acceptable alternative to denial of the application, given political considerations. I agree.

#6: The recommendation says: SUB should confirm that water quality monitoring in lower Cedar Creek is being completed to verify that flow augmentation of 4.1 cfs is sufficient to maintain fish production.

This raises several questions:

- a. It requires confirmation, but not documentation. Is that good enough?
- b. It does not specify what kind of quality aspects should be monitored (pH, turbidity, temperature, bacteria, etc.).
- c. It is unclear at what point it is decided that 4.1 cfs is insufficient, or who makes that determination. (See also item 'e' below, which relates to the relevancy of the 4.1 cfs to water quality.)
- c. There are no consequences if monitoring reveals a problem.
- d. SUB, together with Rural Thurston Neighborhood Organization, the McKenzie Watershed Council, and Thurston High School are already engaged cooperatively in a water monitoring program on Cedar Creek. This program was apparently initiated and has continued for 9 years without the compulsion of a permit condition. That, combined with the involvement of organizations other than SUB, suggest to me that a permit condition would

probably not be required to ensure the continuation of the monitoring program.

e. Most importantly, the basis of the 4.1 streamflow augmentation requirement is not to improve water quality in Cedar Creek, but rather to make up for reduced flows expected to result from ground water appropriations, which our Ground Water / Hydrology Section has determined it will. Therefore, it does not seem possible that reduced water quality in Cedar Creek can result from this project, from a flow rate or abatement perspective.

It seems that the only way this project could result in reduced water quality in Cedar Creek would be if the quality of water in the McKenzie is (or becomes) inferior to the quality of water in Cedar Creek. This seems unlikely; a quick search of internet sources (http://www.mckenziewatershedcouncil.org/pdf/Cedar_Creek_Monitoring_0102.pdf and <http://www.deq.state.or.us/lab/wqm/wqi/upwill/upwill3.htm>) shows good water quality in the McKenzie and high levels of turbidity and E.coli in Cedar Creek. In the event McKenzie quality does become inferior to Cedar Creek, increasing the streamflow augmentation beyond 4.1 cfs (which incidentally would not be authorized by the permit) would only exacerbate the problem in Cedar Creek.

In the lower reach, streamflow will be diluted with higher quality water even if flows do not experience a net increase, and in the upper reach, streamflow will be increased with higher quality water. Admittedly, I'm neither a fish biologist nor a water quality expert, but I'm having difficulty conceiving of a scenario under which this project would reduce water quality in Cedar Creek. If this project is implemented consistent with other terms of the permit and Cedar Creek water quality decreases, it seems that such a decrease would likely be the result of factors independent of this project, and would have happened anyway.

One alternative might be to use the following condition (which is derived from a standard water quality condition):

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use. I'm Ok with not including this condition, however, as you noted, this is insurance that the water quality in Cedar Creek is maintained as intended. The wording was designed to be a reminder to the City of Springfield that additional stormwater and other pollutants should not be allowed into Cedar Creek. If WRD is uncomfortable with this (after all, this should be a DEQ function) go ahead and drop it.

(The actual standard language for this condition reads "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." However, in this case we're concerned not only about the source stream--McKenzie River--but also Cedar Creek, and theoretically there is also the possibility that a quality reduction could result from something other than "reduced flows".)

Since this e-mail turned into the Great American Novel, please comment on each

of these items by number for clarity. I intend to issue PFOs on these applications immediately following resolution of these questions.

Thanks.

Mr. Cory C. Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301-1271
Phone: 503-986-0813
Fax: 503-986-0901
<http://www.wrd.state.or.us/>

X-Content-Security: [kettle.wrd.state.or.us] original Content-Type was text/x-vcard;
Content-Type: APPLICATION/DEFANGED; name="Ziller, Jeff.19433DEFANGED-vcf"
Content-Description: Ziller, Jeff.vcf
Content-Disposition: attachment; filename="Ziller, Jeff.19433DEFANGED-vcf"



[Ziller, Jeff.19433DEFANGED-vcf](#)

To: "Jeffrey Ziller" <Jeffrey.S.Ziller@state.or.us>
From: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
Subject: Re: SUB comments
Cc: Mike Mattick
Bcc: f\In
Attached:

At 06:32 PM 6/9/2005, you wrote:

Attached is a letter amending ODFW's previous comments on the Springfield Utility Board's groundwater applications G-15241, G-15243, and G-15244 and surface application S-85336. ODFW developed the conditions with SUB's input and I believe they are acceptable to both SUB and ODFW. Please let me know if you have any questions.

Jeffrey S. Ziller
District Fish Biologist

Jeff,

It's been a bit of a crazy month, but I've finally been able to go over your recommendations for SUB. For the most part, I think we can implement conditions similar to those in your letter which will address your concerns. However, I have questions about some of the conditions. Below, I've addressed each item with numbers corresponding to those in your letter.

#1: To accommodate the need for fish passage, I recommend the following standard condition for S-85336:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage at the diversion into Cedar Creek without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Please inform me if you see a problem with this. (The condition's last sentence may be unnecessary.)

#2: Your recommendation for G-15241 might read as follows when worded as a permit condition:

If the Cedar Creek flow monitoring program currently maintained by the U.S. Geological Survey in conjunction with the U.S. Army Corps of Engineers and the Eugene Water and Electric Board is discontinued, the permittee shall ensure that a similar flow monitoring program is

implemented on Cedar Creek.

It would be difficult for us to know what a "similar" program would be when we evaluate their future claim of beneficial use (or "final proof") while processing a final certificate. To rectify this, it would be helpful to identify the minimum characteristics of the flow monitoring program.

#3: This condition says "SUB should continue working cooperatively with any relevant person or entity to ensure that the headgate for Cedar Creek is maintained and operated consistent with the Surface Application." I think this condition might be a bit too vague, and it may be unclear to the permittee and to WRD what is required (e.g. the degree of cooperation or who is "relevant"), and could lead to a dispute at the time of final proof over whether they complied with the condition. If we include this condition in the surface water permit without modifying its substance, it would likely be worded as follows:

SUB shall work cooperatively with any other relevant party to ensure that the Cedar Creek headgate is maintained and operated consistently with this permit.

I'm not sure what this condition will achieve, and it might have unintended consequences. For example, if the headgate is maintained and operated consistently with the permit, but SUB does not cooperate with other parties to achieve that goal, technically SUB would not have complied with the condition, which would place the permit in jeopardy even though the headgate is adequately maintained and operated. I assume the real goal here is that the headgate be maintained and operated in in good working order. If that requires cooperation with other parties, then SUB must cooperate even if we don't use this condition. Also, the ground water permits will contain a condition prohibiting the use of water from the wells except at times when 4.1 cfs is being diverted from the McKenzie through the headgate. Since the headgate must be maintained and operated to achieve that goal, I'm not sure this condition adds anything. For those reasons, I recommend that this condition be excluded.

#4: (skipped for the moment to consider #5, which is related)

#5: The suggested condition requires installation of a staff gage at Hendricks Bridge and related calibration and monitoring. There is already a gage (USGS 14163900) with live telemetry viewable at http://waterdata.usgs.gov/or/nwis/uv/?site_no=14163900&PARAMETER_cd=00065,00060 located 0.8 mile downstream from the Walterville Canal. Though this is 3.7 miles upstream from the bridge, the watermaster has told me that differences in flow between the two points would not be measurable. Because live telemetry would eliminate the need for installation of a new gage and ongoing manual on-site calibration and readings, the probability of compliance would be increased. Is this acceptable to you?

#4 (resumed): At its core, I think this condition makes sense, and achieves a specific goal, but I have two concerns. The recommended condition essentially

says that as long as FERC requires EWEB to bypass 1,000 cfs past Walterville Canal, SUB must bypass 1,000 cfs, but if the FERC requirement changes or ceases, the bypass flow goes up to 1,440 cfs or to EWEB's bypass, whichever is greater.

a. This might also have the unintended consequence of causing SUB to have an interest in FERC's regulation of EWEB's Walterville diversion that would not have otherwise been present. SUB will certainly want to avoid a 44% increase in their required bypass flow. As a result, SUB may have an increased level of interest and/or activity in future relicensing. Though the current FERC license will be in effect until 2037, any certificate issued as a result of this permit will continue in perpetuity. I don't think this is necessarily a problem, but I just wanted to bring it up for your consideration.

b. The condition is quite complex. It covers several possibilities:

- * If EWEB's bypass remains 1,000, SUB's bypass remains 1,000.
- * If EWEB's bypass ceases, SUB's bypass increases to 1,440.
- * If EWEB's bypass decreases, SUB's bypass increases to 1,440.
- * If EWEB's bypass increases to a rate less than or equal to 1,440, SUB's bypass increases to 1,440.
- * If EWEB's bypass increases to a rate greater than 1,440, SUB's bypass increases to match EWEB's.

From our telephone conversation a few weeks ago, my understanding was that ODFW believes any flow less than 1,440 is not truly adequate. However, despite my desire for a simplified permit condition, it is also apparent that requiring a simple bypass flow of 1,440 wouldn't necessarily be productive either; it would prohibit diversion by SUB much of the time, but it would not result in actual flows of 1,440 below the Walterville diversion because EWEB is not required to bypass that amount. Despite its complexity, unless further discussion causes reconsideration, I intend to use the following paragraph. This substantially follows your recommendation, the only major difference being the gage that is used.

While Eugene Water and Electric Board's (EWEB) license from Federal Energy Regulatory Energy Commission (FERC) requires EWEB to bypass 1,000 cfs of water past the Walterville Canal diversion, the permittee may divert water under this permit only when the flow in the McKenzie River, as measured at U.S. Geological Survey (USGS) gage 14163900, is greater than or equal to 1,000 cfs plus the actual rate of appropriation under this permit. In the event that EWEB's license from FERC is modified or rescinded, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to the FERC-required minimum bypass flow plus the actual rate of appropriation under this permit, or 1,440 cfs plus the actual rate of appropriation under this permit, whichever is greater.

Though I'd like to see a simpler condition to avoid confusion, this is probably an acceptable alternative to denial of the application, given political considerations.

#6: The recommendation says: *SUB should confirm that water quality monitoring in lower Cedar Creek is being completed to verify that flow augmentation of 4.1 cfs is sufficient to maintain fish production.*

This raises several questions:

- a. It requires confirmation, but not documentation. Is that good enough?
- b. It does not specify what kind of quality aspects should be monitored (pH, turbidity, temperature, bacteria, etc.).
- c. It is unclear at what point it is decided that 4.1 cfs is insufficient, or who makes that determination. (See also item 'e' below, which relates to the relevancy of the 4.1 cfs to water quality.)
- c. There are no consequences if monitoring reveals a problem.
- d. SUB, together with Rural Thurston Neighborhood Organization, the McKenzie Watershed Council, and Thurston High School are already engaged cooperatively in a water monitoring program on Cedar Creek. This program was apparently initiated and has continued for 9 years without the compulsion of a permit condition. That, combined with the involvement of organizations other than SUB, suggest to me that a permit condition would probably not be required to ensure the continuation of the monitoring program.
- e. Most importantly, the basis of the 4.1 streamflow augmentation requirement is not to improve water quality in Cedar Creek, but rather to make up for reduced flows expected to result from ground water appropriations, which our Ground Water / Hydrology Section has determined it will. Therefore, it does not seem possible that reduced water quality in Cedar Creek can result from this project, from a flow rate or abatement perspective.

It seems that the only way this project could result in reduced water quality in Cedar Creek would be if the quality of water in the McKenzie is (or becomes) inferior to the quality of water in Cedar Creek. This seems unlikely; a quick search of internet sources ([http://www.mckenziewatershedcouncil.org/pdf/Cedar Creek Monitoring 0102.pdf](http://www.mckenziewatershedcouncil.org/pdf/Cedar%20Creek%20Monitoring%200102.pdf) and <http://www.deq.state.or.us/lab/wqm/wqi/upwill/upwill13.htm>) shows good water quality in the McKenzie and high levels of turbidity and E.coli in Cedar Creek. In the event McKenzie quality does become inferior to Cedar Creek, increasing the streamflow augmentation beyond 4.1 cfs (which incidentally would not be authorized by the permit) would only exacerbate the problem in Cedar Creek.

In the lower reach, streamflow will be diluted with higher quality water even if flows do not experience a net increase, and in the upper reach, streamflow will be increased with higher quality water. Admittedly, I'm neither a fish biologist nor a water quality expert, but I'm having difficulty conceiving of a scenario under which this project would reduce water quality in Cedar Creek. If this project is implemented consistent with other terms of the permit and Cedar Creek water quality decreases, it seems that such a decrease would likely be the result of factors independent of this project, and would

have happened anyway.

One alternative might be to use the following condition (which is derived from a standard water quality condition):

The use may be restricted if the quality of the McKenzie River, Cedar Creek, or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards as a result of the use.

(The actual standard language for this condition reads "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." However, in this case we're concerned not only about the source stream--McKenzie River--but also Cedar Creek, and theoretically there is also the possibility that a quality reduction could result from something other than "reduced flows".)

Since this e-mail turned into the Great American Novel, please comment on each of these items by number for clarity. I intend to issue PFOs on these applications immediately following resolution of these questions.

Thanks.

Mr. Cory C. Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301-1271
Phone: 503-986-0813
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<http://www.wrd.state.or.us/>



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife
SPRINGFIELD FIELD OFFICE
3150 Main Street
Springfield, OR 97478
Voice (541) 726-3515
FAX (541) 726-2505

http://www.dfw.state.or.us/South_Willamette

June 9, 2005

Mr. Cory C. Engel
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271



Dear Mr. Engel:

The Oregon Department of Fish and Wildlife (ODFW) previously provided the Oregon Water Resources Department (OWRD) comments on the Springfield Utility Board's (SUB) groundwater applications G-15241, G-15243, and G-15244 (Groundwater Applications) and surface application S-85336 (Surface Application). The purpose of this letter is to modify our earlier comments on these water right applications. Application G-15241 is for year-round appropriation of 1.78 cubic feet per second (cfs) of municipal use water from two wells (0.89 cfs from each) located in the Cedar Creek basin. Application G-15243 is for year-round appropriation of 4.91 cfs of municipal use water from four wells (1.34 cfs from three wells and 0.89 cfs from the fourth well) located within the McKenzie River basin. Application G-15244 is for year-round appropriation of 4.02 cfs of municipal use water from three wells (1.34 cfs from each well) located within the McKenzie River basin. The Surface Application as originally filed was for year-round diversion of 37.0 cfs of water from the McKenzie River for municipal use, and 3.0 cfs from the McKenzie River for stream flow augmentation in Cedar Creek, for a total of 40.0 cfs from the McKenzie River.

ODFW provided comments pursuant to Oregon Administrative Rules Chapter 690, Division 33. We commented that the Groundwater Applications would result in a net loss of essential habitat of Upper Willamette Spring Chinook Salmon, and that if the loss cannot be offset, the reduced stream flow would limit fish production in Cedar Creek and McKenzie River. We recommended that SUB develop a water flow monitoring program for the affected stream reaches. We also recommended that if stream flow is reduced in Cedar Creek or the McKenzie River, SUB should purchase stored reservoir water from the U.S. Army Corps of Engineers (Corps) to offset reductions in stream flow.

Subsequent to ODFW's original comments on the Groundwater Applications and Surface Applications, SUB obtained from the Oregon Water Resources Commission an exception from the Willamette Basin Program to allow OWRD to consider the Groundwater Applications. OWRD is prepared to issue water right permits after receiving updated comments from ODFW. I also understand that SUB has amended its Surface Application to convert the 3.0 cfs of stream flow augmentation to 4.1 cfs of instream flows in Cedar Creek for fish and wildlife, and that this 4.1 cfs of instream flow will fully offset impacts on Cedar Creek from application G-15241. Thus, the Surface Application as amended is for 35.9 cfs of municipal use and 4.1 cfs of instream water for fish and wildlife. Finally, I understand from discussions with SUB that purchasing stored water from the Corps is currently not a viable option because the Corps is not offering stored water for sale until its consultation under the federal Endangered Species Act is

complete. In light of these changed circumstances, ODFW now provides new and amended Division 33 comments on the Groundwater Applications and Surface Application.

ODFW does not object to the issuance of the Groundwater Applications and Surface Application under the following conditions:

1. SUB shall ensure that the Cedar Creek headgate is maintained and managed to allow upstream and downstream fish passage all year. Provided fish passage is unimpeded at the headgate, fish screens are not required at the Cedar Creek headgate as previously recommended for the Surface Application.
2. A flow monitoring program currently is in place and maintained by the U.S. Geological Survey, in conjunction with the U.S. Army Corps of Engineers and the Eugene Water and Electric Board, on Cedar Creek. If that monitoring program is discontinued, as a condition on application G-15241, SUB shall ensure that a similar flow monitoring program is implemented on Cedar Creek.
3. SUB should continue working cooperatively with any relevant person or entity to ensure that the headgate for Cedar Creek is maintained and operated consistent with the Surface Application.
4. As a condition on the Surface Application, so long as the Federal Energy Regulatory Energy Commission (FERC) requires the Eugene Water and Electric Board (EWEB) to bypass 1,000 cfs of water in the reach of the McKenzie River downstream from the Walterville Canal intake, SUB shall divert surface flow from the McKenzie River only if the flow in the McKenzie River, as measured at Hendricks Bridge, is greater than or equal to 1,000 cfs plus the amount of SUB's diversion. In the event that EWEB's FERC License is modified or recinded, SUB shall divert surface water only when flow in the McKenzie River, as measured at Hendricks Bridge, is greater than or equal to the FERC required minimum bypass flow plus the amount of SUB's diversion or 1440 cfs, whichever is greater.
5. A flow monitoring program that consists of a staff gauge and annual calibration shall be implemented for the McKenzie River at Hendricks Bridge to verify minimum flow requirements are being met, as described above (in 4).
6. SUB should confirm that water quality monitoring in lower Cedar Creek is being completed to verify that flow augmentation of 4.1 cfs is sufficient to maintain fish production.

As conditioned above, approval of the Groundwater Applications and Surface Application will mitigate for stream flow loss in Cedar Creek and have a beneficial effect on Cedar Creek for fish and fish habitat. ODFW supports this proposal as a means for addressing its earlier concerns about stream flows and no additional flow augmentation in Cedar Creek would be required.

Thank you for this opportunity to respond and please do not hesitate to contact me if you have questions.

Sincerely,

Jeffrey S. Ziller
District Fish Biologist
South Willamette Watershed District
Jeffrey.S.Ziller@state.or.us
phone: 541-726-3515, ext. 26

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Subject: SUB comments
Date: Thu, 9 Jun 2005 18:32:45 -0700
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
Thread-Topic: SUB comments
Thread-Index: AcVtXE0tdvuc3cDfTgOxjB1CPl3NGw==
From: "Jeffrey Ziller" <Jeffrey.S.Ziller@state.or.us>
To: "ENGEL Cory C" <Cory.C.ENGEL@state.or.us>
Cc: "DAVIS Chuck" <ChuckD@subutil.com>,
"Ann Kreager" <Ann.Kreager@state.or.us>

Attached is a letter amending ODFW's previous comments on the Springfield Utility Board's groundwater applications G-15241, G-15243, and G-15244 and surface application S-85336. ODFW developed the conditions with SUB's input and I believe they are acceptable to both SUB and ODFW. Please let me know if you have any questions.

Jeffrey S. Ziller
District Fish Biologist
South Willamette Watershed District
541-726-3515 x26
Jeffrey.S.Ziller@state.or.us

[www.dfw.state.or.us/South Willamette](http://www.dfw.state.or.us/SouthWillamette)

X-Content-Security: [kettle.wrd.state.or.us] original Content-Type was text/x-vcard;

Content-Type: APPLICATION/DEFANGED; name="Ziller, Jeff.26940DEFANGED-vcf"

Content-Description: Ziller, Jeff.vcf

Content-Disposition: attachment; filename="Ziller, Jeff.26940DEFANGED-vcf"



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[SUB comments 5 31 05.doc](#)

DIVISION 33 APPLICATION REVIEW SHEET FOR USE BY ODFW

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 2/9/01

21 day Deadline Date: 3/9/01

Application # G15241

Applicant's Name: Springfield Utility Board

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species? [690-33-330(1)]

YES Species: Upper Willamette Spring Chinook Salmon Status: Threatened

IF ANSWER TO QUESTION (1) IS YES, CONTINUE ON THIS PAGE TO QUESTION (2),

IF ANSWER IS NO, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

What stage or value is at risk (circle all that apply): Rearing, Habitat Value

2) Will the proposed use result in a **LOSS** in the essential habitat of **THREATENED OR ENDANGERED SPECIES** or a **NET LOSS** in the habitat of a **SENSITIVE SPECIES**?

YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(a)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

YES [690-33-330(3)]

Which conditions are recommended?

Condition: 4A This use of water shall be limited when it reduces the flow of water in Cedar Creek.

Since Cedar Creek water flow is a classified use only from October 1 through June 30 under OAR 690-502-080(1)(d), ODFW suggests the development of a water flow monitoring program for the affected stream reach during that time period. If stream flow is reduced, the applicant should purchase stored reservoir water from U. S. Army Corps of Engineers in place of Cedar Creek water.

4) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

YES [690-33-330(4)]

If YES, please explain:

Reduced stream flows would limit fish production in Cedar Creek and the production of organisms needed for fish growth.

ODFW RECOMMENDATION:

X Approval with fishery conditions.

Approval without fishery conditions.

Denial.

ODFW Representative: Name: Richard Irish

Date: 3/15/01

WRD Contact: Brenda Lee S. Wilson, Interagency Coordinator/Policy Analyst, Water Rights Division

X-Mailer: Novell GroupWise Internet Agent 5.5.2.1
Date: Fri, 30 Mar 2001 09:18:04 -0800
From: "Richard Irish" <Richard.H.Irish@DFW.STATE.OR.US>
To: <Kerry.A.LeFever@wrд.state.or.us>
Subject: Division 33 Review sheets for G15241-44

I am sorry this took so long. The sheets have gone through an involved review process in our shop. Attached below are the review sheets.
Thanks for your patience.

Richard Irish
Fish & Wildlife Biologist
3150 Main St.
Springfield, OR 97478
Ph: 541-726-3515 x25
e-mail: Richard.H.Irish@state.or.us
web site: www.dfw.state.or.us/South_Willamette
FAX: (541) 726-2505

 [G15241.doc](#)

 [G15242.doc](#)

 [G15243.doc](#)

 [G15244.doc](#)

WATERMASTER'S Division 33 Review Comment WORK SHEET

APPLICANT'S NAME: SUB 14 Day Deadline

APPLICATION NO. G-15241

SOURCE of WATER ☒ GROUNDWATER. ☐ SURFACE WATER.

DESCRIPTION of the SOURCE Two wells with potential for interference with Cedar Cr.

- Does the source ever go dry in the area of the proposed diversion?
☐ YES ☒ NO
- To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?
☐ YES ☒ NO

If yes, please explain. _____

- Is there sufficient flow at the proposed point of diversion to satisfy all existing water rights and provide the quantity of water requested under this application?
- ☒ YES ☐ NO

- Did you meet with staff from another agency to discuss the application?
Who Dick Irish of ODFW by Phone 4-3-01

- Is mitigation an option?

Thoretically

If so, please describe _____

Comments: _____

Cedar Creek gets low and additional depletion from hydraulically connected wells would exacerbate the situation. A canal exists which could augment Cedar Creek flows with storage releases from the McKenzie River if such a contract could be purchase (which I doubt). The WRD has proposed denying the application and I endorse this. However, SUB plans to appeal our determination that the wells have potential for substantial interference with Cedar Creek. If they are successful, that changes my opinion.

04-03-01

Watermaster, Distric 2

Michael J. Mattick Name
Title

Name _____

Title

X-Sender: matticmj@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.6 (32)
Date: Tue, 03 Apr 2001 16:19:30 -0700
To: Richard.H.Irish@state.or.us, Kerry.A.LEFEVER@wrđ.state.or.us
From: Mike Mattick <Michael.J.MATTICK@wrđ.state.or.us>
Subject: SUB Ground Water Apps: G-15241,2,3,4

Hello Mr. Irish,

I too am supposed to comment on these applications and when possible I am supposed to coordinate my comments with the ODFW reviewer. I have looked over the WRD Initial Reviews and I have had several conversations with a SUB representative (though I can not remember his name right now).

I believe that your review of applications G-15243 and G-15244 are a little misguided. While the WRD does find that, for these two applications, there is potential for substantial interference with the McKenzie River, we also find that the flows in the McKenzie exceed all water right demands, including instream water rights, at least 80 percent of the time. The stream is also classified for new municipal uses. So from the WRD perspective, having an impact on the river flow is not a reason to deny or limit the use.

In your comments you recommend:

"ODFW suggests the development of a water flow monitoring program for the affected stream reach. If stream flow is reduced, the applicant should purchase stored reservoir water from U. S. Army Corps of Engineers to supplement the McKenzie River."

The WRD is assuming that there will be a reduction in streamflow due to these applications year round. However, due to the quantity that will be pumped, 4.91 and 2.23 cfs and compared with over 1,000 cfs of natural flows usually in the river, the quantity is less than 1% which would not be detectable.

As I understand your review, any reduction in McKenzie River flow is not acceptable at any time of year. If that is the case, the review you sent in is adequate. If not it should be modified.

In doing the review, if instream water rights are exceeded, must you still find that the proposed use will result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the habitat of a SENSITIVE SPECIES, even if the instream water rights are exceeded?

Does this information affect your review?

On the other two applications G-15241 and G-15244 we also found the potential for substantial interference with Cedar Creek, tributary to the McKenzie and an unnamed tributary to the Willamette above the confluence with the McKenzie respectively.

For 41, while we still think there is water available for new uses, our basin program (690-502-080(1)(d)) restrictively classifies McKenzie River tributaries for new municipal uses only from October through June. For 42, because the potentially affected trib flows into the Willamette above the McKenzie it is subject to a similar classification restriction and also is subject to a different water availability analysis whereby water is only available in December and January. While we could issue permits for October thru June on one application and December and January on the other, we proposed to deny them both.

The SUB representative was unwilling to accept this and intends try to convince the WRD hydrogeologist that neither use will result in the potential for substantial interference with the nearest streams. If he is successful with this, that would change our analysis and we would propose issuance, presumably without any ODFW concerns.

In light of this explanation, I wonder if you would revise your reviews for the 43 and 44 applications. Attached are my Division 33 reviews for each. Please call me if you want to discuss any of this.

MM

 G-15244.doc

 G-15242.doc

 G-15243.doc

 G-15241.doc

+=====+
=====+
| Michael J. Mattick email to: Michael.J.Mattick@ wrd.state.or.us |
| Watermaster District 2 |
| Voice: (541)-682-3620 FAX: (541)-746-1861 |
| Oregon Water Resources Department Web page: <http://www.wrd.state.or.us> |
| |
| Office located at: |
| Central Lane Justice Court |
| 220 N 5th St. |

| Springfield, Oregon 97477 |

+=====+
=====+

X-Sender: matticmj@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.6 (32)
Date: Thu, 05 Apr 2001 16:42:11 -0700
To: Kerry Lefever <Kerry.A.LEFEVER@wrđ.state.or.us>
From: Mike Mattick <Michael.J.MATTICK@wrđ.state.or.us>
Subject: Re: Division 33 Reviews-apps. R-84659 Toolson; Waterbury,
R-84634 Camp, R-84652 & R-84653 Wood

Hi Kerry,

I did have a long talk with Dick Irish, then with Jeff Ziller. He said he would review and consider modifying the Division 33 reviews:
G-15241 we said was hydraulically connected to Cedar Creek, which provides important habitat; we had said it was OK Nov thru June, ODFW had said no whenever there is stream flow reduction. Jeff will relook at that, but I think something like that will probably stay, I told Jeff that SUB was planning on putting together an argument that the wells would not affect the Creek. Jeff would like to see that when it comes in.

G15242: ODFW was OK with that one, no conditions proposed (though we propose denial).

G-15243 and 44, ODFW said no use when it interferes with the Mackenzie while we said it does interfere but flows are not an issue there. ODFW has a real concern about reducing McKenzie River flows from around river mile 29 to around river mile 21. In this stretch, it is not uncommon for 2,000 cfs to be diverted into the Leaburg Power Canal, leaving 1000 cfs in the River. ODFW does not want anything to further erode this 1000 cfs. I explained that the well fields are below the return of the power canal so this should not be a concern. Jeff will take another look at these.

As to the other applications, I don't have time for em so deny them all.

Oh wait, I'll look at them soon.

MM

At 01:26 PM 4/5/01 -0700, you wrote:

> Michael,

>

> Thanks for the information regarding the Springfield Utility Board
> applications. Did you hear anything from Dick Irish, with ODFW?

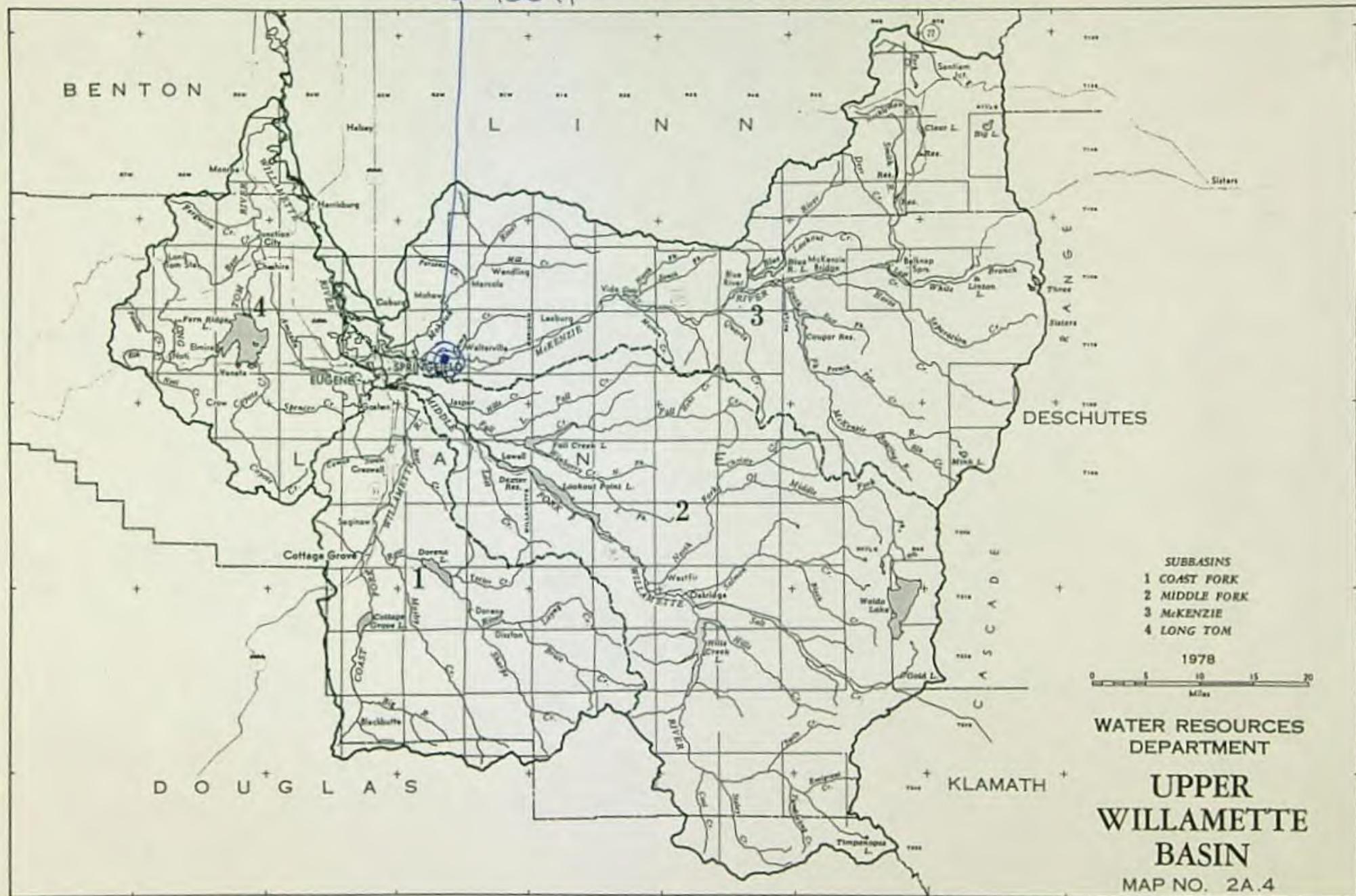
>

> Water right applications R-84659 Toolson; Waterbury, R-84634 Camp, R-84652
> & R-84653 Wood were sent to you on March 6, 2001 due April 3, 2001.

>

G-15241

WELLS CEDAR CR MCKENZIE VR



This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.

From: "Doug Parrow" <Douglas.M.Parrow@state.or.us>
To: "Cory Engel" <Cory.C.ENGEL@wrд.state.or.us>
Subject: Springfield Utility Board App #85336
Date: Fri, 5 Sep 2003 10:57:34 -0700
X-Mailer: Microsoft Outlook IMO, Build 9.0.6604 (9.0.2911.0)
Importance: Normal

Cory,

I've reviewed the additional information provided by SUB to support the quantity of water requested in their application. The demand projections provided extent to 2070. In previous cases, we have identified 50 years as a reasonable planning horizon upon which to base applications for municipal permits.

The information indicates that a municipal water supplier's maximum allowable rate of diversion should be somewhere between their peak day demand and their peak hour demand. SUB uses a factor of 1.8 to convert peak day to peak hour demand--and then uses peak hour demand to demonstrate the need for water (not a figure between peak day and peak hour). SUB also appears to use historic per capita consumption to calculate future demands, an approach that doesn't address conservation alternatives particularly well.

That notwithstanding, based on the information provided I think an appropriation of 37 to 40 cfs is reasonable. Using the 2053 maximum daily demand projection (Table 2) and applying a peak day to peak hour factor of 1.5 yields a need for that quantity of water. While use of the requested quantity of water is reasonable over a 50-year timeframe, SUB does not currently have sufficient demand to justify the diversion of that quantity of water. Thus, I continue to recommend the following condition:

· The permittee shall not divert or pump more than 450 million gallons of water during any month under this permit, in combination with any other water right held by the permittee, prior to Department authorization of the diversion of more water through approval of an updated water management and conservation plan.

Doug

* Doug Parrow Douglas.M.PARROW@state.or.us *
* Field Services Division Voice: 503-378-8455, ext. 235 *
* Water Resources Department FAX: 503-378-8130 *
* 158 12th St NE *
* Salem, OR 97301-4172 <http://www.wrd.state.or.us> *

*6/28/04 - per parrow, apply recommendation
to G-15241 also.*

IR CHECKLIST

Application # 6-15241 Priority Date: 12/11/00
 Basin: 2-Willamette County: Lane Watermaster District: # 2-NWR
well #1 - 175 2W 34 nw/ne
 Township: well #2 175 Range: 2W Section: 27 1/4 1/4 se/sw
 WID: # 538 POU WID: # _____

CE 1. Complete by Minimum Requirements checklist? (Yes) No _____
 Items still required: My IAW Basin Map or 4 corners (X)

pl 2. ☆Groundwater/Surface Water Interference: (A) B C D If "A", indicate River/Stream Cedar Creek
 ☆Groundwater Availability: A B (C) ☆Conditions to be included on IR? List under Item #23 (over)

★**PLEASE NOTE:** If GW / SW Interference (above) = "B", "C" or "D".....Skip Items #5, #14, #18 & #19

CE 3. Basin Maps checked? (Yes) No _____

pl 4. Within or above a Scenic Waterway? Yes (No) _____ Scenic Waterway
 If Yes.....cc: State Parks Dept. Conditions/Restrictions? Yes No _____

pl 5. Within Oregon Streamflow Restoration Area? Yes (No).....If Yes, include Streamflow Restoration Block

pl 6. Is the well located in a Groundwater Limited Area? Yes (No) Name _____ GW Limited Area

pl 7. Is the well located in T. 1N, R. 3E, Sec. 20, 21, 28, 29? Yes (No) If Yes...Notify DEQ immediately!!!
 If Yes...cc: Andy Schaedel, NW Region Water Quality Manager, 2020 SW Fourth Ave, Portland, OR 97201
Call Andy at Phone #: 503-229-6121 & E-mail Andy at: "SMTPschaedel.andrew.l@deq.state.or.us"

CE 8. Requested Use & Rate: 800 GPM 1.78
400 GPM (500 GPM CFS) MU USE

CE 9. Season requested by applicant: 4/12

N/A 10. For Irrigation: Rate _____ Duty _____ Season _____

N/A 11. For Nursery or Cranberry: Rate _____ Duty _____ Season _____

CE 12. Allowed under Basin Program? Yes (No) 690-502-160(2) - YES
 Limitations? Yes No 690-502-080(1)(d) - (NO) (10/1 - 6/30 only)

CE 13. Withdrawn? Yes (No) Season Allowed: _____

pl 14. Water Availability Applies (Yes) No - (80%) or 50% WATER IS AVAILABLE.

CE 15. Conflict? Yes (No) MUNICIPAL
plat cards

16. BOR project? Yes No If Yes... Contract # and Duty: _____

17. Land use approval: OK'd Needs Approval County Notified N/A

18. Subject to Division 33: Yes No N/A = Well does not have the potential for substantial interference

★ Upper Columbia Div 33 Rules (Above Bonneville)? Yes No
If Yes..... NO WATER USE ALLOWED from APRIL 15 thru SEPTEMBER 30 of each year
❖❖❖(EXCEPT for Domestic Use & other Exempt uses under OAR 690-33-140)❖❖❖

cc: ☐ ODFW Biologist District # _____ ☐ NMFS.....Marc Liverman
☐ Columbia River Intertribal Fish Commission ☐ Dept. Of Agriculture.....Steve Applegate
☐ US Fish & Wildlife ☐ DEQ→ East Region - Dick Nichols, Bend
☐ NW Power Planning Council →West Region - John Blanchard, Medford
→Northwest Region - Andy Schaedel, Portland

★ Statewide Div 33 Rules ("Sensitive" statewide (Blue on Map) & "Threatened or Endangered" OUTSIDE Columbia Basin) Yes No

If Yes...cc: ☐ ODFW Biologist District # _____
☐ Steve Applegate.....Dept. of Agriculture
☐ DEQ→ East Region - Dick Nichols, Bend
→West Region - John Blanchard, Medford
→Northwest Region - Andy Schaedel, Portland

★ DIVISION 33 CONDITIONS ★

→Above Bonneville: "B54B"

→Below Bonneville: "PISPC"

❖❖NOTE: If "Q" is over 1.0 CFS,
See: OAR 690-33-220(3)

19. On DEQ 303d (Water Quality Limited) list? Yes No If Yes...cc: appropriate Regional Water Quality Manager
☐ East Region-Dick Nichols, Bend ☒ West Region-John Blanchard, Medford ☐ NW Region-Andy Schaedel, Portland

20. Within Dept. of Agriculture Water Quality Management Area? Yes No If Yes.....cc: Mike Wolf - Dept. of Ag
ADOPTED: TUALATIN__ BEAR CREEK(ROGUE)__ UMATILLA__ UPPER GRANDE RONDE__ YAMHILL__ LOWER DESCHUTES__
NORTH COAST__ (includes: Lower Columbia/Clatskanie, Lower Columbia, Necanicum, Nehalem, Wilson/Trask/Nestucca)

DRAFT RULES: LOWER COLUMBIA/SANDY__ CLACKAMAS__ MOLALLA/PUDDING__ FRENCH/PRAIRIE__ NORTH SANTIAM__
HOOD RIVER__ MID DESCHUTES__ N FORKS JOHN DAY__ (includes: Middle Fork John Day, North Fork John Day)
UMPQUA__ (includes: Umpqua, North Umpqua, South Umpqua) MALHEUR__ (includes: Willow/Malheur, Bully,
Lower Malheur, Upper Malheur, Farewell Bend, Middle Snake/Payette)

IN COMMITTEE: COQUILLE__ COOS__ MID COAST__ (includes: Siletz/Yaquina, Alsea, Siuslaw, Siltcoos) WALLA WALLA__
SOUTHERN WILLAMETTE VALLEY__ (includes: Coast Willamette, Middle Willamette, McKenzie) UPPER JOHN DAY__
KLAMATH HEADWATERS__ (includes: Butte, Sprague, Williamson, Upper Klamath, Upper Klamath Lake) LOST RIVER__
INLAND ROGUE__ (includes: Lower Rogue, Middle Rogue, Upper Rogue, Applegate, Illinois)
WALLOWA__ (includes: Wallowa, Lower Grande Ronde, Imnaha)

21. WM District: NWR 1 2 16 18 20 NCR: 3 4 5 21 ER: 6 8 9 10 SCR: 11 12 17 SWR: 13 14 15 19

22. Initial Review will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

23. ☆Proposed Allowed Use & Rate: N/A

☆Proposed Allowed Period of Use: N/A

☆Measuring condition: Small Medium Large

☆Conditions (BOR, GW, other)? Yes No 7A, 7B per Groundwater Report

Reviewer's Name: CORY EAGER Date: 6 FEB 2001

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date October 10, 2003

FROM: Ground Water/Hydrology Section Marc Norton
Reviewer's Name

SUBJECT: Application G- 15241 Supersedes review of January 5, 2001
Date of Review(s)

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.*

A. GENERAL INFORMATION: Applicant's Name: Springfield Utility Board County: LANE

A1. Applicant(s) seek(s) 1.78 cfs from 2 well(s) in the Willamette Basin,
subbasin Springfield Quad Map: Springfield

A2. Proposed use: Municipal Seasonality: year-round

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	Proposed	1	Alluvium	0.891	17S/02W-34ABB	
2	Proposed	2	Alluvium	0.891	17S/02W-27CDA	
3						
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	507				300	60			125 - 300			
2	507				300	60			125 - 300			
Test	507	29	29	8/13/99	254	20	+2 - 254	-----	???????	300	109	PT

Use data from application for proposed wells.

A4. Comments: Thurston Middle School Well Field -- 2 wells proposed. A test well has been drilled on site. Well log indicates a 24 hour test was run -- data not in the file.

A5. ☒ Provisions of the Willamette Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☒ are, or ☐ are not, activated by this application. (Not all basin rules contain such provisions.)
Comments: Proposed well locations are within 1/4 mile of Cedar Creek, a tributary of the McKenzie River.

A6. ☐ Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
Name of administrative area: _____
Comments: _____

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**C1. 690-09-040 (1): Evaluation of aquifer confinement:**

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Sands and Gravels – Basin Fill Sediments	☐	☒
2	Sands and Gravels – Basin Fill Sediments	☐	☒
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: Hydrogeologic setting: Sands and gravels laid down by the McKenzie River in a channel carved from the very-low permeability basement rocks that contain the aquifer.

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Cedar Creek	497	495	600	☒	☐	☒	☒	☐
1	2	McKenzie River	497	490	4250	☒	☐	☐	☐	☒
2	1	Cedar Creek	497	495	400	☒	☐	☒	☒	☐
2	2	McKenzie River	497	490	2800	☒	☐	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: Hydrogeologic setting: Sands and gravels laid down by the McKenzie River in a channel carved from the very-low permeability basement rocks that contain the aquifer.

Water Availability Basin the well(s) are located within: MCKENZIE R > WILLAMETTE R - AB MOUTH

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% natural flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked ☒ box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
1	1	☒	☐			☐		☐		☒
1	2	☐	☐			☐		☐		☐
2	1	☒	☐			☐		☐		☒
2	1	☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

C3b. 690-09-040 (4): Evaluation of stream impacts by total appropriation for all wells determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Complete only if Q is distributed among wells. Otherwise same evaluation and limitations apply as in C3a above.

SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
	☐			☐		☐		☐
	☐			☐		☐		☐
	☐			☐		☐		☐
	☐			☐		☐		☐

Comments: The available natural flow is 1730 cfs and the instream water right is 1025 cfs. The combined requested discharge rate is 1.78 cfs. The discharge is below the 1% value of the natural flow and the instream water right.

C4a. 690-09-040 (5): Estimated impacts on hydraulically connected surface water sources greater than one mile as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)													
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

Basis for impact evaluation: _____

C4b. 690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

C5. ☐ If properly conditioned, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:

- i. ☐ The permit should contain condition #(s) _____;
- ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;

C6. SW / GW Remarks and Conditions The applicant has accepted/admitted GW/SW interference between the proposed wells and Cedar Creek and the McKenzie River. The applicant's consultant has run a ground water model to determine the amount of interference with Cedar Creek and the McKenzie River. The interference is a total from three applications; G-15241, G-15243 and G-15244. The total proposed productions from the three applications is 10.7 cfs or 4,800 gpm. The results of the model indicate that 3.0 cfs will come from Cedar Creek and 7.7 cfs from the McKenzie River. The amount of interference with Cedar Creek will determine the amount of water that SUB will need to divert for mitigation of the impacts of pumpage on the creek.

The applicant's consultant constructed a ground water model to predict the impacts on Cedar Creek. The model predicted 92% (1.64 cfs) of the proposed discharge rate would come from Cedar Creek and 8% (0.14 cfs) would come from the McKenzie River. Because there has been no data collected on the flow rates of Cedar Creek and the model was not calibrated to fluctuations in stream flow, I believe that the full amount, 1.78 cfs, should be diverted to mitigate Cedar Creek flows.

The question/concern that I have is: Can Cedar Creek, from the diversion down stream to the well field, handle the combined increased diversion from G-15241, G-15243, and G-15244? Can that amount of water physically be diverted and allowed to flow down the creek without causing negative impacts?

References Used: _____

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. THE WELL does not meet current well construction standards based upon:

- a. ☐ review of the well log;
b. ☐ field inspection by _____;
c. ☐ report of CWRE _____;
d. ☐ other: (specify) _____

D3. THE WELL construction deficiency:

- a. ☐ constitutes a health threat under Division 200 rules;
b. ☐ commingles water from more than one ground water reservoir;
c. ☐ permits the loss of artesian head;
d. ☐ permits the de-watering of one or more ground water reservoirs;
e. ☐ other: (specify) _____

D4. THE WELL construction deficiency is described as follows: _____

_____D5. THE WELL a. ☐ was, or ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.b. ☐ I don't know if it met standards at the time of construction.D6. ☐ Route to the Enforcement Section. I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**D7. ☐ Well construction deficiency has been corrected by the following actions: _____

__________, 200_____
(Enforcement Section Signature)D8. ☐ Route to Water Rights Section (attach well reconstruction logs to this page).

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 10/14/2003 for

MCKENZIE R > WILLAMETTE R - AB MOUTH

Watershed ID #: 528 Basin: WILLAMETTE Exceedance Level: 80

Time: 10:57 Date: 10/14/2003

Month	Natural	CU + Stor	CU + Stor	Expected	Reserved	Instream	Net
Stream	Prior to	After	Stream	Stream	Water	Water	
Flow	1/1/93	1/1/93	Flow	Flow	Rights	Available	
1	5040.00	512.00	8.32	4520.00	0.00	1030.00	3490.00
2	5850.00	1210.00	8.31	4630.00	0.00	1030.00	3610.00
3	5630.00	1210.00	8.37	4410.00	0.00	1030.00	3390.00
4	5020.00	1270.00	8.39	3750.00	0.00	1030.00	2720.00
5	4000.00	769.00	8.61	3220.00	0.00	1030.00	2200.00
6	2990.00	353.00	21.20	2620.00	0.00	1030.00	1590.00
7	2160.00	335.00	21.20	1800.00	0.00	1030.00	779.00
8	1790.00	324.00	21.00	1450.00	0.00	1030.00	420.00
9	1730.00	305.00	20.80	1400.00	0.00	1030.00	380.00
10	1830.00	289.00	8.27	1530.00	0.00	1030.00	508.00
11	2850.00	286.00	8.28	2560.00	0.00	1030.00	1530.00
12	4450.00	286.00	8.31	4160.00	0.00	1030.00	3130.00
Stor	3560000	428000	9130	3120000	0	743000	2380000

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 10/14/2003 for

MCKENZIE R > WILLAMETTE R - AB MOUTH

Watershed ID #: 528 Basin: WILLAMETTE Exceedance Level: 80

Time: 10:57 Date: 10/14/2003

ISWRs							
APP #	126A	528A	0	0	0	0	MAXIMUM
Status	App.	Cert.					
1	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
2	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
3	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
4	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
5	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
6	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
7	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
8	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
9	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
10	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
11	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00
12	1025.00	1025.00	0.00	0.00	0.00	0.00	1025.00

7I MODIFIED WILLAMETTE BASIN BASALT GROUNDWATER CONDITION

- (1) Use of water from either well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1st of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the wells.
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each month between the 1st and 5th of each month.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurements to the Department on a form available from the Department. The record of measurements shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements. The permittee/appropriator shall submit to the Department one year of monthly measurements (Dec - Nov.) by December 1st. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

Input Data:

Variable	Name	Minimum	"Best"	Maximum	Unit
Well Owner or Well Number	Well	SUB, G-15241			
X Coord. for X-Section (Head Distribution)	x		0		[ft]
Perpendicular Distance From Well to Stream	a		700		[ft]
Net Steady Pumping Rate	Q		800		[gpm]
Hydraulic Conductivity	K	376	10,000	10,000	[gpd/ft ² ft]
Aquifer Thickness	b	126	225	225	[ft]
Well Depth	d		254		[ft]
Storativity	S		0.02000		
Effective porosity	n		0.02000		
Hydr. Grad. Perpend. to Stream (must be > 0)	i	0.00095	0.00095	0.00095	
Time Since Pumping Started	time		365.00		[days]

Output Data:

General Output:

Transmissivity	T	47,376	2,250,000	2,250,000	[gpd/ft]
Hydraulic Conductivity	K	376	10,000	10,000	[gpd/ft ² ft]
		50	1,337	1337	[ft/day]
		1.76E-04	4.69E-03	4.69E-03	[m/s]
Average linear velocity	ALV	2.38	63.50	63.30	[ft/day]
		869.33	23,194.35	23,120.37	[ft/yr]
Ambient Flux at River per Foot	dQ	0.0312	1.4844	1.4796	[gpm/ft]

Transient Stream Depletion Output:

k	SDTr k	0.0011	0.0000	0.0000	
Transient Stream Depletion (Theis/Jenkins)	SDTr	96%	99%	99%	
Transient Induced Infiltration (Theis/Jenkins)	IITr				

Steady-State Stream Depletion:

Dimensionless Pumping Rate ($\beta \gg 1 \Rightarrow$ velocity divide has reached stream)	Beta, β	11.68	0.25	0.25	
SQRT(Beta-1)		3.27	0.00	0.00	
Critical pumping rate	Qc	69	3264	3254	[gpm]
Dist. fr Well to Velocity Divide at Steady State	rwd	700	92	92	[ft]
Steady-State Stream Depletion (Wilson & Linderfelt)		100%	100%	100%	
Steady-State Induced Infiltration (Wilson & Linderfelt)		63%	0%	0%	

The applicant's model predicted 92% (1,64cf) would come from Cedar Creek & 8% (0.14cfs) would come from the McKenzie River

RECEIVED

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

AUG 31 1999
WATER RESOURCES DEPT.
SALEM, OREGON

WELL I.D. # L 22545
START CARD # 118089

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number
Name Springfield School Dist. #19
Address 525 Mill Street
City Springfield State OR Zip 97477

(2) TYPE OF WORK
☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☒ Other test

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 254 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
12	0	20	bentonite	0	20	32
8	20	254				

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ Other as per OAR 690-210-340
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6	0	2	155	250	☒	☐	☒
Liner:					☐	☐	☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:							
☒ Perforations Method <u>Star</u>				☐ Screens Type _____ Material _____			
From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
90	100	3/8	240			☒	☐
		3/8	120			☒	☐
		3/8	288			☒	☐
		3/8	1920			☒	☐

(8) WELL TESTS: Minimum testing time is 1 hour
well output may fluctuate
☒ Pump ☐ Bailer ☐ Air ☐ Flowing
Yield gal/min Drawdown Drill stem at Time
300 98 1 hr.
300 109 24

Temperature of water 51° Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Lane Latitude _____ Longitude _____
Township 17 S N or S Range 2 W E or W. WM.
Section 34 NW 1/4 NE 1/4
Tax Lot 500 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) Thurston Middle School, 6300 Thurston Rd. Springfield, OR

(10) STATIC WATER LEVEL:
29 ft. below land surface. Date 8/13/99
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 29'

From	To	Estimated Flow Rate	SWL
90	100	80	29
108	113	+ 30	29
155	167	+ 25	29
177	254	+ 165	29

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Topsoil	0	4	
Gravel sm med, silt amok	4	32	
Gravel sm med	32	76	
Gravel sm med, sand, clay light	76	85	
Gravel sm med	85	114	
Gravel sm, sand heavy	114	119	
Gravel sm	119	172	
Gravel sm, sand	172	180	
Gravel sm, sand light	180	221	
Gravel sm, sand heavy	221	226	
Gravel basalt gravel	226	254	

RECEIVED

DEC 16 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Date started 8/2/99 Completed 8/13/99

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed Frank Christensen WWC Number 636
Date 8-30-99

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

Christensen Well Drilling Co.

interoffice
MEMORANDUM

To: Fred Lissner
From: Cory Engel
Date: June 17, 2003
Subject: G-15241 and G-15243

This memo is being written at Dwight's request.

Marc Norton has determined that these three applications will have the potential for substantial interference with Cedar Creek, tributary to McKenzie River.

To resolve problems this causes, the applicant proposes to divert 3.0 cfs of water from the McKenzie River into Cedar Creek near its head.

So that we may determine whether the proposed surface water diversion is adequate to accomplish its intended goal, we ask that Marc revisit these applications to determine the percentage of groundwater diversion that will be at the expense of Cedar Creek.

I hope to proceed with a Proposed Final Order around July 25; if it appears as if it might be an extended period of time before this review is done, please let me know.

Thanks.

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## 6-15241

ROUTED TO: W.R.

TOWNSHIP/

RANGE-SECTION: 17S/2W-27/34

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Potential for Substantial Interference

Reviewer: Marc A Norton

TO: Water Rights Section

Jan 5, 2001

FROM: Ground Water/Hydrology Section

Marc A Norton
Reviewer's Name

SUBJECT: Application G- 15241

GROUND WATER/SURFACE WATER CONSIDERATIONS

1. PER THE W. Nameta Basin rules, one or more of the proposed POA's is/is ~~not~~ within 1/4 ~~1/2~~ mile of a surface water source (Cedar Creek) and taps a ground water source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed ground water use
- a. ☒ will, or have the potential for substantial interference with the nearest
 - b. ☐ will not surface water source, namely Cedar Creek; or
 - c. ☐ will if properly conditioned, adequately protect the surface water from interference:
 - i. ☐ The permit should contain condition #(s) _____;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☐ The permit should be conditioned as indicated in item 4 below; or
 - d. ☐ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUND WATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that ground water for the proposed use
- a. ☐ will, or likely be available in the amounts requested without injury to prior rights
 - b. ☐ will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the ground water resource:
 - i. ☒ The permit should contain condition #(s) 7A, 7B;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☐ The permit should be conditioned as indicated in item 4 below; or
- 4.
- a. ☐ THE PERMIT should allow ground water production from no deeper than _____ ft. below land surface;
 - b. ☐ The permit should allow ground water production from no shallower than _____ ft. below land surface;
 - c. ☐ The permit should allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

See G-15242, G-15243, G-15244

(Well Construction Considerations on Reverse Side)

G-15241

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one ground water reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more ground water reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ☐ was, or constructed according to the standards in effect at the time of
 - b. ☐ was not original construction or most recent modification.
 - c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199____.
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199____.
(Signature)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Ground Water/Hydrology
 FROM: Marc Norton
 SUBJECT: Groundwater Application G- 15241

Date Jan 4, 2001

Applicant(s) seek 800 gpm (cfs) from 2 wells in the Willamette basin
McKenzie sub basin
 Applicants Name: Springfield Utility Board
 Proposed Use: Municipal sub basin

Pertinent 7 & 1/2 minute Quads Springfield

Well 1 WRD# Proposed T 17S R 2W S 34 Q ABB County LANE

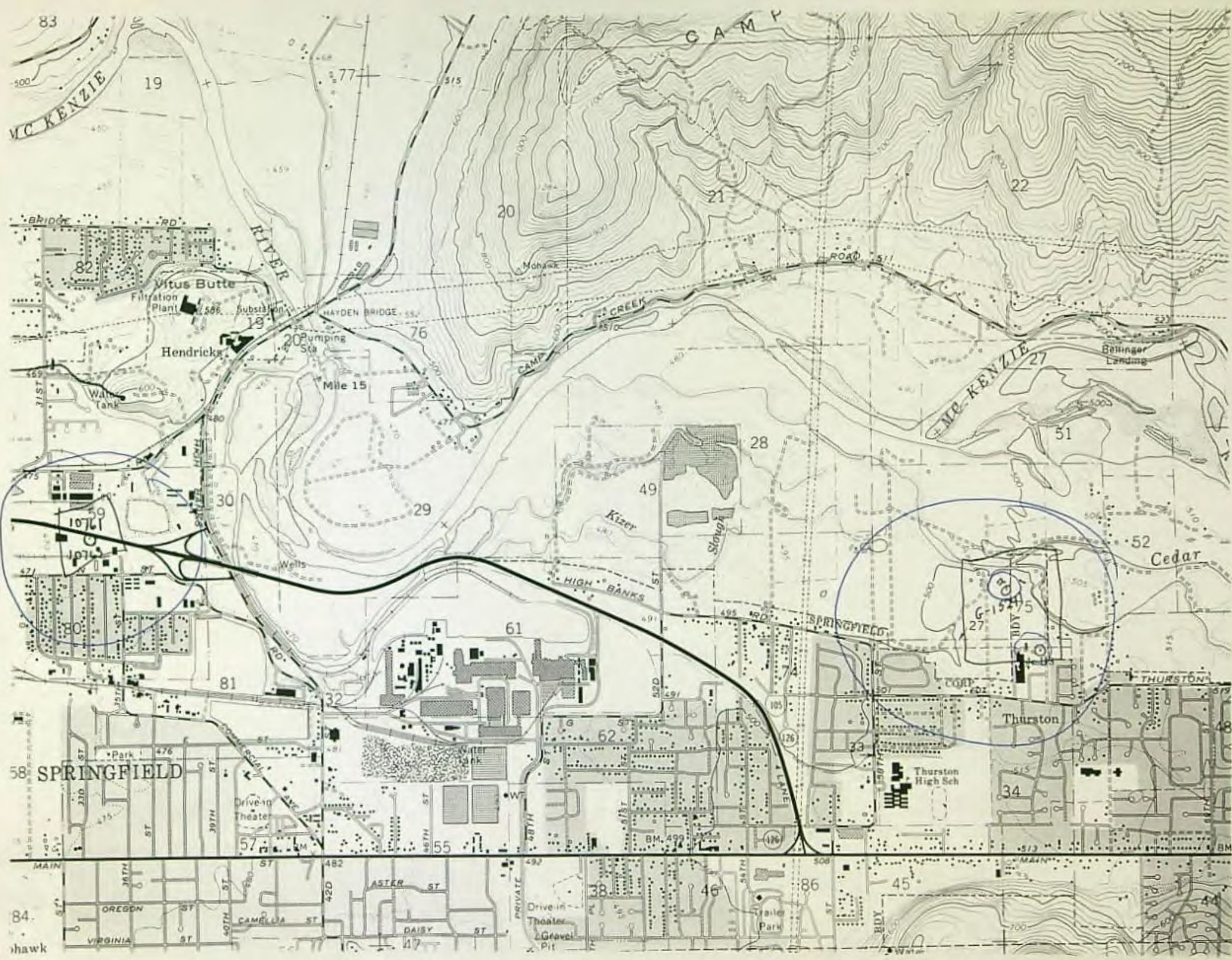
Legal Description
 Well is 600 ft from Cedar Creek (river/stream)
 Well is ft from (river/stream)
 Well Elevation 505 ft River/Stream elevation 495 ft.
 Well Elevation - River/Stream elevation +10 ft.
 Well depth 300 ft SWL 7-10 ft on
 Sealed to 60 ft Depth first water found ft
 Cased to ft Perforations/screens ft
 Lined to ft Perforations/screens ft
 Well test and types
 (Confined/Semi-confined/Unconfined)
 Potential to cause substantial interference? YES Direct hydraulic connection? YES NO

Well 2 WRD# Proposed T 17S R 2W S 327 Q COA County LANE

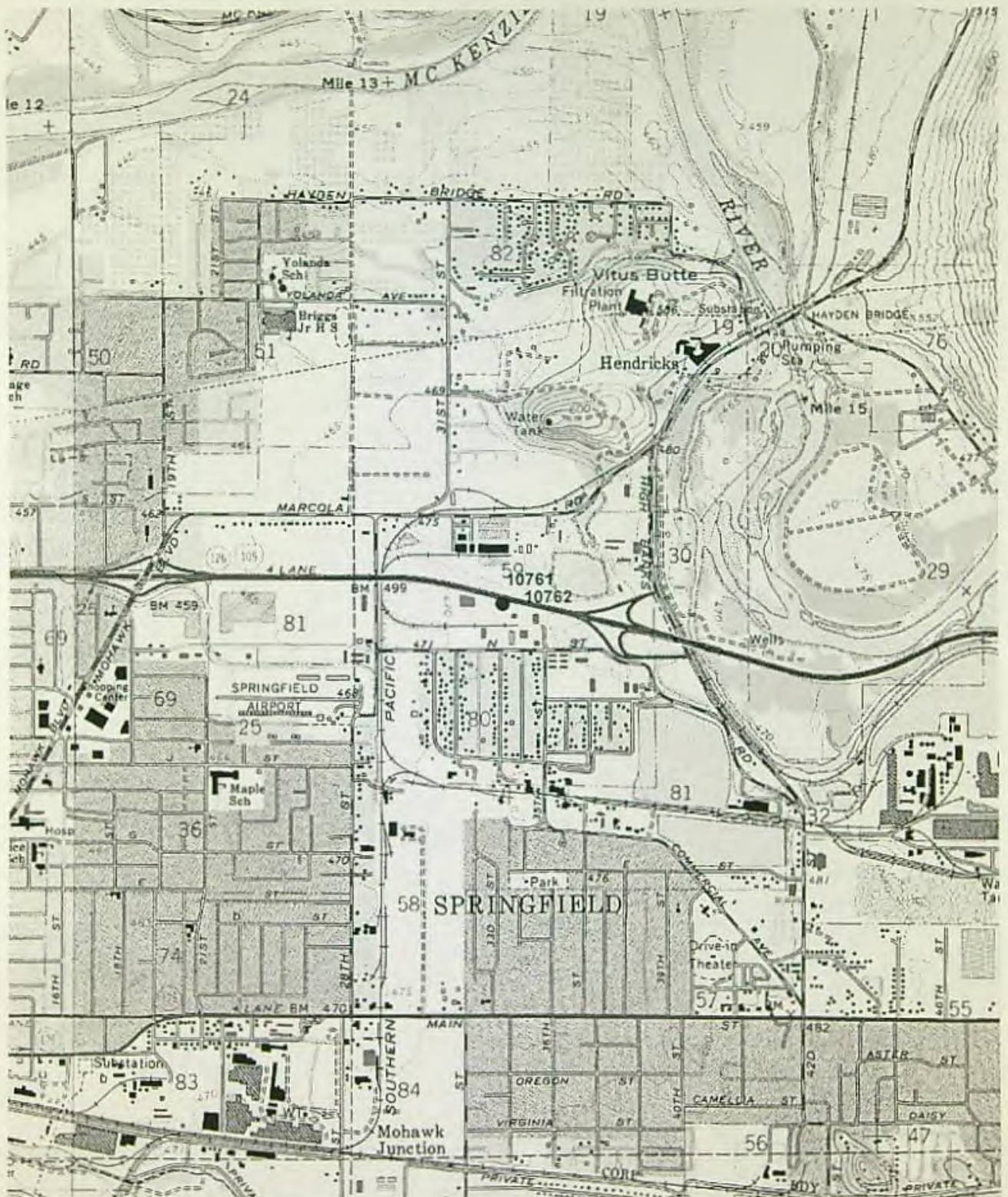
Legal Description
 Well is 400 ft from Cedar Creek (river/stream)
 Well is ft from (river/stream)
 Well Elevation 505 ft River/Stream elevation 495 ft.
 Well Elevation - River/Stream elevation +10 ft.
 Well depth 300 ft SWL 7-10 ft on
 Sealed to 60 ft Depth first water found ft
 Cased to ft Perforations/screens ft
 Lined to ft Perforations/screens ft
 Well test and types
 (Confined/Semi-confined/Unconfined)
 Potential to cause substantial interference? YES Direct hydraulic connection? YES NO

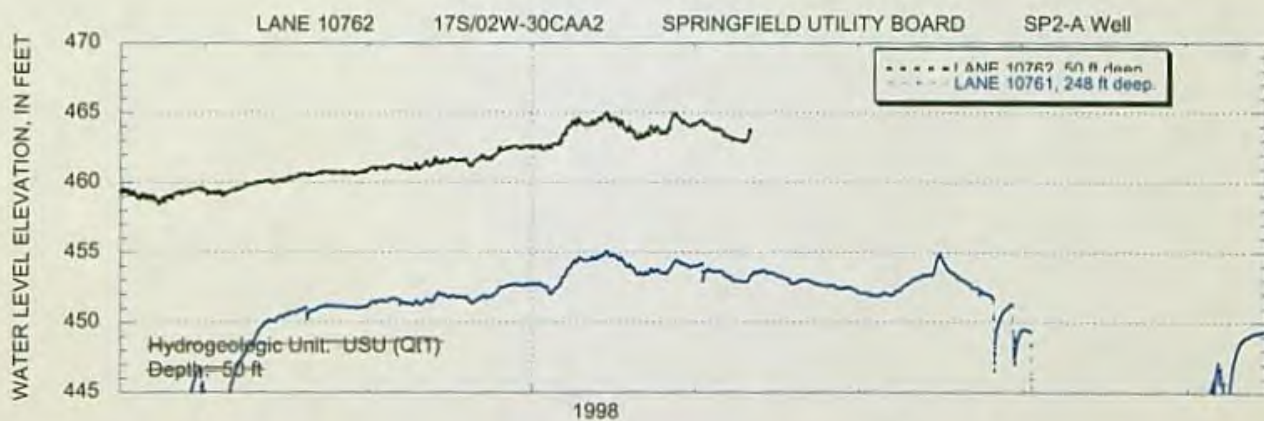
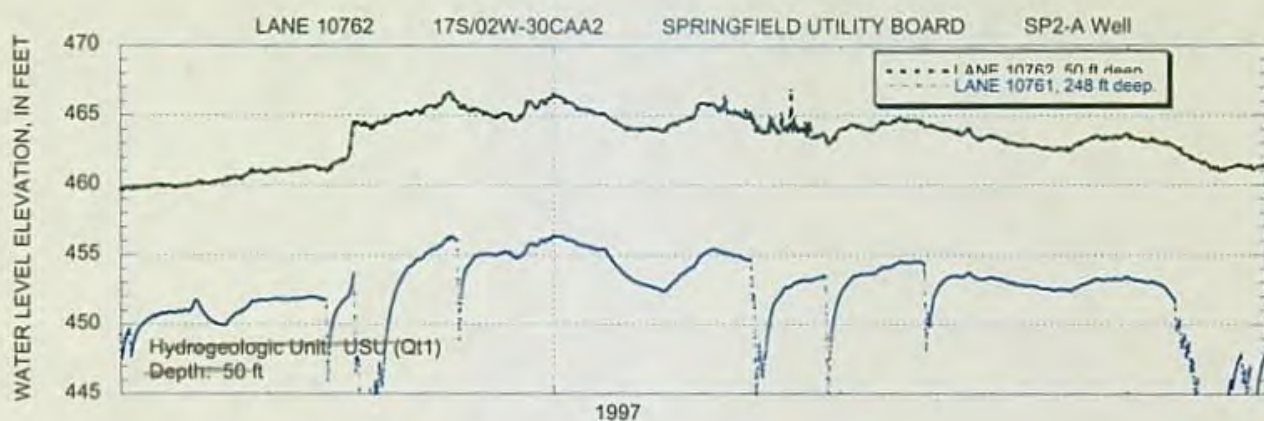
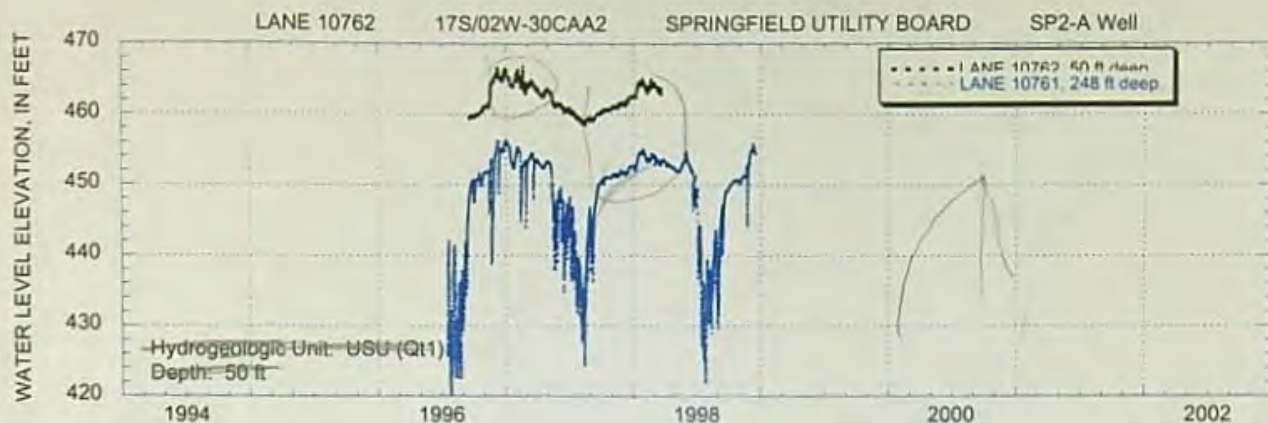
Comments:

References Used:



Willamette Ground Water Study Springfield Utility Board Recorder Wells



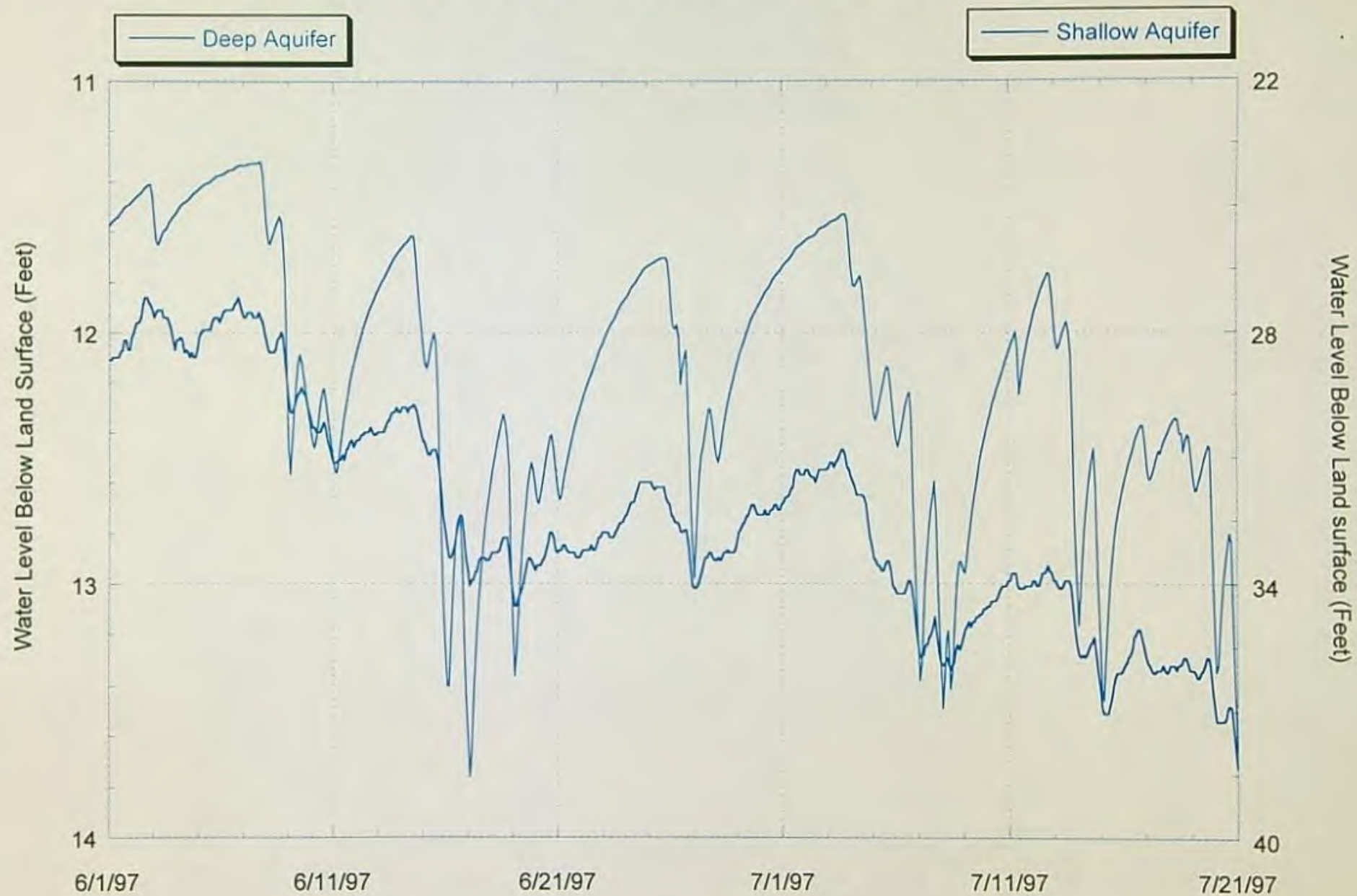


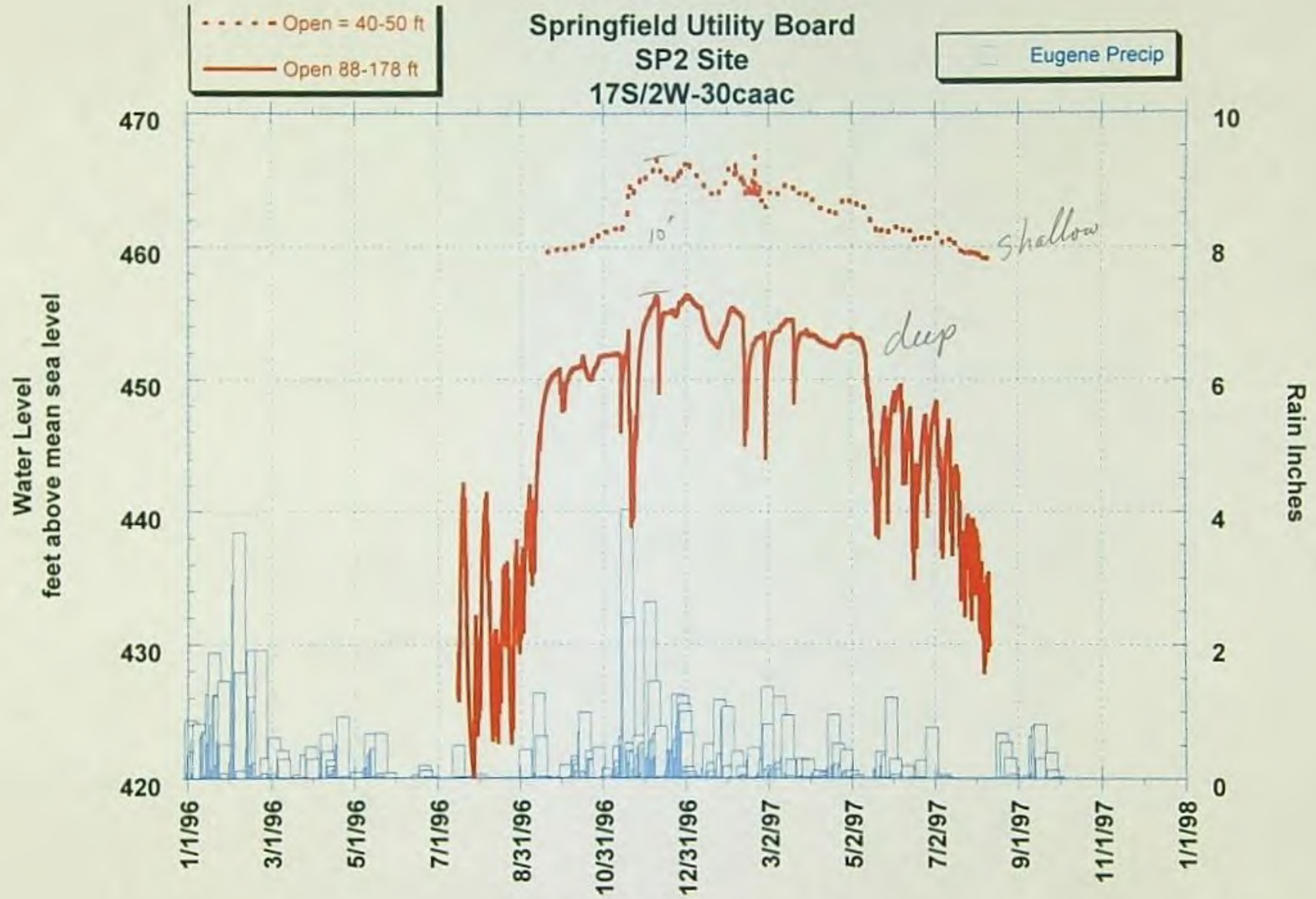
Springfield Utility Board Wells: shallow/deep pair

Wells are ≈ 13 ft apart

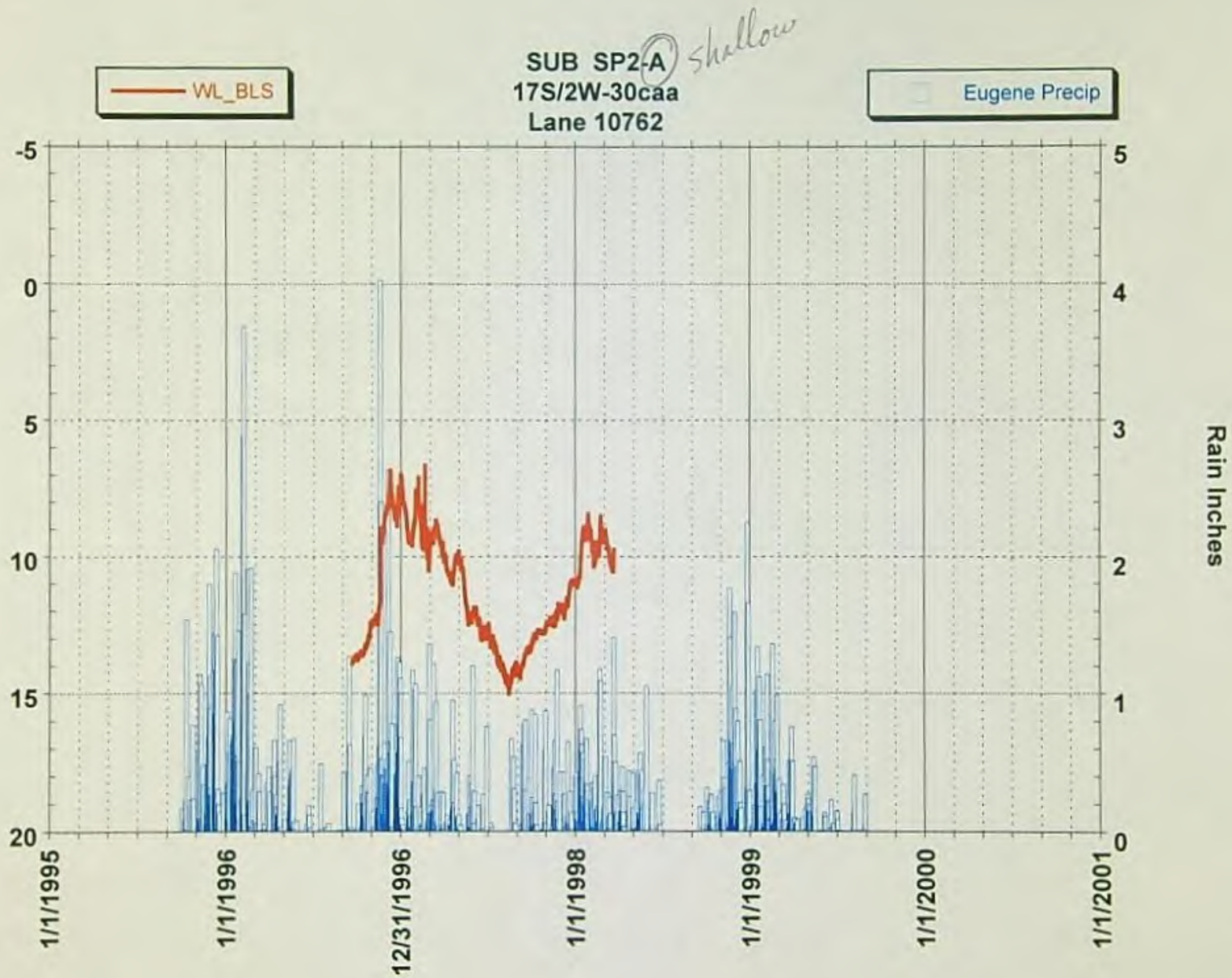
wells about 3000 ft west of meander loop on McKenzie River
in Springfield

GROUND WATER LEVEL DATA FROM TWO WELLS NEAR SPRINGFIELD, OREGON





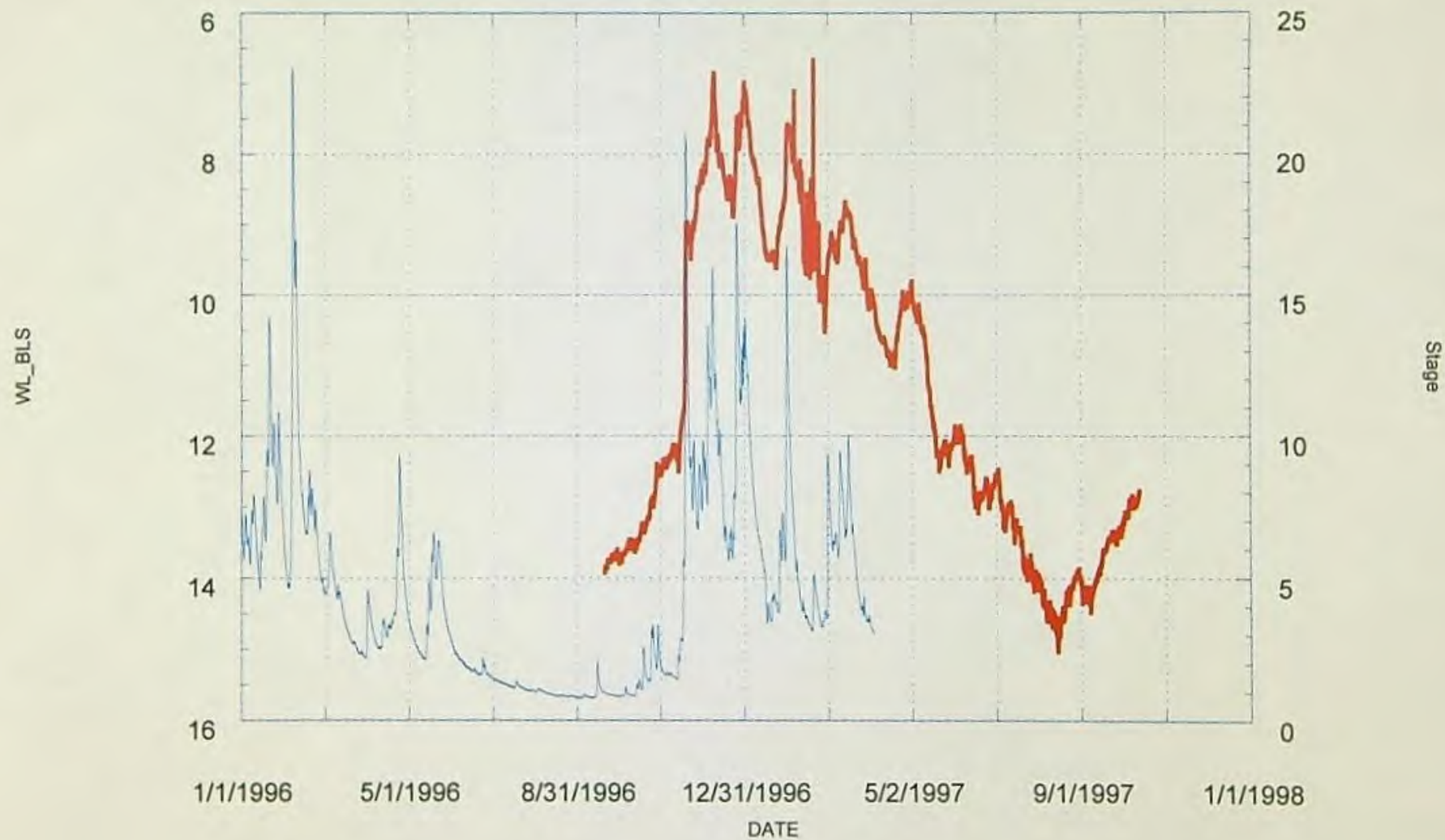
Water Level
feet below land surface



WL_BLS

Stage

shallow
Subsp2a vs Mohawk R



WATER WELL REPORT

STATE OF OREGON

RECEIVED
NOV 28 1980
WATER RESOURCES DEPT
SALEM, OREGON

State Well No.

State Permit No.

175/2w-30d
LANE
10761

(1) OWNER:

Name Springfield Utility Board

Address P. O. Box 300

City Springfield, Oregon

State

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

☒ Air ☐ Driven ☐ Domestic ☐ Industrial ☐ Municipal ☐
☒ Rotary Mud ☐ Dug ☐ Irrigation ☐ Test Well ☒ Other ☐
☐ Cable ☐ Bored ☐ Thermal: ☐ Withdrawal ☐ Reinjection ☐

(4) PROPOSED USE (check):

(5) CASING INSTALLED:

Steel ☒ Plastic ☐
Threaded ☐ Welded ☒

" Diam. from plus 2 ft. to 88 ft. Gauge #250

" Diam. from 178 ft. to 198 ft. Gauge #250

LINER INSTALLED:

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☒ Yes ☐ No

Manufacturer's Name UOP Johnson

Type Irrigator Model No.

Diam. 8" Slot Size 100 Set from 88 ft. to 178 ft.

Diam. Slot Size Set from ft. to ft.

WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No. If yes, by whom? A.M. Jannsen

Yield: 300 gal/min. with 75 ft. drawdown after 30 hrs.

ft. test gal/min. with drill stem at ft. hrs.

er test gal/min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(8) CONSTRUCTION:

Special standards: Yes ☐ No ☒

Well seal—Material used Cement plus 5% gel

Well sealed from land surface to 40 ft.

Diameter of well bore to bottom of seal 12 in.

Diameter of well bore below seal 11-1/4 in.

Number of sacks of cement used in well seal 40 sacks

How was cement grout placed? Tremmed into annular @ 40'

back to surface

Was pump installed? NO Type HP Depth ft.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☐ No

Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Lane Driller's well number

SE Section 30 T. 17 S R. 2 W. W.M.

Tax Lot # Lot Blk Subdivision

Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found 90 ft.

Static level 19 ft. below land surface. Date 11/3/80

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing

Depth drilled 249 ft. Depth of completed well 198 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Topsoil	0	1	
Soft brown sandy clay	1	6	
Medium gravel w/clay	6	19	
Boulders w/some gravel	19	25	
Fine to coarse gravel	25	28	
Boulders w/some gravels	28	36	
Fine to coarse gravel w/cobble	36	40	
Fine to medium gravels	40	43	
Medium to coarse gravels	43	48	
Boulders	48	53	
Med. to coarse gravel-occ. fines & boulders w/trace of clay @			
53 to 56'	53	65	
Fine to medium gravel-some coarse--trace of clay 70-75'	65	76	
Med. to coarse gravels boulders 80-83', 90-100'	76	114	
Fine to med coarse gravels	114	120	
Med. to coarse gravels w/cobble	120	123	
Fine to med. gravel w/brown clay	123	164	

Work started 10/6/80 19 Completed 10/22/80 19

Date well drilling machine moved off of well 10/22/80 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

(Signed) [Signature] Date 11/24, 1980

(Drilling Machine Operator)

Drilling Machine Operator's License No. 751

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name A. M. JANNSEN WELL DRILLING CO., INC.

(Person, firm or corporation) (Type or print)

Address 21075 S.W. Tualatin Valley Hwy. Aloha, Or.

(Signed) [Signature]

(Water Well Contractor)

Contractor's License No. 79 Date 11/24/80 19

175/2w-30d
No. LANE
10761 ~~10760~~

SP-12ASA-900

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No. 172/20-27

State Permit No. _____

(1) OWNER:

Name Springfield Utility Board

Address P.O. Box 300

Springfield, OR 97477

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Drilled ☐
Jetted ☒
Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☒

(5) CASING INSTALLED:

6" Diam. from 0 ft. to 75 ft. Gage 20-0
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used saw

Size of perforations 1/8 in. by 3 in.
375 perforations from 50 ft. to 75 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? W.W.

Yield: 60 gal./min. with 1 ft. drawdown after 1 hrs.

" " " " " "

" " " " " "

Per test _____ gal./min. with _____ ft. drawdown after _____ hrs.

Artesian flow _____ g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used cement

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 10 in.

Diameter of well bore below seal 6 in.

Number of sacks of cement used in well seal 12 sacks

How was cement grout placed? Mixed & pumped

Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Jane Driller's well number _____

SW 1/4 NE 1/4 Section 27 T. 19S R. 2W W.M.

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 22 ft.

Static level 7 ft. below land surface. Date 7/15/80

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG: Diameter of well below casing 6

Depth drilled 75 ft. Depth of completed well 75 ft.

Formation: Describe color, texture, grain size and structure of materials and show thickness and nature of each stratum and aquifer penetrated with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata

MATERIAL	From	To	SWL
Top Soil	0	3	
Red Rock	3	12	
Cemented	12	25	
Loose Sand & Gravel	25	29	7'
Cemented	29	40	
Clay & Gravel	40	45	7'
Cemented	45	72	
Loose Sand & Gravel	72	75	7'

RECEIVED

JUL 30 1980

WATER RESOURCES DEPT
SALEM, OREGON

Work started 7/2 1980 Completed 7/15 1980

Date well drilling machine moved off of well 7/15 1980

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Frank Wilson Date 7/28, 1980
(Drilling Machine Operator)

Drilling Machine Operator's License No. 404

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name W.W. Drilling, Pump Sales & Serv.
(Person, firm or corporation) (Type or print)

Address 2320 Main St., Spfd. OR 97477

[Signed] Frank Wilson
(Water Well Contractor)

Contractor's License No. 562 Date 7/28, 1980

NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date
of well completion

RECEIVED

WATER WELL REPORT

STATE OF OREGON

WATER RESOURCES DEPT. (Please type or print)

SALEM, OREGON (Do not write above this line)

State Well No.

175/2W-27dd

State Permit No.

LAW 10681

(1) OWNER:

Name SPRINGFIELD UTILITY BOARDAddress PO BOX 30SPRINGFIELD ORE. 97477

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

 Rotary ☐ Driven ☐
 Cable ☒ Jetted ☐
 Bored ☐

(4) PROPOSED USE (check):

 Domestic ☐ Industrial ☐ Municipal ☒
 Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒

20" Diam. from 0 ft. to 30 ft. Gage 250

14" Diam. from 0 ft. to 40 ft. Gage 312

14" Diam. from 75 ft. to 100 ft. Gage 312

14" Diam. from 130 ft. to 150 ft. Gage 312

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☒ Yes ☐ NoManufacturer's Name JohnsonType LOW CARBON Model No. 100 VDiam. 14 Slot size 100 Set from 40 ft. to 75 ft.Diam. 14 Slot size 100 Set from 100 ft. to 150 ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom?Yield: 250 gal./min. with 60 ft. drawdown after 32 hrs.

" " " " " "

" " " " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used CementWell sealed from land surface to 30 ft.Diameter of well bore to bottom of seal 24 in.Diameter of well bore below seal 20 in.Number of sacks of cement used in well seal 40 sacks

Number of sacks of bentonite used in well seal _____ sacks

Brand name of bentonite _____

Number of pounds of bentonite per 100 gallons _____

of water _____ lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs _____ Size: location _____ ft.Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/8Gravel placed from 0 ft. to 150 ft.

(10) LOCATION OF WELL:

County Jane

Driller's well number

SE 1/4 SE 1/4 Section 27 T. 17S R. 2W W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 14 ft.Static level 14 ft. below land surface. Date 6/22/81

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 20"Depth drilled 150 ft. Depth of completed well 150 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Fill	0	4	
Brown clay	4	12	
Barren	12	14	
CEMENTED Gravel	14	19	
Loose sand & gravel	19	21	
Cemented clay & gravel	21	60	
Brown clay & gravel	60	134	
Red clay	134	150	14'

Work started 4/17 1980 Completed 5/27 1980Date well drilling machine moved off of well 6/2 1981

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Frank Wilson Date 6/3, 1980

(Drilling Machine Operator)

Drilling Machine Operator's License No. 404

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name W.W. DRILLING & PUMP SALES

(Person, firm or corporation)

(Type or print)

Address 2320 MAIN SPRINGFIELD, ORE.[Signed] Frank Wilson

(Water Well Contractor)

Contractor's License No. 562 Date 6/6, 1981

WATER WELL REPORT

STATE OF OREGON

RECEIVED

JUL 13 1981

State Well No.

175/20-27da

WATER RESOURCES DEPT

Permit No.

LAKE 10/6/87

SALEM, OREGON

(1) OWNER:

Name Springfield Utility Board

Address P. O. Box 300

City Springfield, Oregon

State 97477

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☐ Driven ☐
Rotary Mud ☒ Dug ☐
Cable ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☒
Irrigation ☐ Test Well ☐ Other ☐
Thermal ☐ Withdrawal ☐ ReInjection ☐

CASING INSTALLED:

Steel ☒ Plastic ☐
Threaded ☐ Welded ☒
18" plus 1 20" ft. Gauge .375
12" plus 2 ft. to 80 ft. Gauge .330
12" Diam. from 90 ft. to 120 ft. Gauge .330
12" Diam. from 180 ft. to 190 ft. Gauge .330

LINER INSTALLED:

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☒ Yes ☐ No

Manufacturer's Name UOP JOHNSON

Type Stainless Steel Model No.

Diam. 12" Slot Size 100 Set from 80 ft. to 90 ft.

Diam. 12" Slot Size 100 Set from 120 ft. to 180 ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? A. M. JANNSEN

Yield: 280 gal./min. with 91 ft. drawdown after 46 hrs.

Air test gal./min. with drill stem at ft. hrs.

Ball test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water 53° Depth artesian flow encountered ft.

CONSTRUCTION:

Special standards: Yes ☐ No ☒

Well seal—Material used Cement plus 5% gel

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 24 in.

Diameter of well bore below seal 18 in.

Number of sacks of cement used in well seal 48 sacks

How was cement grout placed? 48 sacks tremed into annular at 20 ft and back to surface

Was pump installed? ☐ No ☒ Yes Type HP Depth ft.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 1/4" nominal

Gravel placed from plus 1 ft. to 190 ft.

(10) LOCATION OF WELL:

County SE Lane SE Driller's well number 27 T. 17 S. R. 2 W. W.M.

Tax Lot # Lot Dlk Subdivision

Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found 80 ft.

Static level 10 ft. below land surface. Date 6/17/81

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing

Depth drilled 190 ft. Depth of completed well 190 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soft brown silty loam	0	4	
Fine to coarse gravel w/clay and cobbles	4	45	
Conglomerate--brown clay w/med. to coarse gravels	45	91	
Soft dark brown clay	91	115	
Soft gray silty clay w/sandy zones	115	135	
Soft brown sandy clay w/fine sand seams	135	153	
Conglomerate--light brown clay w/gravels	153	180	
Soft light brown clay	180	190	

Work started 4/29/81 19 Completed 6/18/81 19

Date well drilling machine moved off of well 6/18/81 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] E. J. Jannsen Date 7/9/81

(Drilling Machine Operator)

Drilling Machine Operator's License No. 751

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name A. M. JANNSEN/DRILLING CO., Inc.

(Person, firm or corporation) (Type or print)

Address 21075 SW Tualatin Valley Highway, Aloha,

[Signed] E. J. Jannsen

(Water Well Contractor)

Contractor's License No. 79 Date 7/9/81 19

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP*12658-690

WATER WELL REPORT
STATE OF OREGON

RECEIVED

JUL 13 1981

State Well No.

WATER RESOURCES DEPT
SALEM, OREGON

State Permit No.

(1) OWNER:

Name Springfield Utility Board
Address P. O. Box 300
City Springfield, Oregon State 97477

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☐ Driven ☐
Rotary Mud ☒ Dug ☐
Cable ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☒ Other ☐
Thermal: Withdrawal ☐ ReInjection ☐

(5) CASING INSTALLED:

Steel ☒ Plastic ☐
Threaded ☒ Welded ☐
4" Diam. from plus 2 ft. to 78 ft. Gauge 188
4" Diam. from 98 ft. to 118 ft. Gauge 188
4" Diam. from 128 ft. to 138 ft. Gauge 188

LINER INSTALLED:

4" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☒ Yes ☐ No

Manufacturer's Name UOP JOHNSON

Type Irrigator Model No.

Diam. 4" Slot Size 100 Set from 78 ft. to 98 ft.

Diam. 4" Slot Size 100 Set from 118 ft. to 128 ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? A. M. JANNSEN

Yield: 20 gal/min. with 6 ft. drawdown after 2 hrs.

Air test gal/min. with drill stem at ft. hrs.

Ball test gal/min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

CONSTRUCTION:

Special standards: Yes ☐ No ☐

Well seal—Material used Cement

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 9-7/8 in.

Diameter of well bore below seal 6-1/4 in.

Number of sacks of cement used in well seal 15 sacks

How was cement grout placed? Tremed into annular @ 20'
back to surface

Was pump installed? ☒ No ☐ Yes Type HP Depth ft.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Lane Driller's well number
SE 4 SE 4 Section 27 T. 17 S. R. 2 W. W.M.
Tax Lot # Lot Blk Subdivision

Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found 78 ft.

Static level 7 ft. below land surface. Date 4/28/81

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing

Depth drilled 146 ft. Depth of completed well 138 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soft brown sandy clay	0	5	
Med. to coarse gravel w/clay and cobble	5	8	
Med. to coarse gravel w/cobble (occ. fines)	8	34	
Interbedded brown clay and med. to coarse gravel/cobble seams	34	89	
Soft dark brown silty clay	89	112	
Soft gray silty clay	112	146	
Well completed to 138'			

Work started 4/23/81 19 Completed 4/29/81 19

Date well drilling machine moved off of well 4/29/81 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

(Signed) [Signature] Date 7/9/81
(Drilling Machine Operator)

Drilling Machine Operator's License No. 751

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name A. M. Jannsen Well Drilling Co., Inc.
(Person, firm or corporation) (Type or print)

Address 21075 S.W. Tualatin Valley Hwy. Aloha, Or.

(Signed) [Signature]
(Water Well Contractor)

Contractor's License No. 79 Date 7/9/81 19

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP-12558-690

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No.

State Permit No.

175/2w27
LANE 18691

(1) OWNER:

Name Springfield, Utility Board

Address P.O. Box 300

Springfield, OR 97477

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Driven ☐
Jetted ☐
Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☒

(5) CASING INSTALLED:

Threaded ☐ Welded ☒

6" Diam. from 0 ft. to 50 ft. Gage 250

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Sauer

Size of perforations 1/8 in. by 3 in.

375 perforations from 25 ft. to 50 ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Is a pump test made? ☒ Yes ☐ No If yes, by whom? W.W.

Yield: 60 gal./min. with 1 ft. drawdown after 1 hrs.

Artesian flow gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 10 in.

Diameter of well bore below seal 6 in.

Number of sacks of cement used in well seal 13 sacks

How was cement grout placed? Mixed & pumped

Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Lane Driller's well number

50 1/4 NE 1/4 Section 27 T. 17S R. 2W

W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 23 ft.

Static level 6 ft. below land surface. Date 7/21/80

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 50 ft. Depth of completed well 50 ft.

Formation: Describe color, texture, grain size and structure of materials
and show thickness and nature of each stratum and aquifer penetrated
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata

MATERIAL	From	To	SWL
Top Soil	0	5'	
But Run	5	10'	
cemented	10	24'	
Loose sand & gravel	24	27'	6'
cemented	27	50'	6'

RECEIVED

JUL 30 1980

WATER RESOURCES DEPT
SALEM, OREGON

Work started 7/15/80 Completed 7/21/80

Date well drilling machine moved off of well 7/21/80

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

(Signed) Frank Wilson Date 8/28/80
(Drilling Machine Operator)

Drilling Machine Operator's License No. 404

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name W.W. Drilling, Pump Sales & Serv.
(Person, firm or corporation) (Type or print)

Address 2320 Main St. Spfd. OR 97477

(Signed) Frank Wilson
(Water Well Contractor)

Contractor's License No. 562 Date 7/28/80

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT.

SALEM, OREGON 97310

within 30 days from the date of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

State Well No.

176/2W-27d

State Permit No.

LANE 10692

Do not write above this line

(1) OWNER:

Name Springfield Utility Board
 Address P. O. Box 300
Springfield, Oregon 97477

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
 C ☐ Jetted ☐
 L ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
 Irrigation ☐ Test Well ☒ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☐
 6" Diam. from plus 1 ft. to 19 ft. Gage 250
 " Diam. from _____ ft. to _____ ft. Gage _____
 " Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforations ☐ Yes ☒ No.

Type of perforator used _____

Size of perforations in. by in.
 _____ perforations from _____ ft. to _____ ft.
 _____ perforations from _____ ft. to _____ ft.
 _____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
 Type _____ Model No. _____
 Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
 Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Is a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.
 " " " " " "
 " " " " " "

Artesian flow gal./min. with ft. drawdown after hrs.
 " " " " " "

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite & granular bentonite
 Well sealed from land surface to 19 ft.
 Diameter of well bore to bottom of seal 9-7/8 in.
 Diameter of well bore below seal 6-1/4 in.
 Number of sacks of cement used in well seal _____ sacks
 How was cement grout placed? Lower portion sealed with
Drill gel - upper portion sealed w/granular
bentonite.

Was a drive shoe used? ☐ Yes ☒ No Plugs _____ Size: location _____ ft.Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Lane Driller's well number _____
SE 1/4 SE 1/4 Section 27 T. 17 S R. 2 W. W.M.
 Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found _____ ft.

Static level _____ ft. below land surface. Date _____

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 6-1/4Depth drilled 360 ft. Depth of completed well 250 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soft brown silty loam	0	4	
Fine to coarse gravel w/clay seams, cobble & boulders	4	45	
Conglomerate-clay (red-brown gray, dark brown)	45	91	
Soft dark brown clay	91	115	
Soft gray silty clay w/sandy zones	115	135	
Soft brown sandy clay w/fine compact sand seams	135	153	
Conglomerate-light brown clay w/gravels (occ. loose zones)	153	180	
Soft light brown clay	180	188	
Soft gray sandy clay, claystone interbeds - 230'	188	288	
Soft red-brown clay	288	295	
Soft gray sandy clay	295	306	
Firm gray claystone	306	318	
Firm gray-brown basalt	318	328	

Work started 2/18/80 19 Completed 2/22/80 19Date well drilling machine moved off of well 2/25/80 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] _____ Date 2/27/80, 19____
 (Drilling Machine Operator)

Drilling Machine Operator's License No. 751

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name A. M. JANNSEN WELL DRILLING CO., INC.
 (Person, firm or corporation) (Type or print)

Address 21075 SW Tualatin Valley Hwy. Aloha, Or.

[Signed] _____
 (Water Well Contractor)

Contractor's License No. 79 Date 2/27/80, 19____

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date
of well completion.

(Do not write above this line)

State Permit No. LANE 106

Three small round needles $\square V_{22} \square V_{23}$ Size of mouth

[Signed]
(Water Wall Contractor)

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No.

State Permit No.

(1) OWNER:

Name Springfield Utility Board #2 Test Hole
Address P. O. Box 300
Springfield, Oregon 97477

(2) TYPE OF WORK (check):

New Well ☐ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☐

" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☐ Yes ☐ No.

Type of perforator used _____

Size of perforations	in. by	in.
perforations from _____ ft. to _____ ft.		
perforations from _____ ft. to _____ ft.		
perforations from _____ ft. to _____ ft.		

(7) SCREENS:

Well screen installed? ☐ Yes ☐ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☐ No If yes, by whom?

"d:	gal./min. with	ft. drawdown after	hrs.
"	"	"	"
"	"	"	"

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used _____
Well sealed from land surface to _____ ft.
Diameter of well bore to bottom of seal _____ in.
Diameter of well bore below seal _____ in.
Number of sacks of cement used in well seal _____ sacks
How was cement grout placed? _____

Was a drive shoe used? ☐ Yes ☐ No Plugs _____ Size; location _____ ft.

Did any strata contain unusable water? ☐ Yes ☐ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

(10) LOCATION OF WELL:

County Lane Driller's well number _____
SE 1/4 SE 1/4 Section 27 T. 17 S. R. 2 W. W.
Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found _____

Static level _____ ft. below land surface. Date _____

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing _____

Depth drilled _____ ft. Depth of completed well _____

Formation: Describe color, texture, grain size and structure of material and show thickness and nature of each stratum and aquifer penetrated with at least one entry for each change of formation. Report each change position of Static Water Level and indicate principal water-bearing strata

MATERIAL	From	To	SWI
<u>Abandonment of Lower Hole</u>			

Hole blocked @ 530' by sloughing shales -
Upper bore - 530' to 130' filled with bentonite pumped into bore through 2" tremie line @ 530'.

5 sacks grout placed @ 530'	level
3 sacks grout placed @ 400'	level
3 sacks grout placed @ 300'	level
4 sacks grout placed @ 200'	level.

All cement mixed with 5% drill gel solution and tremied into bore

Upper hole cased from -0 to 142'. 142 to 200 ft. left open for eventual production well. Casing sealed temporarily with thick bentonite.

No water encountered below 200 ft.

Work started _____ 19 _____ Completed _____ 19 _____

Date well drilling machine moved off of well _____ 19 _____

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to the best knowledge and belief.

[Signed] _____ Date _____, 19____
(Drilling Machine Operator)

Drilling Machine Operator's License No. _____

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report true to the best of my knowledge and belief.

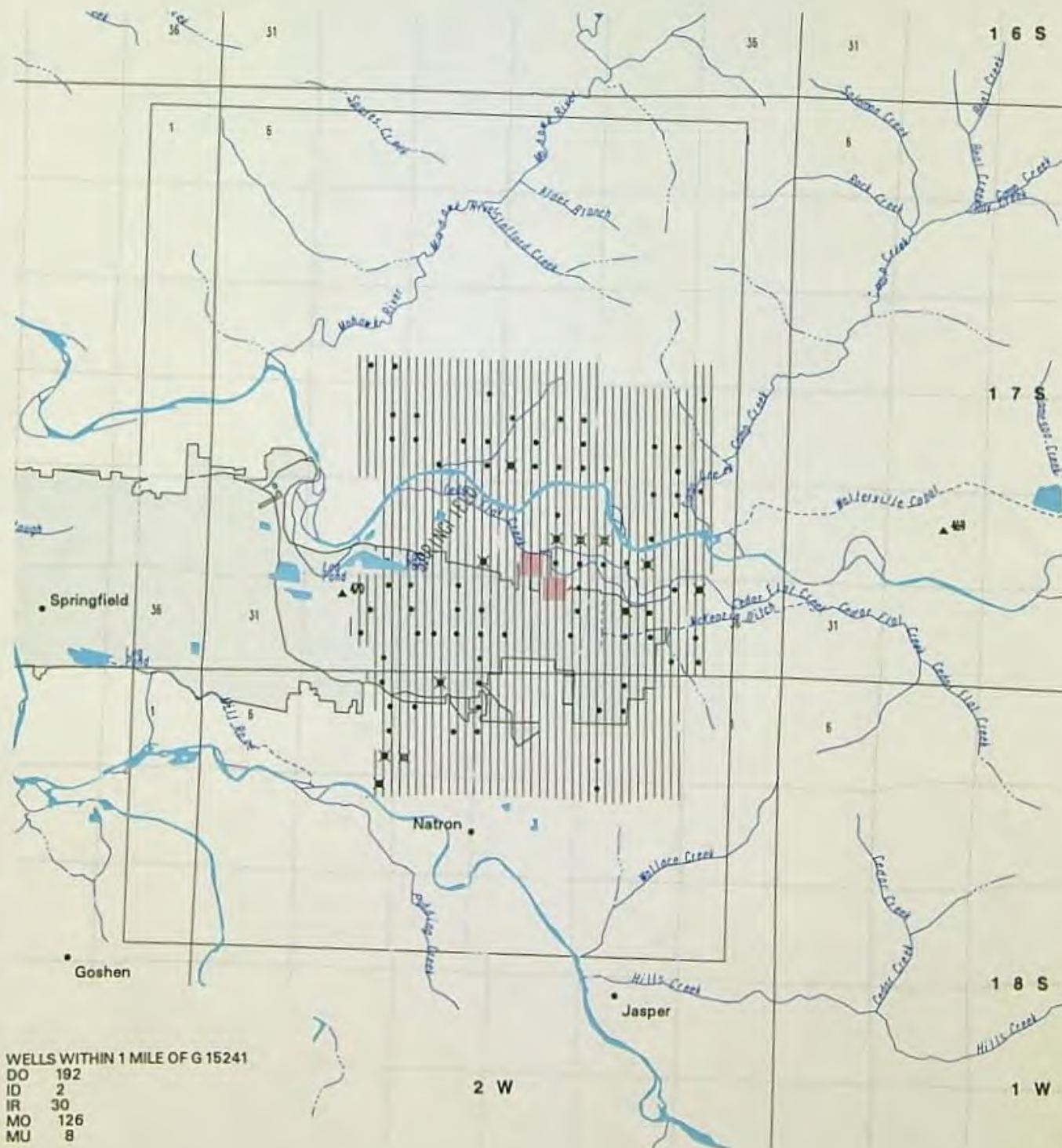
Name _____
(Person, firm or corporation) (Type or print)

Address _____

[Signed] _____
(Water Well Contractor)

Wells in the vicinity of application G 15241

- | | | | | | | | |
|---|---|---|---|---|---|---|-------------------|
|  | Application well(s) in this 1/4-1/4 section |  | Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s) |  | Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s) |  | Critical QW Area |
|  | Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s) |  | Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s) |  | OWRD Observation well and well-id within 5 mi. radius of application well(s) |  | Regulated QW Area |



WELLS WITHIN 1 MILE OF G 15241

DO	192
ID	2
IR	30
MO	126
MU	8

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15241

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	GR 937	GR 909	17.00S 2.00W22SWSW	IR	700.0000	G
1	GR 2318	GR 2511	17.00S 2.00W22SWSW	IR	15.0000	G
2	G 10643	G 9985	17.00S 2.00W27NWSE	MU	1.0000	C
3	G 10641	G 9983	17.00S 2.00W27NESE	MU	0.4500	C
3	G 10642	G 9984	17.00S 2.00W27NESE	MU	0.5600	C
4	G 3463	G 3267	17.00S 2.00W26NWSW	MU	1.6700	C
4	G 4854	G 4570	17.00S 2.00W26NWSW	MU	2.1400	C
4	G 5724	G 4989	17.00S 2.00W26NWSW	MU	1.1100	C
5	GR 2940	GR 2765	17.00S 2.00W28SESE	IR	384.0000	G
6	GR 1369	GR 1327	17.00S 2.00W26SWSE	IR	450.0000	G
7	GR 1368	GR 1326	17.00S 2.00W36NWNW	IR	240.0000	G
8	GR 2580	GR 2450	17.00S 2.00W35SESE	IR	84.0000	G
9	GR 3557	GR 3344	18.00S 2.00W 4NENW	IR	80.0000	G
10	GR 3946	GR 3576	18.00S 2.00W 5SESE	IR	450.0000	G
10	GR 3585	GR 3977	18.00S 2.00W 5SESE	IR	176.0000	G
11	G 2163	G 1995	18.00S 2.00W 4SWSW	IR	0.3100	C
12	GR 2753	GR 2603	18.00S 2.00W 8NENE	IR	200.0000	G

NO CONDITIONED WELLS WITHIN 1 MILE OF APPLICATION G 15241

APPLICATION G 15241 FALLS WITHIN THESE QUAD(S)

SPRINGFIELD

(b) The Coast Fork of the Willamette River and tributaries above Cottage Grove Dam and the Row River and tributaries above Dorena Dam are classified for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Willamette Coast Fork or its tributaries above the Willamette Coast Fork — Row River confluence for natural flows of the Willamette Coast Fork below 15 cubic feet per second, plus waters released from storage of up to 100 cubic feet per second measured at a point between said confluence and 1.0 miles above said confluence;

(b) Row River or its tributaries above the Row River — Willamette Coast Fork confluence for natural flows of the Row River below 40 cubic feet per second, plus waters released from storage of up to 150 cubic feet per second measured at a point between said confluence and 1.0 miles above said confluence;

(c) The Willamette Coast Fork or its tributaries above the Willamette Coast Fork — Willamette Middle Fork confluence for natural flows of the Willamette Coast Fork below 40 cubic feet per second, plus waters released from storage of up to 250 cubic feet per second measured at a point between said confluence and 1.0 miles above said confluence.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

McKenzie River Subbasin

690-502-080 The McKenzie River Subbasin includes the McKenzie River and tributaries above confluence with the Willamette River:

(1) Surface water classification:

(a) The McKenzie River from Clear Lake to Carmen Reservoir, from Tamolitch Falls to Trail Bridge Reservoir and from Trail Bridge Dam to Paradise Campground is designated a state scenic waterway. The McKenzie River and tributaries above Paradise Campground near river mile 73 (Sec 9, T16S, R6E) are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) The South Fork McKenzie River from the Three Sisters Wilderness boundary downstream to Cougar Reservoir and from Cougar Dam downstream to the confluence with the McKenzie River is designated a state scenic waterway. The South Fork McKenzie River and its tributaries are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(c) Blue River upstream from its confluence with the McKenzie River and tributaries are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(d) Except as specified in subsections (a), (b), and (c) of this section, all tributaries to the McKenzie River are classified for domestic, livestock, municipal, industrial,

irrigation, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from October 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through September 30;

(e) Except as specified in subsection (a) of this section, the McKenzie River main stem down-stream from Paradise Campground near river mile 73 (Sec 9, T16S, R6E) is classified only for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement, off-channel power development in conjunction with storage and public instream uses;

(f) The waters of the natural lakes of the McKenzie River subbasin above 3,000 feet elevation are classified only for domestic, excluding irrigation of lawn and noncommercial garden, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses. Storage shall not be allowed on these lakes.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The South Fork McKenzie River or its tributaries above the South Fork McKenzie River — McKenzie River confluence for natural flows of the South Fork McKenzie River below 200 cubic feet per second, plus waters released from storage of up to 230 cubic feet per second measured at a point between said confluence and 1.0 miles above said confluence;

(b) Blue River or its tributaries above the Blue River — McKenzie River confluence for natural flows of Blue River below 30 cubic feet per second, plus waters released from storage of up to 350 cubic feet per second measured at a point between said confluence and 1.0 miles above said confluence;

(c) The McKenzie River or its tributaries above USGS — State Engineer Gage 14162500 (NE 1/4 Section 5, Township 17 South, Range 3 East) near Vida, Oregon, for natural flows of the McKenzie River below 1,400 cubic feet per second plus waters released from storage of up to 580 cubic feet per second measured at the aforementioned gage;

(d) The McKenzie River or its tributaries above the intersection of the McKenzie River and Interstate Highway 5 for natural flows of the McKenzie River below 1,025 cubic feet per second, plus waters released from storage of up to 700 cubic feet per second, measured at the intersection of the McKenzie River and Interstate Highway 5.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

Long Tom River Subbasin

690-502-090 The Long Tom River Subbasin includes the Long Tom River and tributaries above its confluence with the Willamette River north of Monroe:

(1) Surface water classification:

fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(3) Multnomah Channel and drainage waters originating within drainage districts are classified for domestic, livestock, municipal, industrial, irrigation, commercial, agricultural, mining, power, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(4) Except as specified in subsections (1)(a), (b) and (c) of this rule, all stream systems in the Columbia Subbasin and Columbia Slough are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Groundwater Classifications and Conditions

690-502-160 (1) Use of groundwater from the basalt aquifer within the Cooper-Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper-Bull Mountain Critical Groundwater Area dated May 17, 1974.

(2) Groundwater Classification: The ground-water resources of the Willamette Basin are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses with the following exceptions:

(a) Groundwater from the *shallow* Troutdale aquifer and the specially designated portion of the *deep* Troutdale aquifer in the Sandy-Boring area is classified for exempt uses only. The Sandy-Boring Groundwater Limited Area is as described and shown in Exhibit 1. Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed and shall contain the Special Permit Conditions specified in section (4) of this rule. Applications may be rejected if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications;

(b) Groundwater from the basalt aquifers in the Damascus, Glad Tidings, Kingston, Mt. Angel, Parrett Mountain, and Stayton-Sublimity areas, and the Troutdale aquifer in the Damascus area is classified for exempt uses only:

(A) The Damascus Groundwater Limited Area is as described and shown in Exhibit 2. The Glad Tidings Groundwater Limited Area is as described and shown in Exhibit 3. The Kingston Groundwater Limited Area is as described and shown in Exhibit 4. The Mt. Angel Groundwater Limited Area is as described and shown in Exhibit 5. The Parrett Mountain Groundwater Limited Area is as described and shown in Exhibit 9. The Stayton-Sublimity Groundwater Limited Area is as described and shown in Exhibit 7;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (3) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water



Water Availability for WID 528

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WATER AVAILABILITY TABLE

Stream: MCKENZIE R > WILLAMETTE R - AB MOUTH

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 528 (and Nested Subbasins)

Time: 09:31

Date: 01/30/2001

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	182	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	183	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4	30200321	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
5	528	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Basin: WILLAMETTE

Watershed ID Number: 528 (and Nested Subbasins)

Time: 09:31

Date: 01/30/2001

Select an Item Number for More Details

Item	Watershed ID	Stream Name
1	181	WILLAMETTE R > COLUMBIA R - AT MOUTH
2	182	WILLAMETTE R > COLUMBIA R - AB MOLALLA R
3	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000
4	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174
5	528	MCKENZIE R > WILLAMETTE R - AB MOUTH

LIMITING WATERSHEDS

Stream: MCKENZIE R > WILLAMETTE R - AB MOUTH

Watershed ID Number: 528

Basin: WILLAMETTE

Exceedance Level: 80

Time: 09:31

Date: 01/30/2001

Mnth Limiting Stream Name

Water Net Water

Watershed					Avail?	Available
1	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	3500.0
2	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	3640.0
3	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	3470.0
4	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	2780.0
5	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	2280.0
6	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	1650.0
7	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	803.0
8	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	442.0
9	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	401.0
10	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	516.0
11	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	1540.0
12	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	3140.0
Stor	528	MCKENZIE R >	WILLAMETTE R -	AB MOUTH	YES	2400000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WILLAMETTE R > COLUMBIA R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 181

Time: 09:31

Date: 01/30/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	27500.00	484.00	206.00	26800.00	.00	1500.00	25300.00
2	30000.00	3530.00	202.00	26300.00	.00	1500.00	24800.00
3	28500.00	4600.00	190.00	23700.00	.00	1500.00	22200.00
4	25400.00	4420.00	182.00	20800.00	.00	1500.00	19300.00
5	20700.00	2170.00	188.00	18300.00	.00	1500.00	16800.00
6	11000.00	1260.00	380.00	9360.00	.00	1500.00	7860.00
7	6280.00	1640.00	395.00	4240.00	.00	1500.00	2740.00
8	4890.00	1460.00	365.00	3070.00	.00	1500.00	1570.00
9	4930.00	1090.00	339.00	3500.00	.00	1500.00	2000.00
10	5990.00	355.00	141.00	5490.00	.00	1500.00	3990.00
11	12700.00	376.00	163.00	12200.00	.00	1500.00	10700.00
12	24800.00	430.00	203.00	24200.00	.00	1500.00	22700.00
Stor	19700000	1310000	178000	18200000	0	1090000	17200000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WILLAMETTE R > COLUMBIA R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 181

Time: 09:31

Date: 01/30/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	217.01	.00	332.69	99.54	4.54	23.64	10.07	2.69	690.00
2	3254.25	.00	332.69	99.54	4.54	23.64	10.07	2.69	3730.00
3	4311.46	6.44	332.69	99.54	4.54	23.64	10.07	2.69	4790.00
4	4085.33	42.76	332.69	99.54	4.54	23.64	10.07	2.69	4600.00
5	1601.43	292.48	328.84	99.53	4.39	23.64	8.39	2.69	2360.00
6	12.96	585.75	906.51	99.28	4.24	23.64	8.39	2.69	1640.00
7	.10	1000.91	903.70	94.00	4.24	23.64	8.39	2.50	2040.00
8	.05	785.10	903.70	94.00	4.24	22.23	8.39	2.50	1820.00
9	.06	388.33	901.45	99.23	4.24	22.24	8.39	2.69	1430.00
10	.15	27.71	330.90	99.28	4.24	22.24	8.39	2.69	496.00
11	65.98	.00	332.69	99.28	4.54	23.64	10.07	2.69	539.00
12	159.92	.00	332.69	99.54	4.54	23.64	10.07	2.69	633.00

DETAILED REPORT OF ISWRs

Stream: WILLAMETTE R > COLUMBIA R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 181

Time: 09:31

Date: 01/30/2001

ISWRs								
APP #	181A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1500.00	.00	.00	.00	.00	.00	.00	1500.00
2	1500.00	.00	.00	.00	.00	.00	.00	1500.00
3	1500.00	.00	.00	.00	.00	.00	.00	1500.00
4	1500.00	.00	.00	.00	.00	.00	.00	1500.00
5	1500.00	.00	.00	.00	.00	.00	.00	1500.00
6	1500.00	.00	.00	.00	.00	.00	.00	1500.00
7	1500.00	.00	.00	.00	.00	.00	.00	1500.00
8	1500.00	.00	.00	.00	.00	.00	.00	1500.00
9	1500.00	.00	.00	.00	.00	.00	.00	1500.00

10	1500.00	.00	.00	.00	.00	.00	.00	1500.00
11	1500.00	.00	.00	.00	.00	.00	.00	1500.00
12	1500.00	.00	.00	.00	.00	.00	.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 182

Time: 09:31

Date: 01/30/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	21400.00	1120.00	156.00	20100.00	.00	1500.00	18600.00
2	23200.00	7540.00	153.00	15500.00	.00	1500.00	14000.00
3	22400.00	6310.00	149.00	15900.00	.00	1500.00	14400.00
4	19900.00	6320.00	148.00	13400.00	.00	1500.00	11900.00
5	16600.00	3290.00	158.00	13100.00	.00	1500.00	11600.00
6	8740.00	1030.00	329.00	7380.00	.00	1500.00	5880.00
7	4980.00	1100.00	335.00	3540.00	.00	1500.00	2040.00
8	3830.00	978.00	311.00	2540.00	.00	1500.00	1040.00
9	3890.00	729.00	300.00	2860.00	.00	1500.00	1360.00
10	4850.00	251.00	130.00	4470.00	.00	1500.00	2970.00
11	10200.00	270.00	138.00	9790.00	.00	1500.00	8290.00
12	19300.00	297.00	155.00	18800.00	.00	1500.00	17300.00
Stor	15200000	1740000	149000	13300000	0	1090000	12200000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Basin: WILLAMETTE

Watershed ID Number: 182

Time: 09:31

Date: 01/30/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	914.00	.00	248.00	84.90	3.80	17.90	8.72	2.87	1280.00
2	7329.20	.00	247.53	84.89	3.80	17.88	8.72	2.87	7690.00

3	6091.81	4.35	247.53	84.89	3.80	17.88	8.72	2.87	6460.00
4	6071.38	28.76	247.53	84.89	3.80	17.88	8.72	2.87	6470.00
5	2892.60	200.02	243.68	84.88	3.80	17.88	7.05	2.87	3450.00
6	191.66	401.00	651.05	84.63	3.80	17.88	7.05	2.87	1360.00
7	.32	680.06	648.23	79.35	3.80	17.88	7.05	2.67	1440.00
8	.21	530.52	648.23	79.35	3.80	16.47	7.05	2.67	1290.00
9	.01	263.75	650.48	84.58	3.80	16.48	7.05	2.87	1030.00
10	.04	18.82	247.25	84.63	3.80	16.48	7.05	2.87	381.00
11	43.07	.00	247.53	84.63	3.80	17.88	8.72	2.87	408.00
12	86.30	.00	247.53	84.89	3.80	17.88	8.72	2.87	452.00

DETAILED REPORT OF ISWRs

Stream: WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Basin: WILLAMETTE

Watershed ID Number: 182

Time: 09:31

Date: 01/30/2001

-----ISWRs-----									
APP #	182A	0	0	0	0	0	0	0	MAXIMUM
Status	Cert.								
1	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
2	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
3	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
4	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
5	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
6	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
7	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
8	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
9	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
10	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
11	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00
12	1500.00	.00	.00	.00	.00	.00	.00	.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 183

Time: 09:31

Date: 01/30/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	18400.00	1280.00	34.10	17100.00	.00	1300.00	15800.00
2	20100.00	7700.00	32.00	12400.00	.00	1300.00	11100.00
3	19600.00	6480.00	30.10	13100.00	.00	1300.00	11800.00
4	18000.00	6480.00	29.90	11500.00	.00	1300.00	10200.00
5	15500.00	3410.00	40.60	12100.00	.00	1300.00	10800.00
6	8310.00	1100.00	76.20	7130.00	.00	1300.00	5830.00
7	4710.00	1100.00	81.70	3530.00	.00	1300.00	2230.00
8	3620.00	1010.00	61.40	2550.00	.00	1300.00	1250.00
9	3680.00	833.00	54.40	2790.00	.00	1300.00	1490.00
10	4650.00	413.00	21.60	4220.00	.00	1300.00	2920.00
11	9400.00	434.00	25.00	8940.00	.00	1300.00	7640.00
12	16700.00	455.00	34.00	16200.00	.00	1300.00	14900.00
Stor	13500000	1830000	31500	11600000	0	942000	10700000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Basin: WILLAMETTE

Watershed ID Number: 183

Time: 09:31

Date: 01/30/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	894.00	.00	340.00	58.40	3.40	12.50	4.38	2.70	1320.00
2	7310.89	.00	340.14	58.41	3.40	12.54	4.38	2.69	7730.00
3	6083.96	3.07	340.14	58.41	3.40	12.54	4.38	2.69	6510.00
4	6066.90	19.05	340.22	58.41	3.40	12.54	4.38	2.69	6510.00
5	2891.35	140.80	336.32	58.41	3.40	12.54	4.38	2.69	3450.00
6	191.16	284.04	621.01	58.15	3.40	12.54	4.38	2.69	1180.00
7	.31	481.45	618.73	54.55	3.40	12.54	4.38	2.50	1180.00
8	.21	372.88	618.69	54.55	3.40	12.53	4.38	2.50	1070.00
9	.01	186.04	620.45	58.11	3.40	12.54	4.38	2.69	888.00
10	.03	13.31	339.90	58.15	3.40	12.54	4.38	2.69	434.00
11	37.79	.00	340.14	58.15	3.40	12.54	4.38	2.69	459.00
12	67.31	.00	340.14	58.41	3.40	12.54	4.38	2.69	489.00

DETAILED REPORT OF ISWRs

Stream: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Basin: WILLAMETTE

Watershed ID Number: 183

Time: 09:31

Date: 01/30/2001

-----ISWRs-----								
APP #	183A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1300.00	.00	.00	.00	.00	.00	.00	1300.00
2	1300.00	.00	.00	.00	.00	.00	.00	1300.00
3	1300.00	.00	.00	.00	.00	.00	.00	1300.00
4	1300.00	.00	.00	.00	.00	.00	.00	1300.00
5	1300.00	.00	.00	.00	.00	.00	.00	1300.00
6	1300.00	.00	.00	.00	.00	.00	.00	1300.00
7	1300.00	.00	.00	.00	.00	.00	.00	1300.00
8	1300.00	.00	.00	.00	.00	.00	.00	1300.00
9	1300.00	.00	.00	.00	.00	.00	.00	1300.00
10	1300.00	.00	.00	.00	.00	.00	.00	1300.00
11	1300.00	.00	.00	.00	.00	.00	.00	1300.00
12	1300.00	.00	.00	.00	.00	.00	.00	1300.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 30200321

Time: 09:31

Date: 01/30/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	17300.00	917.00	7.50	16400.00	.00	1750.00	14600.00
2	17400.00	4480.00	6.97	12900.00	.00	1750.00	11200.00
3	15800.00	4130.00	6.62	11700.00	.00	1750.00	9920.00
4	13800.00	4070.00	6.84	9730.00	.00	1750.00	7980.00
5	11400.00	2280.00	12.60	9110.00	.00	1750.00	7360.00
6	7350.00	606.00	21.20	6720.00	.00	1750.00	4970.00
7	4100.00	604.00	21.00	3470.00	.00	1750.00	1720.00

8	2960.00	559.00	16.10	2380.00	.00	1750.00	635.00
9	2960.00	469.00	13.80	2480.00	.00	1750.00	727.00
10	3550.00	166.00	4.91	3380.00	.00	1750.00	1630.00
11	8170.00	172.00	5.20	7990.00	.00	1750.00	6240.00
12	19100.00	172.00	7.42	18900.00	.00	1750.00	17200.00
Stor	7460000	1110000	7870	6340000	0	1270000	5070000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Basin: WILLAMETTE

Watershed ID Number: 30200321

Time: 09:31

Date: 01/30/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	760.00	.00	113.00	44.90	.02	5.75	.91	.19	925.00
2	4318.77	.00	113.25	44.92	.02	5.75	.91	.20	4480.00
3	3967.84	1.49	113.25	44.92	.02	5.75	.91	.20	4130.00
4	3897.52	9.25	113.33	44.92	.02	5.75	.91	.20	4070.00
5	2056.17	69.16	113.27	44.92	.02	5.75	.91	.20	2290.00
6	95.95	139.54	339.66	44.66	.02	5.75	.91	.20	627.00
7	.30	236.93	339.37	41.99	.02	5.75	.91	.00	625.00
8	.20	186.77	339.37	41.99	.02	5.75	.91	.00	575.00
9	.00	92.61	339.10	44.66	.02	5.75	.91	.20	483.00
10	.01	6.58	113.08	44.66	.02	5.75	.91	.20	171.00
11	12.22	.00	113.25	44.66	.02	5.75	.91	.20	177.00
12	14.02	.00	113.25	44.92	.02	5.75	.91	.20	179.00

DETAILED REPORT OF ISWRs

Stream: WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Basin: WILLAMETTE

Watershed ID Number: 30200321

Time: 09:31

Date: 01/30/2001

ISWRs									
APP #	183B	184A	0	0	0	0	0	0	MAXIMUM
Status	Cert.	App.							

1	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
2	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
3	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
4	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
5	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
6	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
7	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
8	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
9	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
10	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
11	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00
12	1300.00	1750.00	.00	.00	.00	.00	.00	1750.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: MCKENZIE R > WILLAMETTE R - AB MOUTH

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 528

Time: 09:31

Date: 01/30/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	5040.00	516.00	.13	4520.00	.00	1030.00	3500.00
2	5850.00	1190.00	.12	4660.00	.00	1030.00	3640.00
3	5630.00	1140.00	.12	4490.00	.00	1030.00	3470.00
4	5020.00	1210.00	.15	3810.00	.00	1030.00	2780.00
5	4000.00	696.00	.39	3300.00	.00	1030.00	2280.00
6	2990.00	314.00	.63	2670.00	.00	1030.00	1650.00
7	2160.00	332.00	.72	1830.00	.00	1030.00	803.00
8	1790.00	322.00	.57	1470.00	.00	1030.00	442.00
9	1730.00	304.00	.31	1430.00	.00	1030.00	401.00
10	1830.00	289.00	.09	1540.00	.00	1030.00	516.00
11	2850.00	286.00	.10	2560.00	.00	1030.00	1540.00
12	4450.00	286.00	.13	4160.00	.00	1030.00	3140.00
Stor	3560000	412000	211	3140000	0	743000	2400000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: MCKENZIE R > WILLAMETTE R - AB MOUTH

Basin: WILLAMETTE

Watershed ID Number: 528

Time: 09:31

Date: 01/30/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	230.00	.00	276.00	9.12	.00	.89	.28	.00	516.00
2	899.49	.00	276.10	9.12	.00	.89	.28	.00	1190.00
3	850.74	.28	276.10	9.12	.00	.89	.28	.00	1140.00
4	921.44	1.73	277.80	9.12	.00	.89	.28	.00	1210.00
5	395.43	12.81	277.50	9.12	.00	.89	.28	.00	696.00
6	2.22	25.87	276.70	9.12	.00	.89	.28	.00	315.00
7	.30	44.91	276.80	9.12	.00	.89	.28	.00	332.00
8	.20	35.63	276.80	9.12	.00	.89	.28	.00	323.00
9	.00	17.41	276.70	9.12	.00	.89	.28	.00	304.00
10	.00	1.24	277.50	9.12	.00	.89	.28	.00	289.00
11	.09	.00	276.10	9.12	.00	.89	.28	.00	286.00
12	.15	.00	276.10	9.12	.00	.89	.28	.00	287.00

DETAILED REPORT OF ISWRs

Stream: MCKENZIE R > WILLAMETTE R - AB MOUTH

Basin: WILLAMETTE

Watershed ID Number: 528

Time: 09:31

Date: 01/30/2001

-----ISWRs-----									
APP #	126A	528A	0	0	0	0	0	0	MAXIMUM
Status	App.	Cert.							
1	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
2	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
3	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
4	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
5	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
6	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
7	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
8	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
9	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
10	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
11	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00
12	1025.00	1025.00	.00	.00	.00	.00	.00	.00	1025.00

10-26-00

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application # - <u>G-15241</u>	County: <u>Lane</u>
Priority Date: _____	Township: <u>17 South</u>
Use(s): <u>Municipal Use</u>	Range: <u>2 West</u>
Rate: <u>1.78 cfs</u>	Section: <u>27 & 34</u>
	POD 1/4 1/4: <u>Well #1 - Sec. 34 - NWNE</u>
	ROU 1/4 1/4: <u>Well #2 - Sec. 27 - SESW</u>

☒ Applicant/Organization Name, Mailing Address and Telephone Number. If applicant is other than a private landowner, Organizations section must be completed.

☒ Source and tributary listed? 2 wells (1-existing, 1-proposed)

☒ Property ownership indicated? If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is locatedor..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE: An easement or agreement DOES NOT need to be submitted at this time, but will be required before a permit will be issued. * See "Springfield Charter"**

☒ If a groundwater application...is the groundwater development section completed? _____

☒ Proposed Use of the water.... Is each proposed use identified? Municipal

☒ Has the appropriate "Supplemental Form" for each proposed use been completed?

- | | |
|---|---|
| ☐ Form I (Irrigation) | ☒ Form M (Municipal or Quasi-Municipal) |
| ☐ Form R (Mining) | ☐ Form Q (Commercial or Industrial) |
| ☐ Spring Description Sheet (if source is a Spring) | |

☒ Amount of water from each source listed in GPM, CFS or AF? Total of 800 gpm = 1.78 cfs
(400 gpm from each of 2 wells) * See also Land Use -> 800 gpm

☒ Acreage being proposed, if applicable. N/A

Application No. G15241
Permit No. _____

☒ Season being requested by applicant. Year Round

☐ The water management section has been completed? If system has not been designed, the applicant may estimate this information. Pump type & horsepower for each well

N/A ☐ Resource protection system completed on Surface Water application? N/A

☐ Are the dates of construction indicated? Provide dates for Well #1
If system already completed, applicant should indicate existing. - indicate if already complete.

☒ Is the application signed in ink by the applicant? If the application is in the name of an organization or corporation, the authorized agent must sign the application.

☒ Is a copy of the deed, land sales contract or title insurance policy included? We cannot accept a copy of the tax bill. N/A - for Municipal entities.

☒ A completed Land-Use Form or receipt signed by the appropriate planning department officials enclosed? Does the use on land-use form match the proposed use on the application?

☐ Does the map meet map requirements of OAR 690-310-050? * Only have 1 - Muni Boundary Map

☒ Town, Range, Sec, 1/4 and Tax Lot #

☒ Scale of the Map

☐ Reference corner on map

☒ POD clearly identified

☐ Location Coordinates for each POD

☒ POU clearly identified
- Muni Boundary

N/A ☐ Number of acres per 1/4, if Irrigation

☒ 1/4's clearly identified

☐ Location of House, if Domestic

☐ Location of Bldg, if Comm/Indus

☐ Location of Stock Tanks, if Livestock

☒ Muni/Quasi-Muni Service Boundaries
* See Big Map

☐ Other

Need 4 for ea. Appl. if larger than 11"x17"

☒ Correct fees enclosed? Refer to worksheet to calculate fees.

OK Total Paid \$ 475.00

Base Fee \$ 250.00
150.00 - 1st cfs
plus 75.00 - 2nd cfs

Amount of Water: 1.78 cfs

Total \$ \$475.00

Total Exam Fee \$ 475.00 Recording Fee \$

Completeness Check by: [Signature]

Date: 10-26-00

MINIMUM APPLICATION REQUIREMENTS CHECKLIST (OAR 690-310-040)

- ☒ **Applicant name and mailing address.** If applicant is other than a private landowner, Organizations section must be complete.
- ☒ **Source and tributary** listed? (Including, if applicable, the name and mailing address of any owner of land upon which the source is located.) *2-wells (1-exist 1-proposed)*
- ☒ **Property ownership indicated?** If applicant does not own all the land, is the affected landowner(s) listed? **NOTE: An easement or agreement DOES NOT need to be submitted at this time, but will be required before a permit will be issued.**
- ☒ **If a groundwater application...** is the groundwater development section completed? Is the Well Characteristics section completed or is the well log for the actual well proposed to be used included? *1- well log 1- proposed const. spec*
- ☐ **Proposed Use of the water....** Has the appropriate supplemental form been completed for each use, ie: I form for irrigation, Q for commercial or industrial uses, M for municipal or quasi-municipal or R for mining? If the application is for the use of a spring, a spring description sheet must be completed. *Municipal*

- ☒ **Amount of water** from each source listed in GPM, CFS or AF? *2wells- 400 gpm ea well = 800gpm ÷ 448.83 = 1.78 cfs*
- ☒ **Acreage** being proposed, if applicable. *N/A*
- ☒ **Season** being requested by applicant. *Year Round*

- ☒ The **water management section** has been completed? If system has not been designed, the applicant may estimate this information. *Item A-Diversion → Pump type & HP*
- ☒ **Resource protection system** completed on Surface Water application?

- ☒ Are the **dates of construction** indicated? If system already completed, applicant should indicate existing. *Well #1 - completed*
- ☒ Is the **application signed in ink by the applicant?** If the application is in the name of an organization or corporation, the authorized agent must sign the application.

- ☒ Is a **copy of the deed, land sales contract or title insurance policy** included? We cannot accept a copy of the tax bill.

- ☒ A **completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed?

- ☒ Does the **map** meet map requirements of OAR 690-310-050? *POD location Coord.*
- ☒ **Correct fees** enclosed? Refer to worksheet to calculate fees. *POD- 1/4/14*

*1.78 cfs → 2nd cfs - Base - 250
1st cfs - 150
\$75 x 1 cfs - 75
\$475*

Application No. *9-1524*
Permit No.

Form M-

Muni- N/A

*OK
Paid \$475.*

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15241

Proposed Final Order

Summary of Recommendation: The Department recommends that the application be denied on the bases that the use is not allowed in the applicable basin program during the full period requested, and that it does not comply with Oregon Administrative Rule 690-033-0340(2)

Application History

On DECEMBER 11, 2000, BART MCKEE submitted an application to the Department for SPRINGFIELD UTILITY BOARD for the following water use permit:

- Amount of Water: 1.78 CUBIC FEET PER SECOND (CFS)
- Use of Water: MUNICIPAL USE
- Source of Water: WELLS 1 AND 2 IN CEDAR CREEK BASIN
- Area of Proposed Use: WITHIN THE SERVICE AREA BOUNDARY OF SPRINGFIELD UTILITY BOARD

On February 9, 2001, the Department mailed the applicant notice of its Initial Review, determining that "the use of 1.78 CUBIC FEET PER SECOND, BEING .089 CFS FROM EACH OF TWO WELLS (1 AND 2) for MUNICIPAL USE is not allowable, and it appears unlikely that you will be issued a permit." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On February 27, 2001, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835

- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Willamette Basin Program does not allow MUNICIPAL USE during the period July 1 through September 30 (OAR 690-502-080 (C1)(4)).

Senior water rights exist on WELLS 1 AND 2 IN CEDAR CREEK BASIN, or on downstream waters.

WELLS 1 AND 2 IN CEDAR CREEK BASIN are not within or above a State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Groundwater Findings Under OAR 690-09

The Department determined, consistent with OAR 690-09-0040(4), that the proposed ground water use will have the potential for substantial interference with the nearest surface water source, namely Cedar Creek.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is

a horizontal distance less than one mile from the surface water source.

For this application, the Department determined that there is the potential for substantial interference because of the following items described above: (a), (b)

The Department has further found that the likely impact to Cedar Creek by the proposed use of water under G-15241, together with impacts resulting from use of water proposed under G-15243 and G-15244, is 4.1 CFS.

On November 8, 2002, the applicant submitted application S-85336, which proposed in part to divert 3.0 CFS from McKenzie River into Cedar Creek for streamflow augmentation to mitigate the impacts of the uses proposed under applications G-15241, G-15243, and G-15244. With regard to the proposed mitigation, the Department finds:

1. The Department issued a Proposed Final Order proposing to deny the streamflow augmentation portion of application S-85336.
2. The Department's Proposed Final Order for application S-85336 found that the rate proposed for streamflow augmentation is not likely to be sufficient to mitigate the impacts of the water use proposed under applications G-15241, G-15243, and G-15244.
3. Mitigation through streamflow augmentation is not by itself sufficient to overcome limits imposed by the basin program (OAR 690-502) or OAR 690-033.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that the application be denied on the basis that it would harm upper Willamette spring Chinook salmon, a threatened species under the Endangered Species Act, unless the finding of potential for substantial interference with Cedar Creek is refuted or the application is conditioned such that the applicant be required to purchase stored reservoir water to augment flows in McKenzie River. The finding of potential for substantial interference with Cedar Creek has not been refuted, and a permit approving this application can not be conditioned as recommended, because the release of water stored in upstream reservoirs must be performed under a permit to use water for streamflow augmentation; such a permit may not be issued, because water in upstream reservoirs is not stored for that purpose (Certificate 72756).

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is

in the file. The proposed use of groundwater will, if properly conditioned, avoid injury to existing rights and the resource.

An assessment of surface water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) during the full season requested.

The proposed well is not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The Willamette Basin Program does not allow the proposed use during the full period requested.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use would not injure other water rights.

The proposed use does not comply with other rules of the Water Resources Commission, specifically OAR 690-033-0340(2).

The proposed use is compatible with applicable land use plans.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption **has not** been established.

The Department therefore concludes that water is available in the amount of water necessary for the proposed use; the proposed use would not result in injury to existing water rights; and the proposed use would not ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the application be denied.

DATED July 13, 2004

Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.
- *Persons other than the applicant who support the proposed final order may request standing for the purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order.*
- *Requests for standing shall meet the requirements described in OAR 690-310-160 and shall be accompanied by the \$50.00 standing fee established under ORS 536.050.*

Your protest or request for standing must be received in the Water Resources Department no later than **August 27, 2004**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Cory Engel. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0813.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun at 503-986-0824.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801.

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

engelcc- WEEK 468

Mailing List for PFO Copies

Application #G-15241

PFO Date July 13, 2004

Original mailed to:

Applicant: BART MCKEE SPRINGFIELD UTILITY BOARD, 202 S 18TH ST, SPRINGFIELD, OREGON 97477

Copies sent to:

1. WRD - File # G-15241
2. Water Availability: Ken Stahr

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

3. Greg D. Corbin, Stoel Rives, 900 SW 5th Ave Ste 2600, Portland OR 97204

PFO Copies already sent via e-mail to:

WRD - Watermaster # 2 (Michael.J.MATTICK@wrdd.state.or.us)

Regional Manager: NWR (Dave.E.JARRETT@wrdd.state.or.us)

CASEWORKER:engelcc- WEEK 468



SPRINGFIELD UTILITY BOARD

WATER SERVICE CENTER 202 South 18th Street Springfield, OR 97477-5240 Tel 541.726.2396 Fax 541.747.7348 www.subutil.com

October 12, 2005

Mr. Cory Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-0900

RE: Application Files S-85336, G-15241, G-15242, G-15243, G-15244

Dear Mr. Engel:

The Springfield Utility Board intends to complete construction of proposed works for the above referenced surface and groundwater applications. All construction will be completed within 20 years from the date of permit issue.

In the first quarter of 2006, SUB will be constructing the first phase of transmission mains sized to accommodate the new water source designated in these applications. Due to timing of ODOT paving projects on Highway 126, it is necessary that we install these mains in anticipation of receiving water rights.

Please call me at (541) 726-2396 if you have any questions.

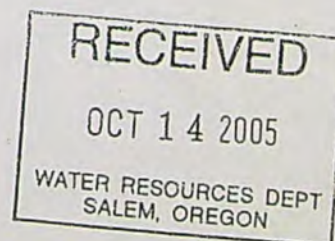
Sincerely,

A handwritten signature in dark ink, appearing to read 'Charles C. Arrera', is written over a horizontal line.

Charles C. Arrera PE
Director of Water Engineering and Operations

CA:mkm

cc: Greg Corbin, Stoel Rives





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

September 1, 2005

Chuck Arrera
Springfield Utility Board
202 S 18th St
Springfield OR 97477

RE: Application Files S-85336, G-15241, G-15242, G-15243, & G-15244

Mr. Arrera:

The Department is currently in the process of reviewing your applications for permits to use water for municipal use. House Bill 3038 (HB3038), which became effective on June 29, 2005, amended ORS 537.230 and ORS 537.630 to provide the applicant of a permit for a municipal water use a maximum of 20 years to commence and complete construction of proposed works. In order to comply with HB3038, please submit a statement providing the number of years (not to exceed 20 years) you need to complete construction from the date of permit issuance.

Please submit this information no later than 60 days from date of this letter.

To be in compliance with the statute, you may request up to 20 years to complete construction from the date of permit issuance, but no longer.

Should you have any questions regarding your application, please call me at (503) 986-0813.

Sincerely,

Mr. Cory Engel
Water Right Application Caseworker

c: File
Watermaster District #2
Greg D. Corbin, Stoel Rives (via vax to 503-220-2480)



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

May 3, 2005

Greg D Corbin
Stoel Rives
900 SW 5th Ave Ste 2600
Portland OR 97204

RE: Springfield Utility Board applications S-85336, G-15241, G-15242, G-15243, G-15244

Mr. Corbin:

This is in response to your letter dated April 28, 2005, in which you requested that the administrative hold on the above-referenced applications be extended for an additional six months.

Your request is approved. The Department will not take further action on your application until October 26, 2005, unless issues raised by Oregon Department of Fish and Wildlife are resolved sooner.

Sincerely,

Dwight French
Water Right Application Section Manager

c: Files



RECEIVED

APR 29 2005
WATER RESOURCES DEPT
SALEM, OREGON

900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

April 28, 2005

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

Mr. Cory C. Engel
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

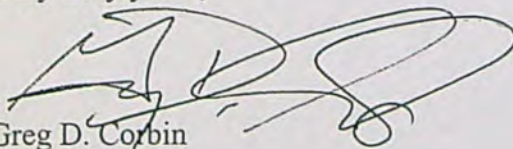
Re: Springfield Utility Board Applications S-85336, G-15241, G-15242, G-15243, and G-15244

Dear Cory:

Thank you for your letter dated April 18, 2005 regarding the Springfield Utility Board's ("SUB") water right applications. As you note in your letter, the current administrative hold period for the above-referenced applications expires April 30, 2005. SUB hereby requests that the Department extend the administrative hold period for these applications for six months to allow sufficient time to work through the issues raised in your letter. In particular, SUB is working with Jeff Ziller at the Oregon Department of Fish and Wildlife to address that agency's earlier comments on the applications. SUB is hopeful that it can resolve the issues raised in those comments shortly. According, SUB also requests that if those issues are resolved before the expiration of an additional six month administrative hold period, then the Department proceed to process SUB's applications S-85336, G-15241, G-15243, and G-15244 without further delay. SUB will continue to deal with application G-15242 separately.

I appreciate your attention to this matter. Please contact me if you have any questions.

Very truly yours,



Greg D. Corbin

cc: Mr. Dwight French
Mr. Chuck Arrera
Mr. David Filippi



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 18, 2005

Chuck Arrera
Springfield Utility Board
202 S 18th St
Springfield OR 97477

RE: Application Files S-85336, G-15241, G-15242, G-15243, & G-15244

Mr. Arrera:

My letter of July 9, 2004 to Bart McKee laid out a plan which included options that would enable the Department to issue Proposed Final Orders for Springfield Utility Board's (SUB's) applications proposing approval. In essence, that plan included three elements:

1. Achieving consistency with the Willamette Basin Program for application S-85336. Two options were presented: requesting a basin program exception, or amending application S-85336. SUB resolved this issue by amending the application on December 10, 2004.
2. Achieving consistency with the Willamette Basin Program for applications G-15241, G-15243, and G-15244. Two options were presented: accepting the shorter period of use required by the basin program, or requesting a basin program exception. As you are aware, the Oregon Water Resources Commission (WRC) resolved this issue on April 14 by authorizing the Department to consider the applications notwithstanding basin program limitations.
3. Achieving consistency with OAR Chapter 690, Division 33 for applications G-15241, G-15243, and G-15244. Previously, Oregon Department of Fish & Wildlife (ODFW) indicated that the proposed use of water will result in a loss of essential habitat of upper Willamette spring Chinook salmon, a threatened species under the Endangered Species Act. ODFW recommended that if the proposed use would reduce streamflow in Cedar Creek or McKenzie River (which it would), the applicant should be required to contract for the release of stored water from upstream reservoirs to mitigate the reduction. However, that is not a viable option, because the water in upstream reservoirs is not stored for that purpose. My July 9, 2004 letter suggested working with ODFW to determine conditions under which these applications may be approved, something that

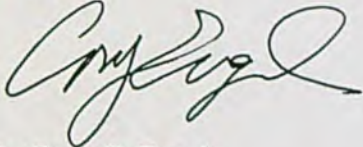
biologist Jeff Ziller had verbally expressed willingness to consider. However, to date, we have not received comments superseding ODFW's earlier comment. Therefore, this issue continues to be an impediment to approval of applications G-15241, G-15243, and G-15244.

All five of these applications are currently on administrative hold until April 30, 2005. Unless you have been working with ODFW on the OAR 690-33 issue and it is nearing resolution, you may want to consider requesting an extension to your administrative hold for these applications. If an extension is not granted, we may resume processing the applications.

Also, because our communications have focused exclusively on G-15241, G-15243, G-15244, and S-85336 for some time, I'll take this opportunity to provide a reminder of the current disposition of G-15242. The Department has determined that the well would produce water from unconfined alluvium within ¼-mile of unnamed tributaries of the Willamette River, and that the resulting applicability of surface water classifications limits the period of use to November 1 through June 30. Furthermore, surface water availability would limit the period of use to December 1 through January 31. Earlier communications suggested that you may choose not to continue with this application, but we have received no direct instructions from you in that regard, and will continue to process it unless you withdraw it or request an administrative hold.

If you have any questions, please feel free to write or contact me at 503-986-0813 or cory.c.engel@wrд.state.or.us.

Sincerely,



Mr. Cory C. Engel
Water Right Application Caseworker

c: Greg Corbin
Stoel Rives LLP
900 SW 5th Ave Ste 2600
Portland OR 97204

Jeff Ziller
Oregon Department of Fish & Wildlife
3150 E Main St
Springfield OR 97478



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

TO: Water Resources Commission

FROM: Phillip C. Ward, Director

SUBJECT: Water Resources Commission Meeting
Agenda Item H, April 14, 2005

Request for an Exception to the Willamette Basin Program by Springfield Utility Board under ORS 536.295

I. Issue Statement

Under ORS 536.295 the Water Resources Commission may, under certain circumstances, allow the Department to consider an application to appropriate water for a use not classified as an allowable use by the applicable basin program. Springfield Utility Board ("SUB" or "the applicant") has requested an exception to the Willamette Basin Program for their applications G-15241, G-15243, and G-15244 as use of water under these ground water permits is necessary to avoid extreme hardship as provided in ORS 536.295(1)(e).

This report summarizes the information provided by the applicant and evaluates the request against statutory criteria and rules of the Commission. The question before the Commission is whether to allow the Department to consider the application even though the use is not classified under the basin program. If the exception is granted, the application will then be reviewed in the same manner as any other water right application.

II. Background

Basin programs are administrative rules adopted by the Commission that prescribe future allowable uses of water. The act of specifying the allowable future beneficial uses is called "classification" and is authorized under ORS 536.340. Classifying beneficial uses in a basin program involves analysis of basin-specific data and substantial public involvement. However, under ORS 536.295 the Commission may allow the Department to consider an application for a use not classified in a basin program if the use meets one or more of the criteria under ORS 536.295 (1). The Commission also must evaluate whether the proposed use is consistent with the general policies of the applicable basin program.

Commission approval of a request for an exception to a basin program does not guarantee that a permit will be issued, or if it is issued, how it would be conditioned. The Commission is not making a public interest determination on an application. In allowing a basin program exception, the Commission allows the Department to consider an application notwithstanding the basin program classification. All other aspects of the application review process remain the same, and

the Department must consider issues such as water availability, injury to existing water rights, and any other rules of the Commission. Public notice and comment opportunities are provided in the same manner as any other water right application. If the Commission does not grant a request for a basin program exception, the application is processed but will likely be denied or limited because the proposed use is not a classified use in the basin program.

III. Discussion

Copies of applications G-15241, G-15243, and G-15244 are provided in Attachment 1. A summary of these applications and an evaluation of SUB's request for an exception to the basin program are provided below:

A. Application summary and basis for consideration

G-15241: This application proposes to use 400 gallons per minute (gpm) from each of two wells for municipal use.

G-15243: This application proposes to use 1,000 gpm from one well for municipal use.

G-15244: This application proposes to use 600 gpm from each of three wells for municipal use.

A map of the area and the general location of the proposed wells is provided in Attachment 2. For applications G-15241, G-15243, and G-15244, the Department has determined that the proposed wells produce water from unconfined alluvium located within ¼ mile of Cedar Creek, a tributary of the McKenzie River in the Willamette Basin. In the cases of G-15243 and G-15244, the wells are also located within ¼ mile of the McKenzie River in the Willamette Basin.

With respect to ground water applications in the Willamette Basin, "ground water in unconfined alluvium within ¼ mile of the banks of a stream...shall be classified the same as the surface source" (OAR 690-502-240). Therefore, surface water classifications apply to these three applications.

Although surface water classifications allow appropriation of water from the McKenzie River for municipal use year round (OAR 690-502-080(1)(e)), appropriation of water from Cedar Creek for municipal use is allowable only during the period October 1 through June 30 of each year (OAR 690-502-080(1)(d)) (Attachment 3). Therefore, use of ground water under these applications is not classified for municipal use from July 1 through September 30 of each year.

B. Exception request evaluation

1) Summary and evaluation of information provided by the applicant under ORS 536.295(1)

SUB provided the Department with a basin program exception request on February 8, 2005 (Attachment 4). ORS 536.295 authorizes the Commission to allow the Department to consider an application to appropriate water for a use not classified in the applicable basin program if the use is consistent with any one or more of seven statutory criteria (Attachment 5). In its request, the applicant stated that the basis for its request is that the use is necessary to avoid extreme hardship, pursuant to ORS 536.295(1)(e).

As discussed in SUB's request for an exception (Attachment 4, page 6) "extreme hardship" is not defined by the Commission's rules. In a previously approved request for a basin program exception, the Commission considered the term to include a situation where "the failure to allow the use would cause financial or other burdens to a water user that could not be easily overcome" (Pleasant Valley Golf Course, May 1995).

In its exception request, SUB argued that failure to allow the proposed use would cause a burden on SUB and its customers that could not be easily overcome and thus constitutes extreme hardship. The applicant's substantive points regarding the extreme hardship request include the following:

- SUB's Master Plan calls for the development of additional water supplies to keep pace with growth in SUB's service area. Denial of this exception would require SUB to seek alternative water supplies that they assert would equal or exceed the past investment in the proposed use.
- Because the development of alternative water supplies would require additional delays, denial of the exception would increase the likelihood that SUB will not be able to continuously meet customer demand. In this regard the hardship affects both SUB and its customers.
- Denial of the exception would create an inability to provide a safe and adequate water supply to residences and businesses served by SUB. The applicant's request pointed out that the Oregon Legislature has found that "the availability of an adequate water supply is essential to the continued health and safety of all Oregonians" (ORS 536.241(1)).
- Denial of the exception would result in loss of investment of time and money in the well fields. The applicant asserts that its financial investment in the wells to date exceeds \$1 million.

Department analysis: "Extreme hardship" could be interpreted as a relative term that is directly tied to the financial resources of the applicant. However, in past hardship decisions under ORS 536.295, the Commission has not focused on the applicant's financial resources, but instead has

focused on whether denial of the use and the need for the applicant to seek an alternative water supply would cause a burden that is not easily overcome. In this case, staff agree that the failure to allow the use would cause burdens to the applicant and its constituents that could not be easily overcome and that the exception is necessary to avoid extreme hardship.

2) Evaluation of whether the use is consistent with the general policies of the Willamette Basin Program

ORS 536.295(4) requires the Commission to evaluate whether the proposed use is consistent with the general policies of the Willamette Basin Program, provided in Attachment 6. In its exception request, the applicant asserts that the proposed use is not inconsistent with any of the policies of the basin program, and is specifically consistent with at least two of those policies:

- The proposed use would minimize impairment of surface water uses resulting from hydraulic connection between ground and surface water (OAR 690-502-0020(2)(d)) by mitigating any impact to Cedar Creek through the augmentation of streamflows using McKenzie River water. This would increase streamflows at most points along Cedar Creek, even with the proposed use of ground water. Even though the Commission is not being asked to recommend *conditions* that might be included in a permit if one is issued, it is important to note that SUB has amended a pending surface water application (S-85336) so that 4.0 cfs of water can be diverted from the McKenzie River into Cedar Creek. The Department has concluded that these three groundwater applications will have a combined impact to Cedar Creek of no more than 4.0 cfs. So, if groundwater permits are issued, they will contain conditions requiring SUB to deliver 4.0 cfs of water into Cedar Creek to offset any impact to Cedar Creek.
- The application supports coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption (OAR 690-502-0020(3)) by coordinating system planning and cost effective water supply development with Rainbow Water District.

Staff believe that the proposed use is consistent with the general policies of the Willamette Basin Program.

IV. Conclusion

To approve a basin program exception request under ORS 536.295, the Commission must find that the request meets one or more statutory criteria and the proposed use is consistent with the general policies of the applicable basin program. Staff believe that the basin program exception submitted by Springfield Utility Board meets the extreme hardship criterion under ORS 536.295 and that the proposed use is consistent with the general policies of the Willamette Basin Program.

V. Alternatives

The Commission may consider the following actions:

1. Approve the request by SUB for a basin program exception to avoid extreme hardship, recognizing that a permit, if issued, may be conditioned to protect the public health, safety and welfare.
2. Deny the request by SUB for a basin program exception.
3. Take no action and direct staff to continue to work with the applicant.

VI. Recommendation

Staff recommend Alternative 1, that the Commission approve the request by SUB for an exception to the Willamette Basin Program to avoid extreme hardship, recognizing that a permit, if issued, may be conditioned to protect the public health, safety and welfare.

Attachments:

1. ORS 536.295
2. Copy of Applications G-15241, G-15243, and G-15244
3. Map of Area
4. Willamette Basin Program
5. Springfield Utility Board Exception Request
6. Willamette Basin Program General Policies

Dwight French
(503) 986-0819

536.295 Conditions for consideration of application for use not classified in basin program; rules. (1) Notwithstanding any provision of ORS 536.300 or 536.340, the Water Resources Commission may allow the Water Resources Department to consider an application to appropriate water for a use not classified in the applicable basin program if the use:

- (a) Will be of short duration during each year;
 - (b) Will be for a continuous period of no longer than five years;
 - (c) Is largely nonconsumptive in nature and not likely to be regulated for other water rights;
 - (d) Is necessary to ensure public health, welfare and safety;
 - (e) Is necessary to avoid extreme hardship;
 - (f) Will provide a public benefit such as riparian or watershed improvement; or
 - (g) Is of an unusual nature not likely to recur in the basin, and unlikely to have been within the uses considered by the commission in classifying the uses presently allowed in the applicable basin program including but not limited to:
 - (A) Exploratory thermal drilling;
 - (B) Heat exchange;
 - (C) Maintaining water levels in a sewage lagoon; or
 - (D) Facilitating the watering of livestock away from a river or stream.
- (2) A permit granted on or before January 1, 1993, for a quasi-municipal use of water shall be considered a permit for a classified use under ORS 536.340 if at the time the application was submitted or the permit was granted, the basin program identified municipal use as a classified use.
- (3) The commission by rule may determine the specific uses permitted within a classified use.
- (4) In making the determination under subsection (1) of this section, the commission shall evaluate whether the proposed use is consistent with the general policies established in the applicable basin program.
- (5) The Water Resources Department shall process and evaluate an application allowed by the commission under subsections (1) to (4) of this section in the same manner as any other water right application, including determining whether the proposed use would result in injury to an existing water right. [1989 c.9 §1; 1993 c.591 §1; 1999 c.703 §1]



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

DEC 11 2000

1. APPLICANT INFORMATION

WATER RESOURCES DEPT.
SALEM, OREGON

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: SPRINGFIELD UTILITY BOARD

Name and title of person applying: BART MCKEE P.E. - ENGINEER

Mailing address of organization: 202 S. 18TH ST.

SPRINGFIELD OR 97477
City State Zip

Phone: 541-726-2396
Day Evening

*Fax: 541-747-7348 *E-Mail address: bartm@subutil.com

*Optional information

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App. No. <u>G-15241</u>	For Department Use	Date <u>12/11/00</u>	AUG 21 2000
<u>G-15241</u>	Permit No. _____	WATER RESOURCES DEPT. SALEM, OREGON	

Ground Water/1

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☐ Yes (Skip to section 3 "Ground water Development.")

☒ No Please check the appropriate box below.

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

(*) SEE ATTACHED COPY OF CITY CHARTER

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 2 B. Name of nearest surface water body: CEDAR CREEK

C. Distance from well(s) to nearest stream or lake: 1) 1st - 1600'

2) 2nd - 500' 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) ~ 20'

2) < 20' 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: WELL #1 - SEE ATTACHED LOG; WELL #2 TO BE CONSTRUCTED THROUGH COMPETITIVE BID.

Address: _____

03/11/2006

Completion date: WELL #2 x 2006

WATER RESOURCES DIVISION
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL AND NATURE

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
2	16'-8"	8"-16" STEEL	≈ 125'	SS 125'-30'	≈ 60'	≈ 30'	≈ 100'	SCANNON TUBZ	≈ 360'

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N.A.

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You may need to fill out supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is domestic, indicate the number of households to be supplied with water: _____
- If your proposed use is irrigation, please attach Form I
- If your proposed use is mining, attach Form R
- If your proposed use is municipal or quasi-municipal, attach Form M ✓ (SEE ATTACHMENT)
- If your proposed use is commercial/industrial, attach Form Q

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WATER RESOURCES DEPT.
SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 915241
Permit No. Ground Water/3

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	GRAVES	MUNICIPAL	400	210.2 MG	400
2	"	"	400	210.2 MG	400

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 400 gpm, BOTH WELLS
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: BOTH WELLS ALL YEAR
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: N.A.
(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and pump type) #1-40 hp-line shaft turbine; #2-40 hp-line shaft turbine
☐ Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- ☒ Ditch or canal (give average width and depth)
 Width: _____ Depth: _____
 Is the ditch or canal to be lined? ☐ Yes ☐ No
☒ Pipe (give diameter and total length)
 Diameter: _____ Length: _____
☒ Other (describe) MUNICIPAL DISTRIBUTION AREAS

C. Application/Distribution MethodWhat equipment will you use to apply water to your place of use? NA

Irrigation or land application method (check all that apply):

- ☐ Flood ☐ High-pressure sprinkler ☐ Low pressure sprinkler
☐ Drip ☐ Water cannons ☐ Center pivot system
☐ Hand lines ☐ Wheel lines
☐ Siphon tubes or gated pipe with furrows
☐ Other, describe _____

Distribution method

- ☒ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

MUNICIPAL CONSERVATION PLAN SUBMITTED FOR REVIEW**6. PROJECT SCHEDULE**

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin H 1 - 2000
H 2 - 2004
 Proposed date construction will be completed H 1 - 2004
H 2 - 2006
 Proposed date beneficial water use will begin H 1 - 2005
H 2 - 2006

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AUG 21 2000

WATER RESOURCES DEPT.
SALEM, OREGONWATER RESOURCES DEP
SALEM, OREGON**7. REMARKS**

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Application No 91524
 Permit No. _____

Ground Water/5



THURSTON 5 10, 6, 7

WVF-1 REG. 24 1/99

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

Appl. # G-15243

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____
City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: SPRINGFIELD UTILITY BOARD

Name and title of person applying: BART E. MCKEE P.E. - ENGINEER

Mailing address of organization: 202 518TH ST

SPRINGFIELD OR 97477-5240
City State Zip

Phone: 541-726-2396
Day Evening

*Fax: 541-747-7348 *E-Mail address: bartm@subutil.com

*Optional information

For Department Use	
App. No. <u>G-15243</u>	Permit No. _____ Date <u>12/11/00</u>

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☐ Yes (Skip to section 3 "Ground water Development.")

☒ No Please check the appropriate box below.

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

SEE ATTACHED COPY OF CITY CHARTER

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 4 B. Name of nearest surface water body: McKENZIE RIVER

C. Distance from well(s) to nearest stream or lake: 1) WELL #5 - 600'

2) WELL #10 - 400' 3) WELL #6 - 600' 4) WELL #7 - 300'

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) WELL #5 - ~ 6'

2) WELL #10 - ~ 6' 3) WELL #6 - ~ 5' 4) WELL #7 - ~ 6'

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: WELL LOGS ATTACHED FOR WELLS 5, 6, 7.
WELL #10 WILL BE CONSTRUCTED IN LATE 2002, BY COMPETITIVE BID.

Address: _____

Completion date: WELLS 5, 6, 7 ARE COMPLETE. WELL #10 WILL BE
COMPLETE IN 2004.

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
10	12-16"	Steel ~ 15'	~ 25'	~ 25' to 60'	20'	7-10'	~ 25'	SOUP PAIL TUBE	~ 60'

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N.A.

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4. WATER USE

WATER RESOURCES DEPT.
SALEM, OREGON

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a form for some uses as they require specific information for that type of use.

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A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

WATER RESOURCES DEPT.
SALEM, OREGON

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M ✓ (SEE ATTACHED)
- If your proposed use is **commercial/industrial**, attach Form Q

Application No 9 15243
Permit No.

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
#5	GRAVELS	MUNICIPAL	600	315.5 MG	600
#10	GRAVELS	"	"	"	"
#6	GRAVELS	"	"	"	"
#7	GRAVELS	"	400	210.2 MG	400

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? #5, 6, 10, 600 gpm;
(The fees for your application will be based on this amount.) #7, 400 gpm

D. Period of Use

Indicate the time of year you propose to use the water: ALL YEAR, ALL WELLS
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: N.A.
(This number should be consistent with your application map.)

REVISED

5. WATER MANAGEMENT**A. Diversion**

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and pump type) #5-50hp-line shaft turbine; #6-40hp-
☐ Other means (describe) Submersible; #7-30hp-line shaft turbine; #10-50hp-
line shaft turbine

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)
 Width _____ Depth _____
 Is the ditch or canal to be lined? ☐ Yes ☐ No
- ☒ Pipe (give diameter and total length)
 Diameter _____ Length _____
- ☒ Other (describe) MUNICIPAL DISTRIBUTION SYSTEM

C. Application/Distribution MethodWhat equipment will you use to apply water to your place of use? N.A.

Irrigation or land application method (check all that apply):

- ☐ Flood ☐ High-pressure sprinkler ☐ Low pressure sprinkler
☐ Drip ☐ Water cannons ☐ Center pivot system
☐ Hand lines ☐ Wheel lines
☐ Siphon tubes or gated pipe with furrows
☐ Other, describe _____

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Distribution method

- ☒ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

WATER RESOURCES DEPT
SALEM, OREGON**D. Conservation**

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

MUNICIPAL CONSERVATION PLAN SUBMITTED FOR REVIEW**6. PROJECT SCHEDULE**

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin ALL WORK COMPLETED (5, 6, 7) - 10/5/02Proposed date construction will be completed ALL WORK COMPLETED (5, 6, 7) - 10/5/02Proposed date beneficial water use will begin 7/1/00 (5, 6, 7) - 10/5/02**7. REMARKS**

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

No. 915243

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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 use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Ken Christy
Signature of Applicant

7/26/00
Date

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Signature of Co-applicant

Date

AUG 21 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Before you submit your application be sure you have:

- ✓ • Answered each question completely.
- ✓ • Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- ✓ • Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- ✓ • Included a check payable to the Oregon Water Resources Department for the appropriate amount.

WRD on the web:

Ground Water/6

www.wrr.state.or.us



THURSDAY 8, 9, 11,

GW-1 Feb. 24 1996

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

Appl. # G-15244

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: SPRINGFIELD UTILITY BOARD

Name and title of person applying: BOB MCKEE, P.E. - ENGINEER

Mailing address of organization: 202 S. 18th ST.

SPRINGFIELD OR 97477
City State Zip

Phone: 541-726-2396
Day Evening

*Fax: 541-747-7348 *E-Mail address: bartm@subutil.com

*Optional information

App. No. <u>G-15244</u>		For Department Use
Permit No. _____	Date <u>12/11/00</u>	

2. PROPERTY OWNERSHIP •

Do you own all the land where you propose to divert, transport, and use water?

- ☐ Yes (Skip to section 3 "Ground water Development.")
- ☒ No Please check the appropriate box below.
- ☒ I have a recorded easement or written authorization permitting access.
- ☐ I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

(X) SEE ATTACHED COPY OF CITY CHARTER

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 3 B. Name of nearest surface water body: McKENZIE RIVER

C. Distance from well(s) to nearest stream or lake: 1) _____

2) #8 - 500' 3) #9 - 400' 4) #11 - 1000'

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) _____

2) #8 - 7' 3) #9 - 7' 4) #11 - 10'

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: ALL WELLS WILL BE CONSTRUCTED BY COMPETITIVE BID PROCESS

Address: _____

Completion date: ALL WELLS CONSTRUCTED BY 2005

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
12	12" 16"	12" 16" STEEL	~ 25'	55' 25' - 60'	21'	~ 1' 10"	~ 25'	SUBMERSIBLE TUBE	~ 65'
8	"	"	"	"	"	"	"	"	"
9	"	"	"	"	"	"	"	"	"
11	"	"	"	"	"	"	"	"	"

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N.A.

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WATER RESOURCES DEPT.
SALEM, OREGON

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is domestic, indicate the number of households to be supplied with water: _____
- If your proposed use is irrigation, please attach Form I
- If your proposed use is mining, attach Form R
- If your proposed use is municipal or quasi-municipal, attach Form M ✓ (SEE ATTACHED)
- If your proposed use is commercial/industrial, attach Form Q

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WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 915244
Permit No.
Ground Water/3

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
8	GRAVEL	MUNICIPAL	600	315446	600
9	"	"	"	"	"
11	"	"	"	"	"

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 600 gpm on all wells
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: ALL WEELS ALL YEAR
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: N.A.
(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and pump type) 48, 9, 11, - all 50 hp each - all
☐ Other means (describe) line shaft turbine

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)
 Width _____ Depth _____
 Is the ditch or canal to be lined? ☐ Yes ☐ No
☒ Pipe (give diameter and total length)
 Diameter _____ Length _____
☒ Other (describe) MUNICIPAL DISTRIBUTION SYSTEM

C. Application/Distribution MethodWhat equipment will you use to apply water to your place of use? NA

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| ☐ Flood | ☐ High-pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water cannons | ☐ Center pivot system |
| ☐ Hand lines | ☐ Wheel lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ Other, describe _____ | | |

Distribution method

- ☒
- Direct pipe from source
- ☐
- In-line storage (tank or pond)
- ☐
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

MUNICIPAL CONSERVATION PLAN SUBMITTED FOR REVIEW.**6. PROJECT SCHEDULE**

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin 2002-9; 2001-8; 2004-11Proposed date construction will be completed 2005-9; 2001-10; 2005-11Proposed date water use will begin 2005-9; 2001-8; 2005-11**RECEIVED**

AUG 21 2000

7. REMARKSWATER RESOURCES DEPT
SALEM, OREGON

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

ALL WELLS IN EXISTING WELL FIELD

Application No. 915244
Permit No.
 Ground Water/5

8. MAP REQUIREMENTS

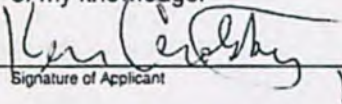
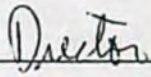
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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 use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

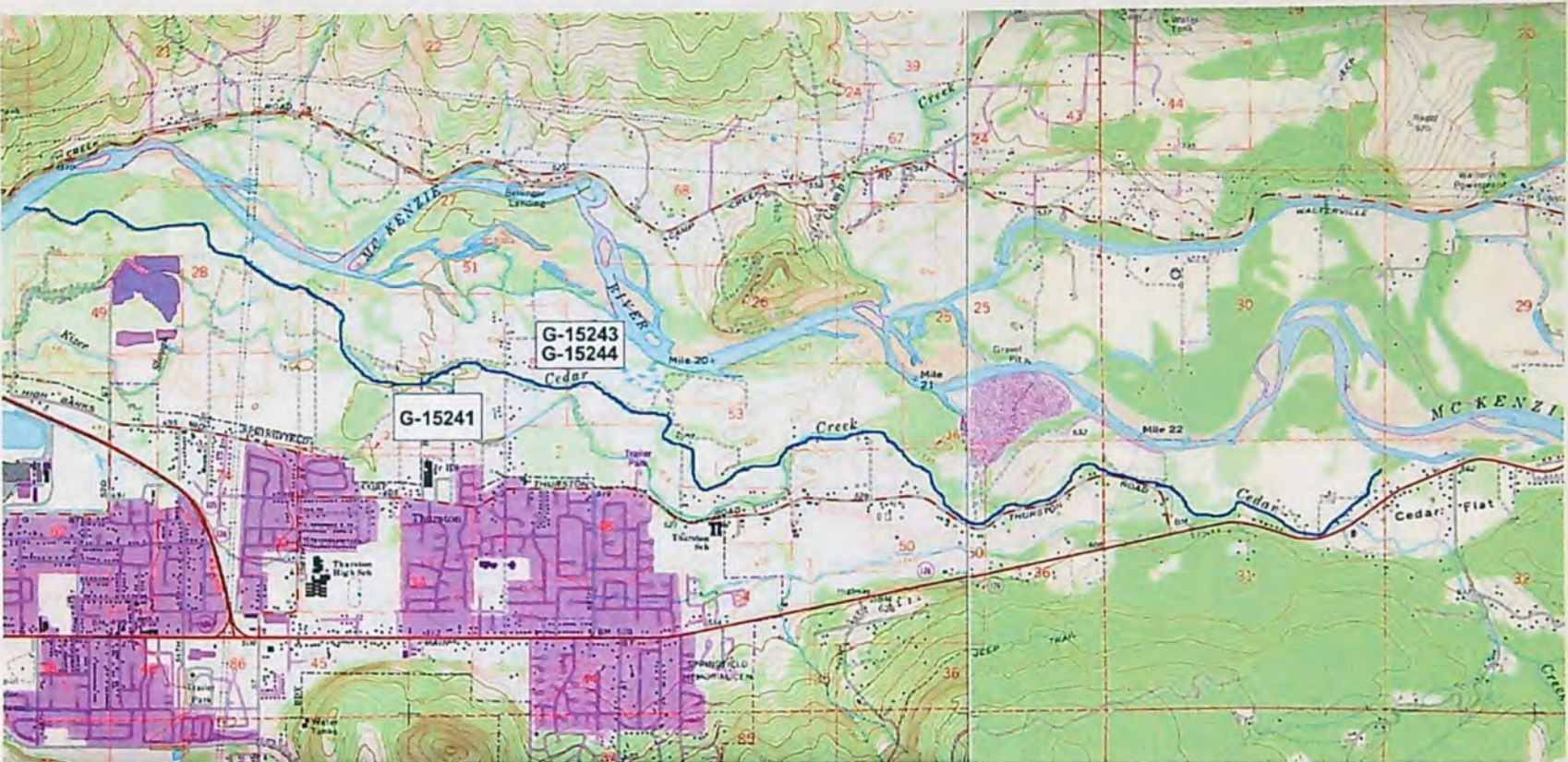
I swear that all information provided in this application is true and correct to the best of my knowledge:



7/27/00
 Signature of Applicant Date

Signature of Co-applicant Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- ✓ Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- ✓ Included a check payable to the Oregon Water Resources Department for the appropriate amount.



690-502-0080

McKenzie River Subbasin

The McKenzie River Subbasin includes the McKenzie River and tributaries above confluence with the Willamette River:

(1) Surface water classification:

- (a) The McKenzie River from Clear Lake to Carmen Reservoir, from Tamolitch Falls to Trail Bridge Reservoir and from Trail Bridge Dam to Paradise Campground is designated a state scenic waterway. The McKenzie River and tributaries above Paradise Campground near river mile 73 (Sec 9, T16S, R6E) are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;
- (b) The South Fork McKenzie River from the Three Sisters Wilderness boundary downstream to Cougar Reservoir and from Cougar Dam downstream to the confluence with the McKenzie River is designated a state scenic waterway. The South Fork McKenzie River and its tributaries are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;
- (c) Blue River upstream from its confluence with the McKenzie River and tributaries are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;
- (d) Except as specified in subsections (a), (b), and (c) of this section, all tributaries to the McKenzie River are classified for domestic, livestock, municipal, industrial, irrigation, agri-cultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from October 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through September 30;
- (e) Except as specified in subsection (a) of this section, the McKenzie River main stem down-stream from Paradise Campground near river mile 73 (Sec 9, T16S, R6E) is classified only for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recre-ation, pollution abatement, wetland enhancement, off-channel power development in conjunction with storage and public instream uses;



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Portland, Oregon 97204
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fax 503.220.2480
www.stoel.com

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

February 7, 2005

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

Re: Updated Request for Exception from the Willamette Basin Program for Springfield Utility Board's Groundwater Permit Applications G-15241, G-15243, and G-15244; Request to Amend Surface Water Permit Application S-85336

Dear Mr. French:

This office represents the Springfield Utility Board ("SUB") in connection with the above-referenced water right permit applications. This letter represents SUB's request that, pursuant to ORS 536.295, the Oregon Water Resources Commission (the "Commission") allow the Oregon Water Resources Department ("OWRD" or the "Department") to consider SUB's groundwater permit applications G-15241, G-15243, and G-15244 (collectively the "Groundwater Applications") notwithstanding the Willamette Basin Program (the "WBP") classification for Cedar Creek, a tributary of the McKenzie River. As you know, the Department has made a preliminary determination that the Groundwater Applications have the potential for substantial interference with Cedar Creek. The Groundwater Applications are for year-round municipal use. Under the WBP, Cedar Creek is classified for municipal use only for nine months of the year.

SUB also is hereby requesting to amend its surface water right permit application S-85336 (the "Surface Application") as described in Section II below. The Surface Application is integral to approval of the Groundwater Applications and SUB's master water development plan (the "Master Plan"), a copy of which is on file with the Department, because a portion of the Surface Application provides water to mitigate potential interference with Cedar Creek caused by water withdrawals under the Groundwater Applications. We intend to follow up with you regarding this correspondence, but would anticipate that the Commission may consider this matter at its next regularly scheduled Commission meeting.

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I. Background

A. SUB's Operations and Water Development Plans

SUB is a customer-owned electric and water utility serving the greater Springfield, Oregon community. Collectively SUB and the Rainbow Water District ("RWD") serve approximately 55,000 customers from groundwater wells and surface water sources. SUB owns the vast majority of wells supplying the SUB/RWD territory. Even with an active water conservation and demand management program currently in place, SUB must develop additional water supplies to continue meeting the needs of the Springfield area into the future. According to its Water Conservation Plan (the "WCP"), a copy of which is on file with the Department, SUB's system is currently inadequate to provide future projected water needs with an adequate reserve capacity. WCP tbl 4-3. The current water supply deficit relative to need will increase over time unless SUB is able to develop additional water supply capacity. WCP fig 4-2.

To meet current and future demands, the Master Plan anticipates adding new wells to the SUB/RWD system out to 2017. The wells associated with the Groundwater Applications are integral to the Master Plan. Without developing these additional sources, SUB must find alternate, and largely more expensive and less reliable, sources of water to continue meeting customer demands.

B. SUB's Groundwater Applications

Consistent with the Master Plan and WCP, SUB filed the Groundwater Applications on November 8, 2000. Application G-15241 is for year-round appropriation of 1.78 cubic feet per second ("cfs") of municipal use water from two wells (0.89 cfs from each) located in the Cedar Creek basin. Application G-15243 is for year-round appropriation of 4.91 cfs of municipal use water from four wells (1.34 cfs from three wells and 0.89 cfs from the fourth well) located within the McKenzie River basin. Application G-15244 is for year-round appropriation of 4.02 cfs of municipal use water from three wells (1.34 cfs from each well) located within the McKenzie River basin.¹

¹ SUB filed a fourth groundwater permit application on November 8, 2000 that was designated G-15242. That application is on administrative hold pending a final decision on the Groundwater Applications. SUB is not requesting an exception from the WBP for G-15242 at this time but reserves the right to do so.

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C. The Department's Reviews of SUB's Applications and SUB's Response

The Department issued initial reviews of the Groundwater Applications on February 9, 2001. It found that the amount of municipal use groundwater to be appropriated from each well is available year-round and allowed under the WBP. OAR 690-502-0160(2). For two of the Groundwater Applications (G-15243 and G-15244), the Department determined that the proposed groundwater use has the potential to interfere substantially with the McKenzie River and, therefore, that those applications must also be consistent with the WBP limits applicable to the McKenzie River. Water from the McKenzie River for municipal use is available year-round. Accordingly, the Department gave applications G-15243 and G-15244 favorable reviews.

The Department reached a different conclusion in its initial review for application G-15241. It found that the proposed use has the potential to interfere substantially with Cedar Creek and, therefore, that application G-15241 must also be consistent with the WBP surface water limits applicable to Cedar Creek. OAR 690-009-0040(2). Cedar Creek is classified for municipal use only from October 1 through June 30. OAR 690-502-0080(1)(d). Application G-15241 for year-round use thus is inconsistent with the WBP classification for Cedar Creek during the three-month period from July 1 to September 30. Accordingly, the Department indicated that it likely would not issue a permit for application G-15241.

On May 21, 2001, SUB provided additional information to the Department to address the issue of potential interference with Cedar Creek (G-15241). SUB explained that Cedar Creek, which begins and ends on the McKenzie River, is essentially a side channel of the McKenzie River composed entirely of McKenzie River water. As noted, McKenzie River water is classified for municipal use and available year-round. However, recognizing that the issue of connectivity between the wells proposed in the Groundwater Applications and the nearby surface water bodies is complex, SUB requested that the Department place the Groundwater Applications on administrative hold while it had an independent consultant study the relationship between the wells and surface water sources. The Department granted the administrative holds.² During the administrative hold period, SUB and its consultant, Mark Cunnane of Western Groundwater Services, worked with the Department's hydrogeologist Marc Norton to resolve whether the proposed wells would substantially interfere with surface water sources. Mr. Cunnane's report, supplemented in October 2002, determined that the use proposed in the Groundwater Applications

² SUB has requested and received administrative holds for all of its water right permit applications, including G-15241, G-15242, G-15243, G-15244, and S-85336. They are currently on hold until April 30, 2005.

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had the potential to affect 7.7 cfs of stream flow in the McKenzie River and 2.995 cfs in Cedar Creek.

Following completion of Mr. Cunnane's report, SUB and its representatives met with Mr. Norton in Salem to discuss options for addressing the potential for interference with Cedar Creek that could result from water withdrawals proposed under the Groundwater Applications. As a means of fully addressing any potential interference, Mr. Norton expressed support for the option of SUB submitting a new application for a surface water right from the McKenzie River, and then having SUB divert water under such a surface water right from the McKenzie River and into Cedar Creek. Although such an approach would take time and add cost to the groundwater diversions, Mr. Norton agreed that such an approach would fully compensate for any interference effect that the Groundwater Applications might have on Cedar Creek, and it would avoid further debate over the existence or extent of the potential for interference.

Based on Mr. Cunnane's report and the additional discussions with the Department described above, on November 6, 2002 SUB filed the Surface Application for year-round diversion of 37.0 cfs of water from the McKenzie River for municipal use, and 3.0 cfs from the McKenzie River for stream flow augmentation in Cedar Creek, for a total of 40.0 cfs from the McKenzie River. The 3.0 cfs of stream flow augmentation was meant to mitigate for stream flow depletion in Cedar Creek associated with the Groundwater Applications.

On May 16, 2003, the Department issued its initial review of the Surface Application. The Department determined that 40.0 cfs of water from the McKenzie River is available year-round but that stream flow augmentation in Cedar Creek is not an allowed use under the WBP. It also determined that the proposed 3.0 cfs of stream flow augmentation in Cedar Creek is not a "municipal use" because Cedar Creek is not a "water service system of an incorporated municipality." OAR 690-502-0010(15).³

³ "Municipal Use" is defined as "the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR 690-011." *Id.* SUB believes the Department's determination that the 3.0 cfs of flow augmentation in the Surface Application is not a "municipal use" is an overly narrow reading of the Commission's definition. However, because SUB is amending the Surface Application as proposed by the Department from 3.0 cfs of stream flow augmentation to 4.1 cfs of instream use for fish life and wildlife (*see* Section II below), SUB is not at this time challenging or seeking a reconsideration of that determination. SUB reserves the right to challenge the Department's determination if the Commission does not grant SUB's request for an exception to

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Finally, in October 2003 the Department conducted a final review of the Groundwater Applications. It found that the proposed wells appropriate water from unconfined sands and gravel within one-quarter mile of a surface water source (Cedar Creek and McKenzie River). Under OAR 690-009-0040, the Department assumes that wells of such type are hydraulically connected to the surface water source. The Department found that the proposed uses in the Groundwater Applications would affect a total of 4.1 cfs of Cedar Creek's flow.

D. The Department's Proposals for Approving SUB's Permit Applications

On July 9, 2004, the Department wrote to inform SUB that it was prepared to issue Proposed Final Orders (the "PFOs") for the Groundwater Applications and Surface Application. The Department indicated that the PFOs would find that the Groundwater Applications and stream flow augmentation portion of the Surface Application should not be issued.⁴ The Department's letter discussed options that SUB might pursue to allow approval of the Groundwater Applications and Surface Application.

The Department proposed for the Surface Application that SUB either (1) amend the application from 3.0 cfs instream use for flow augmentation to 4.1 cfs instream use "to some other in-stream use or combination of uses, which are allowed by the basin program (e.g., fish life, wildlife)," or (2) petition the Commission "to allow the Department to consider the application notwithstanding the basin program, pursuant to ORS 536.295." As is explained in Section II below, SUB is electing to amend the Surface Application as proposed by the Department.

The Department proposed for the Groundwater Applications that SUB either (1) accept the period of use for Cedar Creek allowed under the WBP, which is three months less than the year-round use applied for, or (2) seek an exception from the Commission to allow the Department to

the WBP and the Department does not approve the Groundwater Applications and the Surface Application, as amended herein.

⁴ The Department's letter states: "As you may recall, on May 16, 2003 the Department issued Initial Reviews (IRs) of these applications indicating it was unlikely that a permit would be issued." As is described above, that statement is only partially correct. The Department's letter dated May 16, 2003 indicated only that application G-15241 had received a negative IR. The Department first indicated that all of SUB's applications would receive negative recommendations in its letter dated July 9, 2004.

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consider the application notwithstanding the WBP. As is explained in Section III below, SUB is electing to seek an exception from the WBP for the Groundwater Applications.

II. Amendment of the Surface Application

To the extent necessary to obtain approval of the Groundwater Applications, SUB hereby requests to amend the Surface Application as proposed by the Department, that is, surface water permit application S-85336 should be amended from 37.0 cfs of municipal use and 3.0 cfs for streamflow augmentation to 35.9 cfs for municipal use and 4.1 cfs instream use for fish life and wildlife in Cedar Creek. The 4.1 cfs instream use portion of the Surface Application will fully mitigate any potential impacts on Cedar Creek from the wells proposed in SUB's Groundwater Applications. As the Department indicated in its July 9, 2004 letter, with this amendment to the Surface Application the Department can propose issuance of the permit. This approach to mitigation is consistent with the approach proposed in discussions between Mr. Norton, SUB, and SUB's representatives described above.

III. Exception from the Willamette Basin Program for Permit Applications G-15241, G-15243, and G-15244

As noted above, SUB has invested in a Master Plan to direct development that will allow it to continue meeting customer needs and accommodate projected population and economic growth in the greater Springfield area. The Groundwater Applications and Surface Application are integral to the current phase of the Master Plan. Moreover, the Surface Application, which fully mitigates any impacts to Cedar Creek that may occur as a result of approving the Groundwater Applications, also will provide a net benefit to Cedar Creek by placing up to 4.1 cfs of instream water for fish and wildlife use in that system. Failure to approve the Groundwater Applications would cause an extreme hardship for SUB and its customers and would obviate SUB's need to place water instream in Cedar Creek.

SUB qualifies for an exception to the WBP because the exception is necessary to avoid extreme hardship. ORS 536.295(1)(e). Although "extreme hardship" is not defined by the statute or the Department's rules, or explained in any Oregon case law, the Department and Commission have considered the term to include a situation in which "the failure to allow the use would cause financial or other burdens to a water user that could not be easily overcome." See Exhibit F, *OWRD, Memorandum to Water Resources Commission, Request for an Exception to the Willamette Basin Program Due to Extreme Hardship (ORS 536.295(1)(e)) by Pleasant Valley*

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Golf Club (May 15, 1995). Thus the burden does not require a showing of complete economic unfeasibility or impossibility.

The "other burdens" that may be considered under the extreme hardship analysis include burdens placed on those who depend on the water use but are not themselves the applicant for a basin program exception. This aspect of the analysis is illustrated by the staff report provided to the Commission in connection with the Greenberry Irrigation District's ("GID") request for an exception to the WBP. See OWRD, *Memorandum to Water Resources Commission, Request for an Exception to the Willamette Basin Program Due to Extreme Hardship [ORS 536.295(1)(e)] by Greenberry Irrigation District* (February 14, 2003). GID requested an exception from the WBP for irrigation use, a non-classified use in that region of the Willamette River, that would act as a "bridge" water right while GID arranged to use stored water, a classified use, under contract with the U.S. Bureau of Reclamation. Failure to grant the exception would have financially impacted GID because without a stable water supply it could not obtain financing to construct the irrigation system necessary to supply its patrons. Equally important, however, was that the farmers who rely on GID water, and the people those farms employ, could all suffer financial hardship if GID did not receive an exception from the WBP. According to the staff report, "failure to allow the exception to the basin program would cause extreme hardship due to loss of the economic viability of farms within GID and the potential loss of jobs." *Id.* at 4. Thus the Department and the Commission have recognized that the extreme hardship analysis reaches to those affected by the failure to grant an exception even if they are not the applicant for the basin program exception.

To the analysis in these prior Commission decisions SUB adds another element of the test for extreme hardship: the level of hardship that must be shown ought to be related to the level of resource impact that the proposed use might cause. In a situation such as the present one, in which the threat to the Willamette River Basin's values is negligible because SUB is able to fully mitigate for potential impacts to Cedar Creek, the level of hardship required should be correspondingly reduced.

In the present case, the level of financial hardship that would be caused by denial of the Groundwater Applications would be "extreme," because failure to approve them would result in SUB losing its investment of time and money in the well fields, and that failure is certain to require more time and an even greater financial expenditure to replace the lost capacity.⁵ As

⁵ SUB notes that its investment to date in the wells that are the subject of the Groundwater Applications easily exceeds \$1 million. If SUB cannot put those wells to use, it will have to develop additional wells or seek water from other sources to meet its customers' needs. Thus

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noted above, the Master Plan calls for developing additional water supply to keep pace with growth in SUB's service area. SUB has no choice but to find new water supplies. Moreover, the hardship created by any delay serves to increase the likelihood that SUB will not be able to meet customer demand and will have to pass along to its rate payers the costs of additional water supply development.

Similar to the GID situation discussed above, denial of the Groundwater Applications also would create an additional type of extreme hardship, namely, an inability to provide a safe, adequate water supply to the residences and businesses that rely on SUB for water. As noted above, the proposed use is not classified for the three-month period from July 1 through September 30. This three-month period is critically important to SUB as a water utility responsible for supplying municipal water to residential and business customers because the period often corresponds with SUB's peak annual demand. An inability to meet that demand would lead to water shortages in the Springfield area and place the local population at risk of not having an adequate water supply.⁶ Water shortages would affect SUB's ability to supply clean, safe water to residential and business customers, causing an extreme hardship over which those customers would have little or no control. Water shortages also would cause extreme hardship by degrading water reserves for fire protection. Such shortages could result in loss of property or life. Thus the use during the three-month period not classified under the WBP is necessary to ensure public health, welfare, and safety for Oregonians in the greater Springfield area, and SUB's inability to supply water for those purposes would cause an extreme hardship for SUB and the local population.⁷

SUB will have lost its current investment and still need to invest an equal or greater amount to replace the lost groundwater use.

⁶ The legislature has found as part of the state's water supply policy that "the availability of an adequate water supply is essential to the continued health and safety of all Oregonians." ORS 536.241(1). The legislature's concern over the link between water supply and public health is evident elsewhere in ORS chapter 536. See, e.g., ORS 536.238(1)(d) ("The potential for a future shortage of water poses serious risks to public health, safety and welfare and therefore is a matter of statewide concern."). To the extent that municipal use also includes domestic use or other forms of human consumption, that use also is given priority treatment by the legislature. ORS 536.310(12) (in resolving conflict between uses "preference shall be given to human consumption purposes over all other uses").

⁷ After discussion with Department staff, SUB has decided to base this request for exception on ORS 536.295(1)(e). SUB reserves the right to raise other bases for its request for exception, pursuant to ORS 536.295(1), in the event the Commission were to determine that the exception is not warranted under ORS 536.295(1)(e).

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IV. Consistency with the Willamette Basin Program's General Policies

The Groundwater Applications also satisfy the exception statute's requirement that the proposed use be consistent with the general policies of the WBP. ORS 536.295(4). The proposed use is not inconsistent with any of the WBP's policies, and it is specifically consistent with at least two of those policies.

A. Groundwater Management

One of the Commission's policies for the Willamette Basin is to "[m]inimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water." OAR 690-502-0020(2)(d). SUB has repeatedly made every effort to work with the Department to avoid impairing surface water uses. For example, SUB's response to the Department's initial reviews of the Groundwater Applications was to commission a study of the potential hydraulic connection between the proposed groundwater wells and nearby surface water sources. The report that resulted from that study identified a potential for interaction between the aquifer from which the wells appropriate water and Cedar Creek. To alleviate and fully mitigate that potential interaction, SUB filed the Surface Application, which included 3.0 cfs of instream use in Cedar Creek, and as amended will include 4.1 cfs of instream use. Approval of the Surface Application will ensure that approval of the Groundwater Applications will not impair surface water uses from Cedar Creek.

B. Municipal and Domestic Water Systems

Another of the Commission's policies for the Willamette Basin is to "[s]upport coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." OAR 690-502-0020(3). SUB's activities, including the Groundwater Applications, are consistent with this policy. SUB has extensively invested in coordinated water service planning as evidenced by the Master Plan and WCP. Through the Master Plan, SUB has coordinated efficient water system planning and cost-effective water supply development with RWD. Through the WCP, SUB has identified water conservation opportunities within its service territory and has actively pursued implementing those opportunities. Together the Master Plan and WCP represent SUB's substantial investment in water service planning "to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." *Id.*

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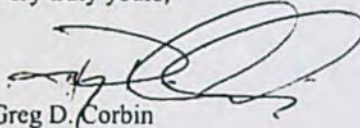
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V. Conclusion

In conclusion, SUB requests that, pursuant to ORS 536.295, the Commission allow the Department to consider SUB's year-round Groundwater Applications notwithstanding the WBP classification that Cedar Creek water is available for only nine months of the year. SUB also hereby requests that its Surface Application be amended as described above. Approval of SUB's amended Surface Application will fully mitigate any potential interference between the Groundwater Applications and Cedar Creek.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,



Greg D. Corbin

cc: Mr. Chuck Arrera, Springfield Utility Board
Mr. David E. Filippi, Stoel Rives LLP

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Policies

Water Resources Commission and Department activities which affect the waters of the Willamette River Basin shall be compatible with the policies established in this rule. Surface water allocation, groundwater management, municipal and domestic water systems, reservoir coordination, conservation and land use coordination are important issues in the Willamette Basin. The Commission's policies on these issues are as follows:

- (1) Surface water allocation:
 - (a) Protect undeveloped streams with instream values for public instream uses;
 - (b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes;
 - (c) Preserve opportunities for future economic development by reserving water for future use;
 - (d) Minimize the likelihood of over-appropriation due to new uses;
 - (e) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights;
 - (f) Allow irrigation use for the longest period possible between March 1 and October 31 provided sufficient water is available.
- (2) Groundwater management:
 - (a) Prevent excessive water level declines, restore aquifer stability in areas of decline and preserve with limited storage capacity for designated uses;
 - (b) Identify low-yield aquifers and inform local agencies of probable groundwater capacity limitations for some uses;
 - (c) Ensure safe municipal and domestic groundwater supplies by participating with the Department of Environmental Quality and the State Health Division in a formal monitoring program to document changes in quality and provide data for aquifer management;
 - (d) Minimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water;
 - (e) Encourage the development of programs for making groundwater resource information available to the public and local agencies.

- (3) Municipal and domestic water systems: Support coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin.
- (4) Reservoir coordination:
 - (a) Promote funding to study and implement the Willamette River Basin Review Study reconnaissance phase recommendations with significant potential to assist the state in meeting its resource management objectives;
 - (b) Formalize reservoir operation guidelines with the Corps of Engineers to meet state water management objectives and enter into a memorandum of understanding or other agreement that defines the reservoir coordination process and water management objectives.
- (5) Water conservation:
 - (a) Implement programs to eliminate wasteful water use;
 - (b) Improve the efficiency of water use through implementation of voluntary conservation measures;
 - (c) Give priority to developing subbasin conservation plans and providing public assistance in areas of known over-appropriation of surface water and groundwater and in water quality problem areas as listed by the Department of Environmental Quality.
- (6) Land use coordination: Promote effective state and local water resource planning and protection and efficient water use through coordination with land use programs.



Eugene Water & Electric Board

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April 7, 2005

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

Re: Request for Exception from the Willamette Basin Program for Springfield Utility Board's Groundwater Permit Applications G-15241, G-15243, and G-15244; Amended Surface Water Application S-85336

Dear Commissioners:

The Springfield Utility Board (SUB) has requested an exception from the Willamette Basin Program in order to avoid extreme hardship as provided for in ORS 536.295. As a neighboring municipal water supplier, EWEB would like to express our support of SUB's request for an exemption.

EWEB agrees with SUB that failure to grant the exception will cause SUB extreme hardship, both financially and by creating difficulty and uncertainty in providing safe and reliable water sources for a growing municipal population.

EWEB, SUB, and Rainbow Water District are currently exploring the feasibility of a regional water supply agreement that outlines a regional approach for primary and emergency back-up water for the Eugene-Springfield metropolitan area. Granting this exception will be helpful in developing a regional approach for adequate and safe drinking water supplies for human consumption in this area.

Thank you for your consideration of our input on this important matter.

Sincerely,

Thomas Buckhouse
Director, Water & Steam Division

cc: Dwight French, OWRD
Chuck Arrera, SUB



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April 4, 2005

GREG D. CORBIN
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Dwight French
Acting Administrator, Water Rights & Adjudication Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Letter of Support for Springfield Utility Board Basin Program Exception

Dear Dwight:

Per our telephone conversation, enclosed is an original letter from Gossler Farms Nursery expressing support for the Springfield Utility Board's ("SUB") request for an exception to the Willamette Basin Program. Please include the letter with materials provided to the Water Resources Commission for its consideration of SUB's request on April 14, 2005.

Very truly yours,

Greg D. Corbin

Enclosure

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I. Background

A. SUB's Operations and Water Development Plans

SUB is a customer-owned electric and water utility serving the greater Springfield, Oregon community. Collectively SUB and the Rainbow Water District ("RWD") serve approximately 55,000 customers from groundwater wells and surface water sources. SUB owns the vast majority of wells supplying the SUB/RWD territory. Even with an active water conservation and demand management program currently in place, SUB must develop additional water supplies to continue meeting the needs of the Springfield area into the future. According to its Water Conservation Plan (the "WCP"), a copy of which is on file with the Department, SUB's system is currently inadequate to provide future projected water needs with an adequate reserve capacity. WCP tbl 4-3. The current water supply deficit relative to need will increase over time unless SUB is able to develop additional water supply capacity. WCP fig 4-2.

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¹ SUB filed a fourth groundwater permit application on November 8, 2000 that was designated G-15242. That application is on administrative hold pending a final decision on the Groundwater Applications. SUB is not requesting an exception from the WBP for G-15242 at this time but reserves the right to do so.

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C. The Department's Reviews of SUB's Applications and SUB's Response

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On May 21, 2001, SUB provided additional information to the Department to address the issue of potential interference with Cedar Creek (G-15241). SUB explained that Cedar Creek, which begins and ends on the McKenzie River, is essentially a side channel of the McKenzie River composed entirely of McKenzie River water. As noted, McKenzie River water is classified for municipal use and available year-round. However, recognizing that the issue of connectivity between the wells proposed in the Groundwater Applications and the nearby surface water bodies is complex, SUB requested that the Department place the Groundwater Applications on administrative hold while it had an independent consultant study the relationship between the wells and surface water sources. The Department granted the administrative holds.² During the administrative hold period, SUB and its consultant, Mark Cunnane of Western Groundwater Services, worked with the Department's hydrogeologist Marc Norton to resolve whether the proposed wells would substantially interfere with surface water sources. Mr. Cunnane's report, supplemented in October 2002, determined that the use proposed in the Groundwater Applications

² SUB has requested and received administrative holds for all of its water right permit applications, including G-15241, G-15242, G-15243, G-15244, and S-85336. They are currently on hold until April 30, 2005.

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Based on Mr. Cunnane's report and the additional discussions with the Department described above, on November 6, 2002 SUB filed the Surface Application for year-round diversion of 37.0 cfs of water from the McKenzie River for municipal use, and 3.0 cfs from the McKenzie River for stream flow augmentation in Cedar Creek, for a total of 40.0 cfs from the McKenzie River. The 3.0 cfs of stream flow augmentation was meant to mitigate for stream flow depletion in Cedar Creek associated with the Groundwater Applications.

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The Department proposed for the Surface Application that SUB either (1) amend the application from 3.0 cfs instream use for flow augmentation to 4.1 cfs instream use "to some other in-stream use or combination of uses, which are allowed by the basin program (*e.g.*, fish life, wildlife)," or (2) petition the Commission "to allow the Department to consider the application notwithstanding the basin program, pursuant to ORS 536.295." As is explained in Section II below, SUB is electing to amend the Surface Application as proposed by the Department.

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the WBP and the Department does not approve the Groundwater Applications and the Surface Application, as amended herein.

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consider the application notwithstanding the WBP. As is explained in Section III below, SUB is electing to seek an exception from the WBP for the Groundwater Applications.

II. Amendment of the Surface Application

To the extent necessary to obtain approval of the Groundwater Applications, SUB hereby requests to amend the Surface Application as proposed by the Department, that is, surface water permit application S-85336 should be amended from 37.0 cfs of municipal use and 3.0 cfs for streamflow augmentation to 35.9 cfs for municipal use and 4.1 cfs instream use for fish life and wildlife in Cedar Creek. The 4.1 cfs instream use portion of the Surface Application will fully mitigate any potential impacts on Cedar Creek from the wells proposed in SUB's Groundwater Applications. As the Department indicated in its July 9, 2004 letter, with this amendment to the Surface Application the Department can propose issuance of the permit. This approach to mitigation is consistent with the approach proposed in discussions between Mr. Norton, SUB, and SUB's representatives described above.

III. Exception from the Willamette Basin Program for Permit Applications G-15241, G-15243, and G-15244

As noted above, SUB has invested in a Master Plan to direct development that will allow it to continue meeting customer needs and accommodate projected population and economic growth in the greater Springfield area. The Groundwater Applications and Surface Application are integral to the current phase of the Master Plan. Moreover, the Surface Application, which fully mitigates any impacts to Cedar Creek that may occur as a result of approving the Groundwater Applications, also will provide a net benefit to Cedar Creek by placing up to 4.1 cfs of instream water for fish and wildlife use in that system. Failure to approve the Groundwater Applications would cause an extreme hardship for SUB and its customers and would obviate SUB's need to place water instream in Cedar Creek.

SUB qualifies for an exception to the WBP because the exception is necessary to avoid extreme hardship. ORS 536.295(1)(e). Although "extreme hardship" is not defined by the statute or the Department's rules, or explained in any Oregon case law, the Department and Commission have considered the term to include a situation in which "the failure to allow the use would cause financial or other burdens to a water user that could not be easily overcome." See Exhibit F, *OWRD, Memorandum to Water Resources Commission, Request for an Exception to the Willamette Basin Program Due to Extreme Hardship (ORS 536.295(1)(e)) by Pleasant Valley*

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Golf Club (May 15, 1995). Thus the burden does not require a showing of complete economic unfeasibility or impossibility.

The "other burdens" that may be considered under the extreme hardship analysis include burdens placed on those who depend on the water use but are not themselves the applicant for a basin program exception. This aspect of the analysis is illustrated by the staff report provided to the Commission in connection with the Greenberry Irrigation District's ("GID") request for an exception to the WBP. See OWRD, *Memorandum to Water Resources Commission, Request for an Exception to the Willamette Basin Program Due to Extreme Hardship [ORS 536.295(1)(e)]* by Greenberry Irrigation District (February 14, 2003). GID requested an exception from the WBP for irrigation use, a non-classified use in that region of the Willamette River, that would act as a "bridge" water right while GID arranged to use stored water, a classified use, under contract with the U.S. Bureau of Reclamation. Failure to grant the exception would have financially impacted GID because without a stable water supply it could not obtain financing to construct the irrigation system necessary to supply its patrons. Equally important, however, was that the farmers who rely on GID water, and the people those farms employ, could all suffer financial hardship if GID did not receive an exception from the WBP. According to the staff report, "failure to allow the exception to the basin program would cause extreme hardship due to loss of the economic viability of farms within GID and the potential loss of jobs." *Id.* at 4. Thus the Department and the Commission have recognized that the extreme hardship analysis reaches to those affected by the failure to grant an exception even if they are not the applicant for the basin program exception.

To the analysis in these prior Commission decisions SUB adds another element of the test for extreme hardship: the level of hardship that must be shown ought to be related to the level of resource impact that the proposed use might cause. In a situation such as the present one, in which the threat to the Willamette River Basin's values is negligible because SUB is able to fully mitigate for potential impacts to Cedar Creek, the level of hardship required should be correspondingly reduced.

In the present case, the level of financial hardship that would be caused by denial of the Groundwater Applications would be "extreme," because failure to approve them would result in SUB losing its investment of time and money in the well fields, and that failure is certain to require more time and an even greater financial expenditure to replace the lost capacity.⁵ As

⁵ SUB notes that its investment to date in the wells that are the subject of the Groundwater Applications easily exceeds \$1 million. If SUB cannot put those wells to use, it will have to develop additional wells or seek water from other sources to meet its customers' needs. Thus

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noted above, the Master Plan calls for developing additional water supply to keep pace with growth in SUB's service area. SUB has no choice but to find new water supplies. Moreover, the hardship created by any delay serves to increase the likelihood that SUB will not be able to meet customer demand and will have to pass along to its rate payers the costs of additional water supply development.

Similar to the GID situation discussed above, denial of the Groundwater Applications also would create an additional type of extreme hardship, namely, an inability to provide a safe, adequate water supply to the residences and businesses that rely on SUB for water. As noted above, the proposed use is not classified for the three-month period from July 1 through September 30. This three-month period is critically important to SUB as a water utility responsible for supplying municipal water to residential and business customers because the period often corresponds with SUB's peak annual demand. An inability to meet that demand would lead to water shortages in the Springfield area and place the local population at risk of not having an adequate water supply.⁶ Water shortages would affect SUB's ability to supply clean, safe water to residential and business customers, causing an extreme hardship over which those customers would have little or no control. Water shortages also would cause extreme hardship by degrading water reserves for fire protection. Such shortages could result in loss of property or life. Thus the use during the three-month period not classified under the WBP is necessary to ensure public health, welfare, and safety for Oregonians in the greater Springfield area, and SUB's inability to supply water for those purposes would cause an extreme hardship for SUB and the local population.⁷

SUB will have lost its current investment and still need to invest an equal or greater amount to replace the lost groundwater use.

⁶ The legislature has found as part of the state's water supply policy that "the availability of an adequate water supply is essential to the continued health and safety of all Oregonians." ORS 536.241(1). The legislature's concern over the link between water supply and public health is evident elsewhere in ORS chapter 536. *See, e.g.*, ORS 536.238(1)(d) ("The potential for a future shortage of water poses serious risks to public health, safety and welfare and therefore is a matter of statewide concern."). To the extent that municipal use also includes domestic use or other forms of human consumption, that use also is given priority treatment by the legislature. ORS 536.310(12) (in resolving conflict between uses "preference shall be given to human consumption purposes over all other uses").

⁷ After discussion with Department staff, SUB has decided to base this request for exception on ORS 536.295(1)(e). SUB reserves the right to raise other bases for its request for exception, pursuant to ORS 536.295(1), in the event the Commission were to determine that the exception is not warranted under ORS 536.295(1)(e).

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IV. Consistency with the Willamette Basin Program's General Policies

The Groundwater Applications also satisfy the exception statute's requirement that the proposed use be consistent with the general policies of the WBP. ORS 536.295(4). The proposed use is not inconsistent with any of the WBP's policies, and it is specifically consistent with at least two of those policies.

A. Groundwater Management

One of the Commission's policies for the Willamette Basin is to "[m]inimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water." OAR 690-502-0020(2)(d). SUB has repeatedly made every effort to work with the Department to avoid impairing surface water uses. For example, SUB's response to the Department's initial reviews of the Groundwater Applications was to commission a study of the potential hydraulic connection between the proposed groundwater wells and nearby surface water sources. The report that resulted from that study identified a potential for interaction between the aquifer from which the wells appropriate water and Cedar Creek. To alleviate and fully mitigate that potential interaction, SUB filed the Surface Application, which included 3.0 cfs of instream use in Cedar Creek, and as amended will include 4.1 cfs of instream use. Approval of the Surface Application will ensure that approval of the Groundwater Applications will not impair surface water uses from Cedar Creek.

B. Municipal and Domestic Water Systems

Another of the Commission's policies for the Willamette Basin is to "[s]upport coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." OAR 690-502-0020(3). SUB's activities, including the Groundwater Applications, are consistent with this policy. SUB has extensively invested in coordinated water service planning as evidenced by the Master Plan and WCP. Through the Master Plan, SUB has coordinated efficient water system planning and cost-effective water supply development with RWD. Through the WCP, SUB has identified water conservation opportunities within its service territory and has actively pursued implementing those opportunities. Together the Master Plan and WCP represent SUB's substantial investment in water service planning "to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." *Id.*

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V. Conclusion

In conclusion, SUB requests that, pursuant to ORS 536.295, the Commission allow the Department to consider SUB's year-round Groundwater Applications notwithstanding the WBP classification that Cedar Creek water is available for only nine months of the year. SUB also hereby requests that its Surface Application be amended as described above. Approval of SUB's amended Surface Application will fully mitigate any potential interference between the Groundwater Applications and Cedar Creek.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Greg D. Corbin

cc: Mr. Chuck Arrera, Springfield Utility Board
Mr. David E. Filippi, Stoel Rives LLP

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**WATER RESOURCES DEPT
SALEM, OREGON**



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

January 7, 2005

Greg D Corbin
Stoel Rives
900 SW 5th Ave Ste 2600
Portland OR 97204

RE: Springfield Utility Board applications S-85336, G-15241, G-15242, G-15243, G-15244

Mr. Corbin:

This is in response to your letter dated December 10, 2004, in which you requested that the administrative hold on the above-referenced applications be extended until at least April 30, 2005.

Your request is approved.

If you have any questions, please feel free to call me at 503-986-0819.

Sincerely,

Dwight French
Water Right Application Section Manager

c: Files



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

December 10, 2004

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

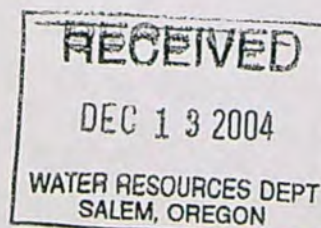
Mr. Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Request for Exception from the Willamette Basin Program for Springfield Utility Board's Groundwater Permit Applications G-15241, G-15243, and G-15244; Request to Amend Surface Water Permit Application S-85336

Dear Mr. French:

This office represents the Springfield Utility Board ("SUB") in connection with the above-referenced water right permit applications. This letter represents SUB's request that, pursuant to ORS 536.295, the Oregon Water Resources Commission (the "Commission") allow the Oregon Water Resources Department ("OWRD" or the "Department") to consider SUB's groundwater permit applications G-15241, G-15243, and G-15244 (collectively the "Groundwater Applications") notwithstanding the Willamette Basin Program (the "WBP") classification for Cedar Creek, a tributary of the McKenzie River. As you know, the Department has determined that the Groundwater Applications have the potential for substantial interference with Cedar Creek. The Groundwater Applications are for year-round municipal use. Under the WBP, Cedar Creek is classified for municipal use only for nine months of the year.

SUB also is hereby amending its surface water right permit application S-85336 (the "Surface Application") as described in Section II below. The Surface Application is integral to approval of the Groundwater Applications and SUB's master water development plan (the "Master Plan"), a copy of which is on file with the Department, because a portion of the Surface Application provides water to mitigate interference with Cedar Creek potentially caused by the Groundwater Applications. We intend to follow up with you regarding this correspondence, but would anticipate that the Commission may consider this matter at its next regularly scheduled Commission meeting.



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California
Utah
Idaho



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I. Background

A. SUB's Operations and Water Development Plans

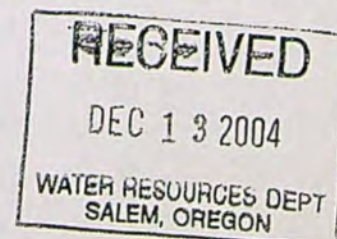
SUB is a customer-owned electric and water utility serving the greater Springfield, Oregon community. Collectively SUB and the Rainbow Water District ("RWD") serve approximately 55,000 customers from groundwater wells and surface water sources. SUB owns the vast majority of wells supplying the SUB/RWD territory. Even with an active water conservation and demand management program currently in place, SUB must develop additional water supplies to continue meeting the needs of the Springfield area into the future. According to its Water Conservation Plan (the "WCP"), a copy of which is on file with the Department, SUB's system is currently inadequate to provide future projected water needs with an adequate reserve capacity. WCP tbl 4-3. The current water supply deficit relative to need will increase over time unless SUB is able to develop additional water supply capacity. WCP fig 4-2.

To meet current and future demands, the Master Plan anticipates adding new wells to the SUB/RWD system out to 2017. The wells associated with the Groundwater Applications are integral to the Master Plan. Without developing these additional sources, SUB must find alternate, and largely more expensive and less reliable, sources of water to continue meeting customer demands.

B. SUB's Groundwater Applications

Consistent with the Master Plan and WCP, SUB filed the Groundwater Applications on November 8, 2000. Application G-15241 is for year-round appropriation of 1.78 cubic feet per second ("cfs") of municipal use water from two wells (0.89 cfs from each) located in the Cedar Creek basin. Application G-15243 is for year-round appropriation of 4.91 cfs of municipal use water from four wells (1.34 cfs from three wells and 0.89 cfs from the fourth well) located within the McKenzie River basin. Application G-15244 is for year-round appropriation of 4.02 cfs of municipal use water from three wells (1.34 cfs from each well) located within the McKenzie River basin.¹

¹ SUB filed a fourth groundwater permit application on November 8, 2000 that was designated G-15242. That application is on administrative hold pending a final decision on the Groundwater Applications. SUB is not requesting an exception from the WBP for G-15242 at this time but reserves the right to do so.





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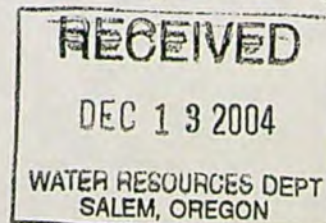
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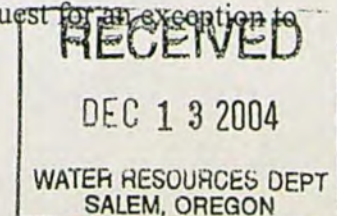
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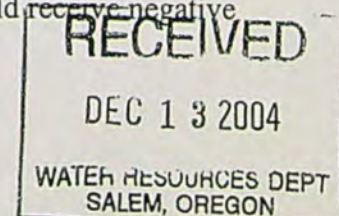
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II. Amendment of the Surface Application

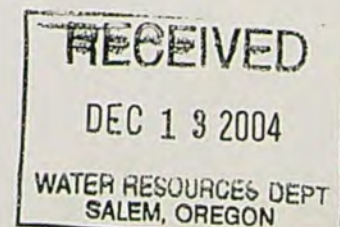
To the extent necessary to obtain approval of the Groundwater Applications, SUB hereby amends the Surface Application as proposed by the Department, that is, surface water permit application S-85336 should be amended from 37.0 cfs of municipal use and 3.0 cfs for streamflow augmentation to 35.9 cfs for municipal use and 4.1 cfs instream use for fish life and wildlife in Cedar Creek. The 4.1 cfs instream use portion of the Surface Application will fully mitigate any potential impacts on Cedar Creek from the wells proposed in SUB's Groundwater Applications. As the Department indicated in its July 9, 2004 letter, with this amendment to the Surface Application the Department can propose issuance of the permit. This approach to mitigation is consistent with the approach proposed in discussions between Mr. Norton, SUB, and SUB's representatives described above.

III. Exception from the Willamette Basin Program for Permit Applications G-15241, G-15243, and G-15244

Pursuant to ORS 536.295, SUB hereby requests an exception from the WBP because the period of use for municipal water from Cedar Creek not classified in the WBP (1) will be of short duration during each year, (2) is necessary to ensure public health, welfare, and safety, (3) is necessary to avoid extreme hardship, and (4) will provide a public benefit.

A. The Water Use Will Be of Short Duration During Each Year

The Commission may allow the Department to consider an application for a water use not classified in the WBP if the proposed use will be of short duration during each year. ORS 536.295(1)(a). SUB's proposed year-round use of water in the Groundwater Applications exceeds the WBP classified period of use for Cedar Creek by three months. The WBP allows for municipal use from Cedar Creek between October 1 and June 30 of each year. OAR 690-502-080(1)(d). Thus allowing the full year-round use proposed in the Groundwater Applications is inconsistent with the WBP classification for Cedar Creek from July 1 through September 30. The Department has determined that it must assume that a portion of the use in the Groundwater Applications (4.1 cfs) will substantially interfere with Cedar Creek. OAR 690-009-0040.





Mr. Dwight French
December 10, 2004
Page 7

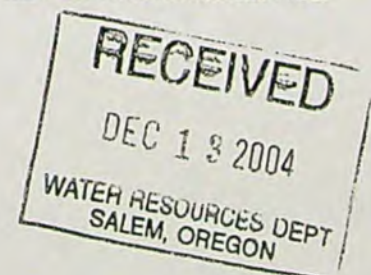
The statute does not define "short duration." The legislature thus did not predetermine the period of use that the Commission may determine to be of short duration for purposes of the exception request. On its face a three-month period would appear to be of "short duration" as it accounts for only a quarter of the year. SUB also suggests that the context in which ORS 536.295 appears should guide the Commission in determining whether a water use is of "short duration" for purposes of ORS 536.295(1)(a). The statutes that appear in the section of chapter 536 dealing with water resources administration (ORS 536.220 to 536.540) declare many of the state's policies concerning water resource development. These policy statements guided the Commission in first adopting the basin programs and therefore properly guide the Commission in considering exceptions to the basin programs. SUB therefore suggests that so long as the period of a proposed use not classified by a basin program is consistent with the policies set out in ORS 536.220 to 536.540, the Commission may find that the proposed use is of "short duration" and allow the Department to consider approving the use.

SUB's proposed year-round use in the Groundwater Applications is not inconsistent with any of the state's water resource policies as declared in ORS 536.220 to 536.540 and is specifically consistent with one of the principal policies that guide water resource planning—the policy of using the state's waters to encourage and maintain economic development. This policy is expressed throughout chapter 536. For example, the legislature has declared:

"The maintenance of the present level of the economic and general welfare of the people of this state and the future growth and development of this state for the increased economic and general welfare of the people thereof are in large part dependent upon a proper utilization and control of the water resources of this state, and such use and control is therefore a matter of greatest concern and highest priority." ORS 536.220(1)(a).⁵

It is well understood that a municipality cannot maintain its economic base or provide for future growth without adequate water supply to meet the various municipal water needs on which such growth depends. As discussed above, the Groundwater Applications are integral components of the Master Plan to develop new water supply to keep pace with growth in the greater Springfield area. Implementing the Master Plan is necessary for the "future growth and development of [the

⁵ This policy also is expressed in other statements in ORS chapter 536. *See, e.g.,* ORS 536.238(1)(a) ("The water resources of the state are critical to the economic and recreational well-being of the people of Oregon.").





Mr. Dwight French
December 10, 2004
Page 8

Springfield area] for the increased economic and general welfare of the people thereof.” ORS 536.220(1)(a).

In the case of the Groundwater Applications, the proposed uses are necessary to allow SUB to continue meeting municipal demand in the greater Springfield area. The Master Plan anticipates additional development of groundwater resources to keep pace with growth in the area, which directly maintains and supports the economic base and future growth in the area. Denial of the Groundwater Permits, and in particular denial of the proposed year-round use, places this economic base and future growth at risk. Under these circumstances, the Commission should find that the uses proposed in the Groundwater Applications are of “short duration” for purposes of granting an exception to the WBP.

B. The Water Use Is Necessary to Ensure Public Health, Welfare, and Safety

The Commission may allow the Department to consider an application for a water use not classified in the WBP if the proposed use is “necessary to ensure public health, welfare and safety.” ORS 536.295(1)(d). As noted above, the proposed use is not classified for the three-month period from July 1 through September 30. This three-month period is of critical importance to SUB as a water utility responsible for supplying municipal water to domestic and business customers because it often corresponds with SUB’s peak annual demand. An inability to meet that demand would lead to water shortages in the Springfield area. The legislature has found as part of the state’s water supply policy that “the availability of an adequate water supply is essential to the continued health and safety of all Oregonians.” ORS 536.241(1).⁶ Water shortages would affect SUB’s ability to supply clean, safe water to domestic and business customers. Water shortages also would affect public welfare and safety by degrading water reserves for fire protection. Thus the use is necessary to ensure public health, welfare, and safety for Oregonians in the greater Springfield area.

⁶ The legislature’s concern over the link between water supply and public health is evident elsewhere in ORS chapter 536. *See, e.g.*, ORS 536.238(1)(d) (“The potential for a future shortage of water poses serious risks to public health, safety and welfare and therefore is a matter of statewide concern.”). To the extent that municipal use also includes domestic use or other forms of human consumption, that use also is given priority treatment by the legislature. ORS 536.310(12) (in resolving conflict between uses “preference shall be given to human consumption purposes over all other uses”).





Mr. Dwight French
December 10, 2004
Page 9

C. The Water Use Is Necessary to Avoid Extreme Hardship

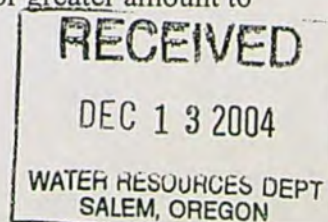
SUB also qualifies for an exception to the WBP because the exception is necessary to avoid extreme hardship. ORS 536.295(1)(e). Although "extreme hardship" is not defined by the statute or the Department's rules, or explained in any Oregon case law, the Department has considered the term to include a situation in which "the failure to allow the use would cause financial or other burdens to a water user that could not be easily overcome." See Exhibit F, *OWRD, Memorandum to Water Resources Commission, Request for an Exception to the Willamette Basin Program Due to Extreme Hardship (ORS 536.295(1)(e)) by Pleasant Valley Golf Club* (May 15, 1995). Thus the burden does not require a showing of complete economic unfeasibility or impossibility.

To the Pleasant Valley decision SUB adds another element of the test for extreme hardship: the level of hardship that must be shown ought to be related to the level of resource impact that the proposed use might cause. In a situation such as the present one, in which the threat to the Willamette River Basin's values is negligible because SUB is able to fully mitigate for potential impacts to Cedar Creek, the level of hardship required should be correspondingly reduced. In the present case, the level of hardship that would be caused by denial of the permit applications would be "extreme," because failure to approve the applications would result in lost investment of time and money in the well fields, and is certain to require more time and an even greater expenditure to replace the lost capacity.⁷ As noted above, the Master Plan calls for developing additional water supply to keep pace with growth in SUB's service area. SUB has no choice but to find new water supplies, and any delay serves to increase the likelihood that SUB will not be able to meet customer demand and will have to pass along to its rate payers the costs of additional water supply development.

D. The Use Will Provide a Public Benefit

Finally, SUB qualifies for an exception from the WBP because the municipal use will provide a public benefit. ORS 536.295(1)(f). In this case the public benefit of the Groundwater Applications is to provide clean, safe water to SUB's customers and to provide water to support the economic growth of the Springfield area. As is discussed above, public health and economic

⁷ SUB notes that its investment to date in the wells that are the subject of the Groundwater Applications easily exceeds \$1 million. If SUB cannot put those wells to use, it will have to develop additional wells or seek water from other sources to meet its customers' needs. Thus SUB will have lost its current investment and still need to invest an equal or greater amount to replace the lost groundwater use.





Mr. Dwight French
December 10, 2004
Page 10

development are key components of the state's water resource planning policies. When, as here, a use supports such policies, and is not inconsistent with other state policies, the Commission should find that the proposed use will provide a public benefit.

IV. Consistency with the Willamette Basin Program's General Policies

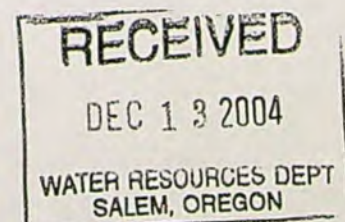
The Groundwater Applications also satisfy the exception statute's requirement that the proposed use be consistent with the general policies of the WBP. ORS 536.295(4). The proposed use is not inconsistent with any of the WBP's policies, and it is specifically consistent with at least two of those policies.

A. Groundwater Management

One of the Commission's policies for the Willamette Basin is to "[m]inimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water." OAR 690-502-0020(2)(d). SUB has repeatedly made every effort to work with the Department to avoid impairing surface water uses. For example, SUB's response to the Department's initial reviews of the Groundwater Applications was to commission a study of the potential hydraulic connection between the proposed groundwater wells and nearby surface water sources. The report that resulted from that study identified a potential for interaction between the aquifer from which the wells appropriate water and Cedar Creek. To alleviate and fully mitigate that potential interaction, SUB filed the Surface Application, which included 3.0 cfs of instream use in Cedar Creek, and as amended will include 4.1 cfs of instream use. Approval of the Surface Application will ensure that approval of the Groundwater Applications will not impair surface water uses from Cedar Creek.

B. Municipal and Domestic Water Systems

Another of the Commission's policies for the Willamette Basin is to "[s]upport coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." OAR 690-502-0020(3). SUB's activities, including the Groundwater Applications, are consistent with this policy. SUB has extensively invested in coordinated water service planning as evidenced by the Master Plan and WCP. Through the Master Plan, SUB has coordinated efficient water system planning and cost-effective water supply development with RWD. Through the WCP, SUB has identified water conservation opportunities within its service territory and has actively pursued implementing those opportunities. Together the Master Plan and WCP represent SUB's substantial investment in water





Mr. Dwight French
December 10, 2004
Page 11

service planning "to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." *Id.*

V. Conclusion

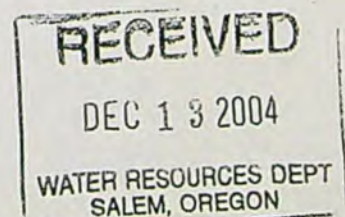
In conclusion, SUB requests that, pursuant to ORS 536.295, the Commission allow the Department to consider SUB's year-round Groundwater Applications notwithstanding the WBP classification that Cedar Creek water is available for only nine months of the year. SUB also hereby amends the Surface Application as described above. Approval of SUB's amended Surface Application will fully mitigate any potential interference between the Groundwater Applications and Cedar Creek.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Greg D. Corbin

cc: Mr. Chuck Arrera, Springfield Utility Board
Mr. David E. Filippi, Stoel Rives LLP





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DEC 13 2004
WATER RESOURCES DEPT
SALEM, OREGON

900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

December 10, 2004

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

Mr. Cory C. Engel
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Springfield Utility Board Applications S-85336, G-15241, G-15242, G-15243, and G-15244

Dear Cory:

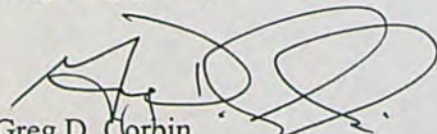
Thank you for your letter dated December 8, 2004 informing me that Springfield Utility Board's ("SUB") request for a basin program exception will be presented at the April 14-15, 2005 Water Resources Commission ("Commission") meeting. I submitted SUB's request for an exception from the Willamette Basin Program to the Department today.

As you note in your letter, the current administrative hold period for the above-referenced applications expires January 31, 2005. To allow the Commission to consider the matter before the Department takes any final action, SUB hereby requests that the Department extend the administrative hold period for these applications until at least April 30, 2005.

Finally, please note that Ken Cerotsky is no longer with SUB. Chuck Arrera is the correct contact at SUB for this matter.

I appreciate your attention to this matter. Please contact me if you have any questions.

Very truly yours,


Greg D. Corbin

cc: Mr. Dwight French
Mr. Chuck Arrera
Mr. David Filippi



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

December 8, 2004

Greg D Corbin
Stoel Rives
900 SW 5th Ave Ste 2600
Portland OR 97204

RE: Springfield Utility Board applications S-85336, G-15241, G-15242, G-15243, G-15244

Mr. Corbin:

In light of your client's stated interest in pursuing an exception to the Willamette Basin Program from the Water Resources Commission (WRC), please be informed that the agenda for the January WRC meeting is full.

If you would like the matter presented at the April 14-15, 2005 meeting, please make your request in writing prior to January 31, 2005. Please also note that the current administrative hold on these applications expires January 31, 2005 as well, so if you make such a request, it should include a request to extend the administrative hold until at least April 30, 2005.

If you have any questions, please feel free to call me at 503-986-0813.

Sincerely,

Mr. Cory C. Engel
Water Right Application Caseworker

c. Ken Cerotsky
Springfield Utility Board
202 South 18th St
Springfield OR 97477-5240

Files



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

October 25, 2004

Greg Corbin
Stoel Rives LLP
900 SW 5th Ave Ste 2600
Portland OR 97204

RE: Springfield Utility Board applications S-85336, G-15241, G-15242, G-15243, & G-15244

Mr. Corbin:

This is in response to your letter dated October 18, 2004, in which you requested that the above-referenced applications be placed on administrative hold to allow the applicant time to address issues raised by the Department in its initial review of applications S-85336, G-15241, G-15243, and G-15244, by pursuing an exception to the basin program at the next scheduled Water Resources Commission meeting. The next Commission meeting will be held January 13-14, 2005.

Your request is approved. The Department will not proceed with Proposed Final Order for these applications until after Monday, January 31, 2005.

If you have any questions, please feel free to call me at 503-986-0819.

Sincerely,

Dwight French
Water Right Application Section Manager

c: Files



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OCT 19 2004

WATER RESOURCES DEPT
SALEM, OREGON

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GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

October 18, 2004

VIA FACSIMILE AND MAIL (503) 986-0904

Mr. Dwight French
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Springfield Utility Board Applications S-85336, G-15241, G-15242, G-15243, and G-15244

Dear Mr. French:

Pursuant to requests by Springfield Utility Board ("SUB"), the Water Resources Department (the "Department") placed each of the above referenced permit applications on administrative hold to allow SUB additional time to address issues raised by the Department in its initial review ("IR") of applications S-85336, G-15241, G-15243, and G-15244. These permit applications and application G-15242 should be considered together as they are part of SUB's larger water development program.

In letters dated July 9, 2004 and August 19, 2004 from Mr. Cory Engle, the Department stated that a barrier to approving the applications is the Department's position that certain aspects of the applications are inconsistent with the Willamette Basin Program. The letters also suggest that an option for removing this barrier is to petition the Water Resources Commission (the "Commission") under ORS 536.295 to allow the Department to consider approving the applications notwithstanding the Willamette Basin Program. SUB is willing to proceed to petition the Commission as outlined in the Department's letters. Accordingly, SUB will provide to you under separate cover a letter detailing the reasons that the Commission should grant a petition to allow the Department to consider approving the applications notwithstanding the Willamette Basin Program, and the reasons the Department should approve the applications pursuant to ORS 536.295.

The Department's administrative hold on application G-15242 expired July 31, 2004, and the Department's administrative holds for applications S-85336, G-15241, G-15243, and G-15244 expire today. Pursuant to my conversation with Cory Engle earlier today, SUB hereby requests

Oregon
Washington
California
Utah
Idaho



Mr. Dwight French
October 18, 2004
Page 2

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that the Department extend the administrative hold for all five of these applications pending completion of the petition process under ORS 536.295. SUB anticipates providing to the Department by the end of this month sufficient information and reasons for pursuing the petition process. SUB will work with the Department to prepare a timely petition that the Commission can consider and act on at its next regularly scheduled meeting following the meeting currently scheduled for October 21-22, 2004.

Please do not hesitate to contact me or David Filippi, (503) 294-9529, of this office if you have any questions.

Very truly yours,

Greg D. Corbin

cc: Mr. Chuck Arrera (Fax: (503) 747-7348)
Mr. David Filippi



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3360
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October 18, 2004

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

VIA FACSIMILE AND MAIL (503) 986-0904

Mr. Dwight French
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Springfield Utility Board Applications S-85336, G-15241, G-15242, G-15243, and G-15244

Dear Mr. French:

Pursuant to requests by Springfield Utility Board ("SUB"), the Water Resources Department (the "Department") placed each of the above referenced permit applications on administrative hold to allow SUB additional time to address issues raised by the Department in its initial review ("IR") of applications S-85336, G-15241, G-15243, and G-15244. These permit applications and application G-15242 should be considered together as they are part of SUB's larger water development program.

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The Department's administrative hold on application G-15242 expired July 31, 2004, and the Department's administrative holds for applications S-85336, G-15241, G-15243, and G-15244 expire today. Pursuant to my conversation with Cory Engle earlier today, SUB hereby requests

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OCT 19 2004

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Oregon
Washington
California
Utah
Idaho



Mr. Dwight French
October 18, 2004
Page 2

that the Department extend the administrative hold for all five of these applications pending completion of the petition process under ORS 536.295. SUB anticipates providing to the Department by the end of this month sufficient information and reasons for pursuing the petition process. SUB will work with the Department to prepare a timely petition that the Commission can consider and act on at its next regularly scheduled meeting following the meeting currently scheduled for October 21-22, 2004.

Please do not hesitate to contact me or David Filippi, (503) 294-9529, of this office if you have any questions.

Very truly yours,

Greg D. Corbin

cc: Mr. Chuck Arrera (Fax: (503) 747-7348)
Mr. David Filippi

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OCT 19 2004

WATER RESOURCES DEPT
SALEM, OREGON



900 S.W. Fifth Avenue, Suite 2600
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fax 503.220.2480
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	Name:	Fax No.	Company/Firm	Phone No.
TO:	Dwight French	(503) 986-0904	WRD	
	Chuck Arrera	(503) 747-7348		

	Name:	Sender's Direct Dial:	Sender's Direct Email:
FROM:	Greg D. Corbin	(503) 294-9632	gdcorbin@stoel.com

Client:	Matter:

Date: October 18, 2004

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In case of error call Carla Edmon at (503) 294-9528.

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COMMENTS:

*Prepare
Approve letter
hold for two weeks
after ~~next~~ WRC meeting.
1st/2005*

my sig. That Dg

*WRC TENTATIVE 1/13-14/05
CONFIRM W/ CEMCO 10/25
AND HOLD EXTEND TO 2/5*

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OCT 19 2004

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
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FAX 503-986-0904

August 19, 2004

FAXED
8/19 1:15

David E. Filippi
Stoel Rives
900 SW 5th Ave Ste 2600
Portland OR 9720

Via fax (503-220-2480)
and First Class Mail

RE: Springfield Utility Board Applications S-85336, G-15241, G-15243, & G-15244

Dear Mr. Filippi,

This is in response to your August 13, 2004 letter in which you requested an administrative hold to provide time to engage in activities necessary to resolve issues identified in my July 9, 2004 letter. Your request is approved. The Department will not process Applications S-85336, G-15241, G-15243, or G-15244 until after October 18, 2004, unless you request that we proceed sooner.

Following further internal discussion of the question of whether the proposed streamflow augmentation can be characterized as municipal use, we have concluded that the determination of the May 16, 2003 initial review of S-85336 was correct. The initial review stated that

The Willamette Basin Program (OAR 690-502-0010(15)) defines "municipal use" as "the delivery and use of water through the water service system of an incorporated municipality". Because the 3.0 CFS of water proposed for streamflow augmentation would not be delivered through the water service system of an incorporated municipality, it is not municipal use under the Willamette Basin Program.

To expand on the initial review letter, we've determined that, because the means of conveyance--Cedar Creek, a natural waterway--is neither owned nor controlled by City of Springfield, it is not the water service system of an incorporated municipality.

However, as noted in my July 9 letter, we believe that this problem may be overcome by amending the streamflow augmentation portion of the application to propose fish life, wildlife, and/or pollution abatement instead. These uses are explicitly allowed by the basin program, and should adequately mitigate for groundwater pumping impacts if the portion of the application's 40 CFS dedicated to fish life, wildlife, and/or pollution abatement is increased to 4.1 CFS. If application S-85336 is amended in these ways, that should allow us to propose approval of that application, and will overcome one of the obstacles--insufficient mitigation--to approval of applications G-15241, G-15243, and G-15244.

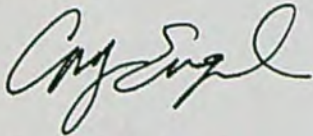
Remaining obstacles to approval of the ground water applications are:

1. The Willamette Basin Program does not allow the proposed use during the period July 1 through September 30 (OAR 690-502-0080(1)(d)). This may be overcome either by accepting the shorter season allowed by the basin program or by petitioning the Water Resources Commission to allow the Department to consider approving the application year-round notwithstanding the basin program, pursuant to ORS 536.295.
2. The Oregon Department of Fish and Wildlife (ODFW) stated under OAR 690-033 that the proposed use of water may effect the essential habitat of upper Willamette spring Chinook salmon, a threatened species under the Endangered Species Act. This obstacle may be overcome by working with ODFW to determine conditions under which these applications may be approved. It may be that the proposed modifications to S-85336 will help in this regard. Again, I recommend contacting Jeff Ziller at 503-726-3515 x26 to discuss this issue (if you haven't already).

With regard to the meeting we discussed, I hope that these clarifications have eliminated its necessity. However, if you would still like to meet, Dwight French and I are currently available next week during the following times: 10am to 4pm on the 23rd and 26th; 8am to 12 pm on the 24th, and 8am to 10am on the 27th. If you and your clients would prefer it, we would be happy to conduct the meeting by conference call to avoid the need travel.

If you have any questions, please feel free to call me at 503-986-0813.

Sincerely,



Mr. Cory C. Engel
Water Right Application Caseworker

c: Bart McKee, Springfield Utility Board (via fax only: 541-747-7348)

FAXED
8/19 1:15



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Portland, Oregon 97204
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fax 503.220.2480
www.stoel.com

August 13, 2004

DAVID E. FILIPPI
Direct (503) 294-9529
defilippi@stoel.com

VIA FACSIMILE NO. (503) 986-0904
AND U.S. MAIL

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

Re: Administrative Hold for Applications S-85336, G-15241, G-15243, and G-15244

Dear Mr. Engel:

Thank you for returning my call today. As we discussed and pursuant to your correspondence of July 9, 2004, I am hereby requesting on behalf of the Springfield Utility Board ("SUB") that the Oregon Water Resources Department (the "Department") place the above-referenced applications on administrative hold for the purpose of resolving the remaining issues identified in your July 9 correspondence. The purpose of this request is to allow time for representatives of SUB to meet with you and others at the Department to discuss the remaining issues and take action as appropriate following the meeting. Assuming the meeting is scheduled in the next couple of weeks as we discussed, we do not anticipate that SUB will require more than 60 days to address the remaining issues.

I understand that you will contact me on Monday to establish a date and time for the proposed meeting. Please contact me if you have any questions.

Very truly yours,

David E. Filippi

cc (via facsimile): Mr. Chuck Davis
Mr. Bart McKee

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AUG 16 2004

WATER RESOURCES DEPT
SALEM, OREGON

Oregon
Washington
California
Utah
Idaho



Eugene Water & Electric Board

500 East 4th Avenue / Post Office Box 10148
Eugene, Oregon 97440-2148
541-484-2411 Fax 541-484-3762

August 9, 2004

Cory C. Engel
Oregon Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301-1271

RE: Applications G-15857, G-15840, G-15241, G-15242, G-15243, G-15244, and S-85366
Copy Requests

Dear Cory,

Please find enclosed a check in the amount of \$68.00. This check will pay for the \$8.00 outstanding balance for previous copying from the file of application G-15857 and the \$10.00 for each application to obtain copies of any Proposed Final Orders for applications G-15840 (Rainbow Water District), G-15241 through G-15244 (Springfield Utility Board) and S-85366 (Springfield Utility Board).

Thank you for your assistance.

Sincerely,

Jay Bozievich, P.E.
Sr. Engineer

RECEIVED

AUG 13 2004

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 69329

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: EWEB

BY: _____

APPLICATION	<u>see below</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 35609 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 68.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	PCA46111	\$ 8.00
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)	PFO Copies X6	\$ 60.00
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME	\$ 85364	\$
WATER RIGHTS:	G15840	
0201 SURFACE WATER	G15241	\$
0203 GROUND WATER	G15242	\$
0205 TRANSFER	G15243	\$
WELL CONSTRUCTION	G15244	
0218 WELL DRILL CONSTRUCTOR		\$
LANDOWNER'S PERMIT		\$
OTHER (IDENTIFY)		\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: 69329

DATED: 8/13/04 BY: _____

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

July 9, 2004

Bart McKee
Springfield Utility Board
202 S 18th St
Springfield, OR 97477

RE: Application Files S-85336, G-15241, G-15243, & G-15244

Mr. McKee,

The Oregon Water Resources Department (hereafter referred to as "the Department") is currently preparing to issue Proposed Final Orders (PFOs) for the referenced pending applications. As you may recall, on May 16, 2003 the Department issued Initial Reviews (IRs) of these applications indicating it was unlikely that a permit would be issued. In our continuing review, considering the applications in their current forms will result in negative PFOs for the ground water applications and the mitigation portion of S-85336. However, it may be possible for you to modify the applications such that they meet requirements for approval.

S-85336

This application proposed the use of 37.0 cubic feet per second (CFS) for municipal use and 3.0 CFS for streamflow augmentation to mitigate the expected impacts of the appropriation of water proposed under applications G-15241, G-15243, & G-15244.

The Department has determined that while the use of 37.0 CFS for municipal use is likely allowable, the proposed use of water for streamflow augmentation is not a classified use in the Willamette Basin Program (OAR 690-502-0080(1)(e)). If Springfield Utility Board (SUB) intends to pursue the streamflow augmentation portion of this application, this problem may be remedied in one of two ways:

1. Amend the application to modify the character of use from streamflow augmentation to some other in-stream use or combination of uses, which are allowed by the basin program. (Examples include fish life, wildlife, and pollution abatement.)
2. Petition the Water Resources Commission to allow the Department to consider the application notwithstanding the basin program, pursuant to ORS 536.295.

G-15241, G-15243, & G-15244

These applications propose the use of water from wells for municipal use. Following an evaluation of the application including a review of information provided by SUB, the Department has determined that the use of water from these wells would have the potential to substantially interfere with Cedar Creek and McKenzie River. The combined interference is estimated to be 4.1 CFS.

The Department has determined that there exist two impediments to approval of your applications in their current form: the Willamette Basin Program does not allow the proposed use during the period July 1 through September 30 (OAR 690-502-0080(1)(d)), and pursuant to OAR 690-033, the Oregon Department of Fish and Wildlife (ODFW) has indicated that the proposed use of water may effect the essential habitat of upper Willamette spring Chinook salmon, a threatened species under the Endangered Species Act. To approve the applications, both of these impediments must be overcome.

Your options with regard to the basin program include:

1. Accept the shorter season allowed by the basin program.
2. Petition the Water Resources Commission to allow the Department to consider approving the application year-round notwithstanding the basin program, pursuant to ORS 536.295.

To overcome OAR 690-033, it will likely be necessary to accomplish all of the following:

1. Put S-85336 on a path to approval as described above to mitigate for impacts to Cedar Creek.
2. Amend S-85336 from 37.0 CFS for municipal and 3.0 CFS for streamflow augmentation to 35.9 CFS for municipal and 4.1 CFS for the portion intended to augment Cedar Creek flows (though the character of in-stream use may be modified as described above). This will ensure that the estimated impacts to Cedar Creek are fully mitigated.
3. Work with ODFW to determine conditions under which these applications may be approved. In March of 2001, ODFW suggested that if the proposed use would reduce streamflow, the applicant should be required to contract for the release of stored water from upstream reservoirs. However, that is not a viable option, because the water in upstream reservoirs is not stored for that purpose. Jeff Ziller, ODFW's current District Biologist, has recently suggested conditions with regard to application S-85336 relating to fish screening and avoidance of depletion of Big Island Oregon chub ponds; it may be that Mr. Ziller can also recommend conditions under which these applications may be approved. Mr. Ziller may be reached at 503-726-3515 x26.

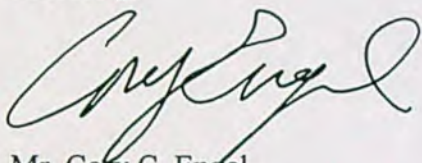
S-85336, G-15241, G-15243, & G-15244

If you are unable to resolve these issues within 30 days, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your applications will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested, or you do not request an administrative hold by **Monday, August 16, 2004**, we will continue to process your applications in their current form. If your applications are rejected, any fees submitted in excess of the examination fees will be refunded; however, the examination fees are non-refundable and will not be returned. In addition, the priority date associated with your applications will be lost.

If you have any questions, please feel free to call me at 503-986-0813.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cory C. Engel', written in a cursive style.

Mr. Cory C. Engel
Water Right Application Caseworker

c: Files
Jeff Ziller, ODFW
Michael Mattick, Watermaster



SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348

November 6, 2002

Mr. Cory C. Engel
Water Right Processing Technician
Water Resources Department
Commerce Building
158 12th Street, NE
Salem, OR 97301-4172

RE: File G-15241, G-15243, G-15244; New Surface Water Right Application

Dear Cory:

The purpose of this letter is to: (1) provide supplementary information for pending applications G-15241, G-15243 and G-15244; (2) initiate a new application for a municipal surface water right from the McKenize River;

1. Supplementary Information, G 15241, 15243, 15244.

As you recall, SUB submitted a water right application over a year ago for several new ground water sources. Our ground water applications were denied due to concerns about potential surface water influence on Cedar Creek. We have been working with Mark Norton during the "time out" period in order to provide him supplemental information about our ground water applications.

SEE S-85336 FOR THIS REPORT. Attached is a report from Mark Cunnane, our consulting hydrogeologist. According to the work completed by Mr. Cunnane, we will be taking some water from Cedar Creek. Mr. Cunnane's report quantifies the surface water influence. We request a review of the information. If the information is acceptable, we want to proceed with the ground water application process for all the wells. We recognize there is a potential linkage to a new surface water right. The new surface water right is discussed in the following paragraphs. Please contact me at your earliest convenience to review your decision about this new information.

2. New Municipal Surface Water Right Application

Part of the new surface water application is intended to fully replace all the water drawn from Cedar Creek through the wells in the Thurston Wellfield and Middle School Wells. The water right applications associated with the wells have been assigned the referenced numbers G-15241, 15243, 15244.

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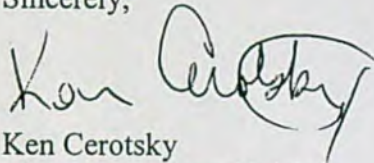
WATER RESOURCES DEPT.
SALEM, OREGON

App# 5-85336

A portion of the new water right on the McKenize River would be used to divert water into Cedar Creek from the McKenize River. The details of the diversion process are still to be worked out with the Cedar Creek Irrigation Association and the local watermaster. At this time, Cedar Creek stream flow is controlled by the Cedar Creek Irrigation Association head gate, located approximately 5 miles upstream of the Thurston Wellfield.

The remainder of the surface water right application is to support the long-term future growth in the Springfield area. I have enclosed the appropriate application fee for 40 cfs. I will submit the land use information form soon. Please contact me at 541-746-8451, #3731 if you have any questions about the new application.

Sincerely,



Ken Cerotsky
Director – Water Division

Cc: Mr. Mark Cunnane
Mr. David Filippi

KC:mkm

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NOV 08 2002

WATER RESOURCES DEPT.
SALEM, OREGON

X-Sender: frenchdw@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Tue, 29 Oct 2002 13:33:16 -0800
To: Cory Engel <Cory.C.ENGEL@wrđ.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrđ.state.or.us>
Subject: Re: Springfield Utility Board, G-15241-4
X-Security: MIME headers sanitized on funnel
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

sounds good - thanks for checking

At 01:34 PM 10/28/2002, you wrote:
Dwight,

I spoke with Dave Filippi today. He explained that the current intent with regard to this project is to divert water from McKenzie River into Cedar Creek to mitigate the impact of groundwater diversion. (The wells will substantially interfere with both Cedar Creek and McKenzie River, but water is available in McKenzie River, but not Cedar Creek.)

By the end of next week, they expect to have submitted a surface water application for municipal use to accomplish the necessary mitigation, as well as a privately commissioned hydrologic report describing the extent of interference with surface water to establish a proposed mitigation obligation.

Because these items are practically complete, it is probably not necessary to extend their administrative hold extension request. However, Filippi is checking with Ken Cerotsky (SUB Manager) on that point to confirm that this is the case. If so, we should be able to continue processing the applications soon.

Cory Engel
Water Right Specialist
503-378-8455 x324

=====
Dwight French
Water Rights Section Manager, Water Rights Division
Oregon Water Resources Department
158 12th ST NE, Salem Oregon 97301-1724
Phone: 503 378-8455 x268
Fax: 503 378-6203



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AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

August 16, 2002

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

VIA FACSIMILE AND U.S. MAIL

Mr. Dwight French
Oregon Water Resources Dept.
158 12th Street, NE
Salem, OR 97310

Re: Request for Extension of Administrative Hold for Permit Applications G-15241, G-15242, G-15243, G-15244

Dear Mr. French:

Stoel Rives represents the Springfield Utility Board ("SUB") concerning the above referenced permit applications. These permit applications have received unfavorable evaluations from the Water Resources Department ("Department") based on their proximity to certain surface water sources and the presumption of hydrologic connectivity with those sources. On February 15, 2002, SUB requested that the Department place these permit applications on administrative hold for 180 days to allow SUB time to submit additional information regarding hydrologic connectivity. On February 20, 2002, Cory Engel responded that the Department would withhold further processing of the applications until August 18, 2002.

The issues of hydrologic connectivity related to these applications are complex and require expert analysis. SUB is working with a consultant familiar with its system and the geology/hydrology of the surrounding basins. It also is formulating a permitting strategy that it believes will allow the Department to approve these permit applications. To that end, Bart McKee of SUB, along with David Filippi and me, met with Marc Norton on August 13, 2002, to discuss approaches to resolving these issues. I believe we reached conceptual agreement on an approach. However, implementing that approach will require additional time. Accordingly, SUB requests that the Department extend the administrative hold period for an additional 180 days.



Mr. Dwight French
August 16, 2002
Page 2

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AUG 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Please feel free to contact me or David Filippi at (503) 294-9529 if you have any questions.

Very truly yours,

Greg D. Corbin

cc: Mr. Ken Cerotsky (SUB) (*via facsimile & U.S. Mail*)
Ms. Renee Moulun (OWRD) (*via U.S. Mail*)
Mr. Marc Norton (OWRD) (*via U.S. Mail*)
Mr. David Filippi



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

February 20, 2002

Ken Cerotsky
Springfield Utility Board
202 South 18th St
Springfield OR 97477-5240

RE: Application Files G-15241, G-15242, G-15243, G-15244

Dear Mr. Cerotsky,

This is in response to your request to place the referenced applications on hold. The Department will withhold further processing of your applications until **August 18, 2002**, unless you request that we resume processing sooner.

If you have any questions, please feel free to call me at 503-378-8455, extension 324.

Sincerely,

Cory Engel
Water Right Specialist

c: files



SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348

February 15, 2002

RECEIVED
FEB 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Cory Engel
Water Rights Processing Technician
Water Resources Department
158 12th Street, NE
Salem OR 97301-4172

RE: Application # G15244, #G15243, #G15242, #G15241, Time Out Request

Dear Cory:

The Springfield Utility Board is requesting a 180-day administrative time out for the above referenced applications. We would like to submit additional information to the Department regarding the applications, but it may take several months to get the information to the Department.

Please call me if you have any questions about this request.

Sincerely,

Ken Cerotsky
Director - Water Division

KC:mkm

cc: Bart McKee, SUB Project Engineer Water Division
Mark Cunnane, Western Groundwater Services

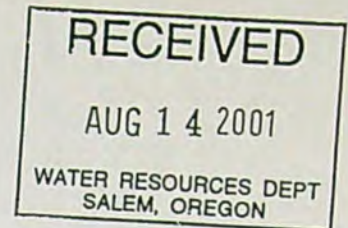
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SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348

August 10, 2001



Cory C. Engel
Water Rights Processing Technician
Water Resources Department
158 - 12th St. NE
Salem, OR 97301-4172

RE: Resubmit of Additional Information, Application #G-15241 (Cedar Creek, Springfield) and Application #G-15242 (16th and Q Street, Springfield).

Dear Cory:

Mark could not find any of the information (see reference above) I sent to you on May 21st and you acknowledged on May 25th. I can understand how materials may be misplaced and do not mind supplying the information to you again. I am more concerned that Mark did not receive timely notice of the new information for his consideration. I hope we both agree that review and consideration of the additional information by Mark at this time, prior to the proposed final order, may possibly avoid a contentious environment in the future. Please let me know that you have received the enclosed information and have passed it on to Mark for his review.

Sincerely,

Ken Cerotsky
Director - Water Division

KC:mkm

Enclosure



SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
541 726-2396
Fax 541 747-7348

CRD

May 21, 2001

Cory C. Engel
Water Rights Processing Technician
Water Resources Department
158 - 12th St. NE
Salem, OR 97301-4172

RE: Additional Information, Application #G-15241 (Cedar Creek, Springfield)

Dear Cory:

This municipal use application was rejected in February 2001 because of concerns over surface water influence to Cedar Creek. Cedar Creek is in a unique situation because it begins at the McKenzie River and terminates in the McKenzie River. For all practical purposes, it is composed of McKenzie River water.

For reference, I have included copies of the 1967 USGS maps for the area showing the site for G-15241 and its relationship to the start of Cedar Creek and the end of Cedar Creek.

Cedar Creek originates from the McKenzie River several miles upstream from the proposed well sites for #G-15241. A weir (irrigation district control) at the headworks controls flow into Cedar Creek. During the summer, the weir is adjusted to keep Cedar Creek full of river water. In the winter, the weir is closed to try and control local flooding along the creek from the river. Several miles downstream from the well sites, Cedar Creek returns to the McKenzie.

It is my understanding that water from the McKenzie River is still available year around for municipal classifications. Since Cedar Creek is part of the river (beginning and ending at the river) we believe Cedar Creek should have the same water rights availability as the McKenzie River

Please reconsider our application based on this additional information about Cedar Creek. Please call me as soon as you have had a chance to review this letter.

Sincerely,

Ken Cerotsky
Director - Water Division

KC:mkm

Enclosure



SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
541-726-2396
Fax 541-747-7348

May 21, 2001

Cory C. Engel
Water Rights Processing Technician
Water Resources Department
158 - 12th St. NE
Salem, OR 97301-4172

RE: Additional Information, Application #G-15242 (16th and Q Street, Springfield)

Dear Cory:

I have discussed the above application with you by phone on several occasions over the past several months. This municipal use application was rejected in February 2001 because of concerns over surface water influence to adjacent water bodies. It is my understanding that you and Mark Norton would consider additional information supplied by the Springfield Utility Board.

For reference, I have included a copy of the 1967 USGS Springfield, Oregon map (Attachment 1) showing the site for G-15242 and its relationship to two other producing wells (Maia Well and SP Well) and one test well (SP#2). I have also highlighted the surface water (presently open and piped ditches) that I believe you are concerned about influencing during pumping operations.

Attached is a report (Attachment 2) that was written by SUB staff during the construction of the SP Well. At the time, SUB hoped to develop another large municipal well at the site identified on the map as SP#2. In order to evaluate the possibility, an 8" test well was constructed at the SP#2 site and installed to the deeper aquifer (approximately 250 feet deep). Approximately 15 feet east of this site, two 2" monitoring wells were installed. One of the monitoring wells was rather shallow (installed to approximately 50 feet), and the other monitoring well was placed in the deeper aquifer (installed to approximately 165 feet deep). Figure 4 in the attached report shows the SP#2 as-built.

The report summarizes the drawdown effects within the two 2" wells, when the 8" well was pumped at 300 gpm only 15 feet away. There was 5.32 feet of drawdown within the shallower 2" monitoring well, but the deep 2" monitoring well had 40.59 feet of drawdown. The aquifer response indicates an aquitard layer exists between the shallow and deep groundwater.

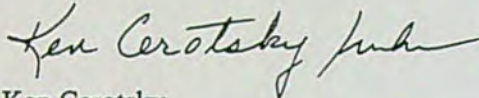
The chances of surface water influence would be further reduced given that the proposed well (#G-15242) will be constructed similar to the SP and Maia wells (Attachment 3). The surface seal for SP and Maia was placed at 57 feet below ground surface. We propose to set the surface seal for #G-15242 at 75 feet or deeper. The screen will be set below a depth of 135 feet.

Mark Norton, Water Resources Dept.
Application G-15242, #G-15241
May 21, 2001
Page 2 of 2

In summary, we believe that the drawdown information clearly shows a good separation between the shallow groundwater and the deeper groundwater in the area. The drawdown data indicates the presence of an aquitard layer. We believe that any risk of surface water influence would be further reduced by installing a deep surface seal for #G-15424 and placing the top of the well screen deep in the well bore.

We hope that you agree with the conclusions we have developed from the information provided to you. Please call me as soon as you have had a chance to review this letter.

Sincerely,



Ken Cerotsky
Director - Water Division

KC:mkm

Enclosures - 3

s:\kenc\water right 15242 information 051101.doc

4
N

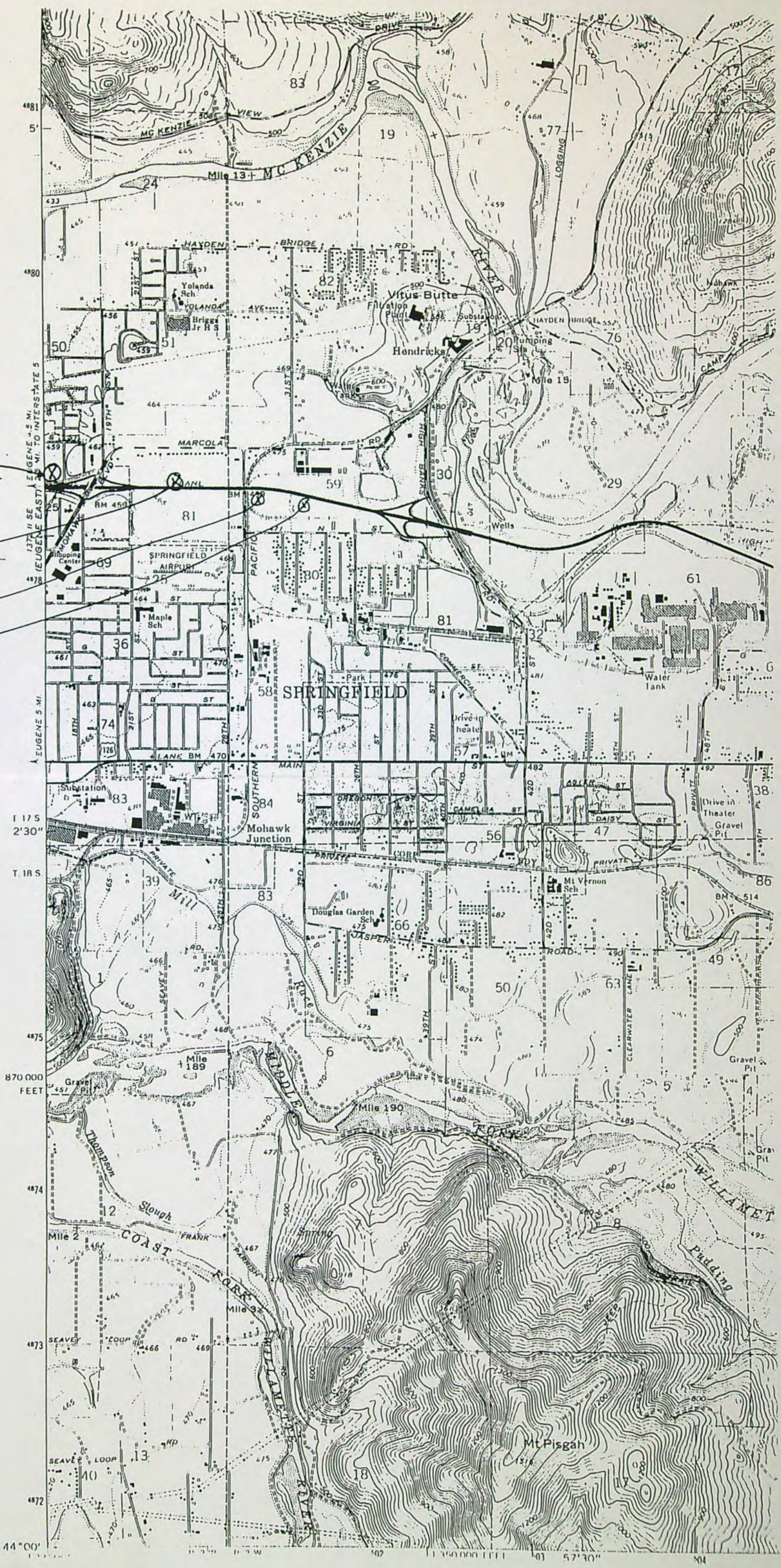
PROPOSED
16th & Q. WELL
G-15A2

MAIA
WELL

S.P. WELL

SP H2
TEST WELL

SPRINGFIELD, OR.
USGS
1967



TEST WELL EVALUATION
SOUTHERN PACIFIC SITE NO. 2
WATER ENGINEERING DEPARTMENT

JANUARY 1981

TEST WELL EVALUATION SOUTHERN PACIFIC SITE NO. 2

I SCOPE

Test wells were developed on the Southern Pacific property, Site No. 2, located on Olympic Street in order to assess its potential as a production well site. Locations of the S. P. sites are shown in Figure 1. The investigation included test hole construction, formation sampling, geophysical logging, final test well construction, test pumping, water quality sampling, and data analysis. Considerably more data was obtained during this investigation than during past test well projects because past information collected has proved insufficient to predict production well yields in some cases.

II TEST HOLE CONSTRUCTION

Two test well bore holes were drilled. A large bore hole, 11½ inches in diameter, was drilled to admit 8-inch diameter pumping well screen and casing. A smaller 6-inch diameter bore hole was drilled to allow installation of 2-inch observation well screen and casing. Oversize bore holes were constructed at the upper terminus of each well to allow for installation of cement grout seal so that the completed test wells could be left in place for future use in production well monitoring.

The formations encountered during drilling are described in the Water Well Report forms attached as Figure 2. Coarse gravels were found to a depth of 187 feet with traces of clay. A dense clay and claystone formation was encountered below 187 feet. At the 200 foot depth, a smaller diameter drill bit was installed and the hole was continued to a depth of about 250 feet without a significant change in formation. At this depth, drilling was discontinued because past experience has shown that the claystone formation is underlain by basalt bedrocks which are less likely to yield significant quantities of water.

III RESISTIVITY LOGGING

Resistivity logs are attached as Figure 3 for both bore holes constructed. In general, granular formations such as sands and gravels exhibit higher electrical resistivity than clay formations. Highly resistive formations are apparent in the upper formations, with less resistivity encountered in deeper formations. The lowest resistivities appeared at the interface of the gravel and dense clay formations followed by an increase in resistivity which has been observed in bedrock formations in the area. Similar resistive behavior is noted in the logs of the two bore holes, although very loose pea gravels were encountered in the upper formations in the smaller bore hole.

IV FORMATION SAMPLING

During bore hole construction, collection of several relatively undisturbed formation samples was attempted using a 4-inch diameter core barrel sampler rotated into the bottoms of the bore holes at various depths. The objective of this sampling was to recover potential water bearing formation samples for analysis of particle sizes to aid in well screen design. Because of the large size gravels encountered, however, core barrel sample recovery was unsuccessful.

V TEST WELL CONSTRUCTION

Construction details of the test wells are shown in Figure 4. Eight-inch screen and casing was installed in the larger bore hole to allow installation of a 300 to 400 gpm test pump. Johnson "Irrigator" well screen was installed due to its low cost and large percentage of open area. Two observation wells were installed in the smaller bore hole using 2-inch well screen and casing. A shallow observation well 50 feet deep was used to monitor shallow groundwater response to pumping while a deeper observation well measured groundwater level changes in the lower formations. The pumping well and observation wells were located 15 feet apart to ensure rapid response

of observation well water levels to pumping.

After installation of screen and casing, the test wells were developed by fluid and air jetting using a rotary jetting tool. The development procedure removed drilling mud and fine sands and clay from the aquifer formation surrounding the well screen to reduce resistance to water flow. Initial development removed considerable drilling mud and some fine sands. Sand pumping ceased near the end of the development period, indicating complete development and appropriate screen slot size selection.

VI PUMP TEST RESULTS

A pumping test was conducted to determine various aquifer coefficients for determination of potential aquifer yield. The test was conducted for 30 hours at a constant pumping rate of 300 gpm. Pumped water was discharged to a nearby storm sewer. Drawdown measurements were taken in the pumping well and observation wells at predetermined intervals. Pump test data is attached as Appendix A.

A plot of time vs. drawdown for deep observation well data is presented in Figure 5. The slope of this curve was used to estimate the transmissibility, T , and the storage coefficient, S , of the aquifer. Slope stabilization was evident after 100 minutes of pumping. The attached calculations, Appendix B, indicate a transmissibility of about 19,000 gpd/ft and a storage coefficient of 0.003. These values are consistent with those obtained from previous known wells in the Springfield area located at significant distances from river bodies. These values also indicate that potential yields in the S. P. site area will be moderate to large.

The aquifer coefficient and time-drawdown data were used to construct the distance-drawdown diagram shown in Figure 6. The figure shows the variation of drawdown with distance from the pumped well projected for various flow rates. The theoretical values of pumped well drawdown assume a 100% well efficiency; in reality a 75% well efficiency could be expected

in a production well which will result in increased drawdown. The figure also shows the amount of interference which would be expected in another production well located in the vicinity of S. P. No. 2. It is apparent that a well spacing of at least 1000 feet between production wells is desirable.

VII WATER QUALITY

Near the end of the pumping test, samples were collected from the discharge water for laboratory analysis. The results are given in Figure 7, and indicate that all applicable state and federal water quality standards are met. A high level of color was reported, however, this was not supported by field observation and may be due to laboratory equipment problems. S. P. Site No. 2 is a high quality water source.

VIII DISCUSSION AND CONCLUSIONS

Results of test well construction at S. P. Site No. 2 showed an aquifer thickness of about 200 feet, considerably less than expected. Test pumping data indicate that a maximum yield at this site of 500 to 600 gpm is available accounting for well efficiency and available drawdown. A high quality water is produced at the site.

Because of the limited aquifer thickness encountered, future ground water exploration in this area should be concentrated to the west of S. P. Site No. 2. S. P. Site No. 1, test drilled in early 1980, has an aquifer thickness of almost 400 feet and higher yields could be expected based on the greater available drawdown. Projection of pump test data from S. P. Site No. 2 indicate a potential yield at S. P. Site No. 1, located 1600 feet to the west, of 750 - 900 gpm.

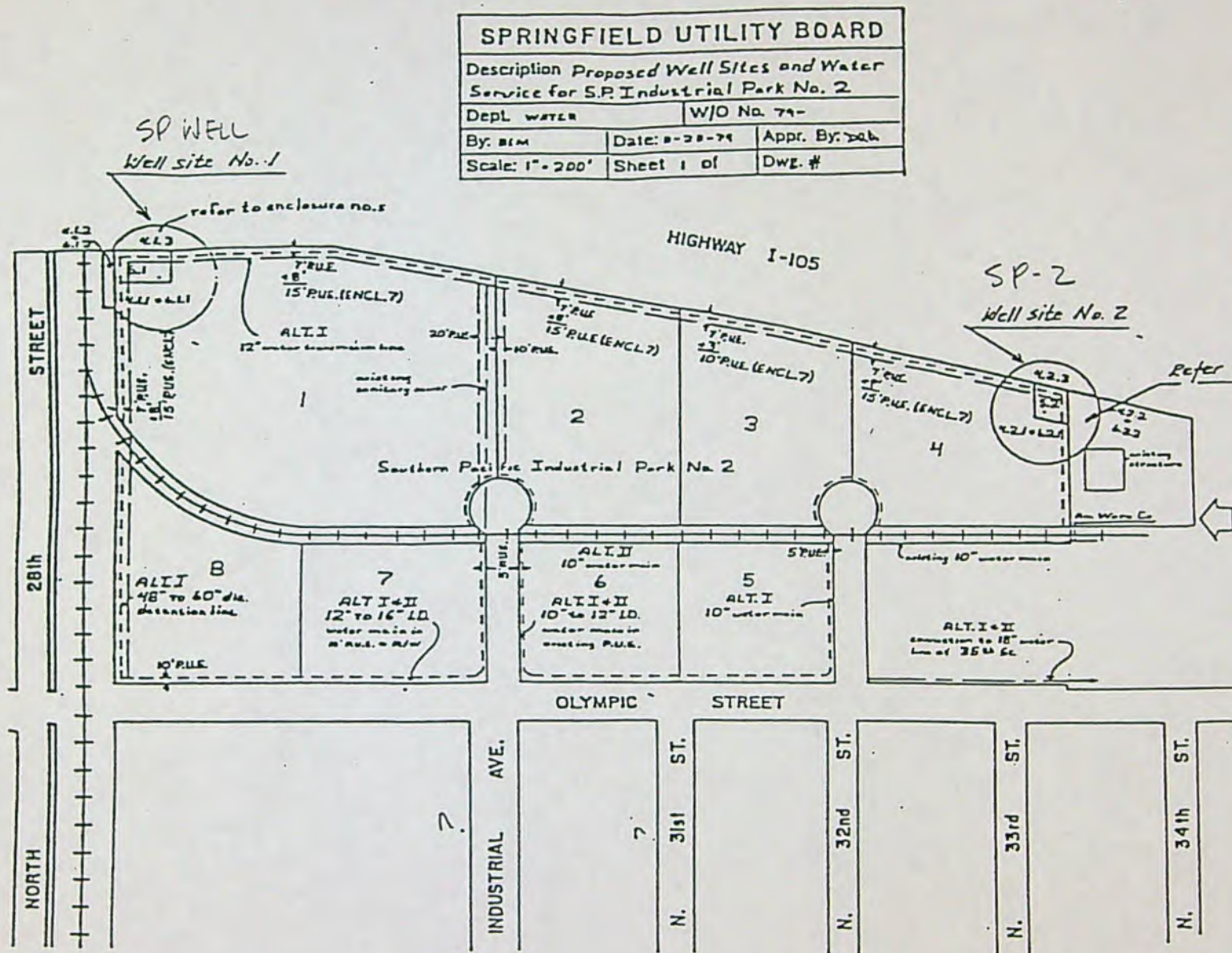
A decision to develop a production well at S. P. Site No. 2 should be based on results of exploration of additional sites in the vicinity and results of production well construction at S. P. Site No. 1, compared with costs associated with development of an S. P. No. 2 production well and cost of connecting this well into a future well field system.

IX COSTS

A breakdown of project costs is given in Appendix C.

The total project cost was \$29,540.00.

Figure 1



WATER WELL REPORT
STATE OF OREGON

Figure 2

State Well No.

State Permit No.

(1) OWNER:

Name Springfield Utility Board
Address P. O. Box 300
City Springfield, Oregon State

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven ☐ Domestic ☐ Industrial ☐ Municipal ☐
Rotary Mud ☒ Dig ☐ Irrigation ☐ Test Well ☒ Other ☐
Cable ☐ Bored ☐ Thermal: Withdrawal ☐ Reinjection ☐

(4) PROPOSED USE (check):

(5) CASING INSTALLED: Steel ☒ Plastic ☐
Threaded ☐ Welded ☒
8" Diam. from 11.125 ft. to 88 ft. Gauge #250
8" Diam. from 178 ft. to 198 ft. Gauge #250

LINER INSTALLED:

....."Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in by in.
..... perforations from ft. to ft.
..... perforations from ft. to ft.
..... perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☒ Yes ☐ No

Manufacturer's Name Johnston
Type 12-105 Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? A. M. Jansson
Yield: 300 gal/min with 75 ft. drawdown after 30 hrs.

Air test gal/min. with drill stem at ft. hrs.
Bailer test gal/min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒

Well seal—Material used Cement plus S. gel
Well sealed from land surface to ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 11-1/4 in.
Number of sacks of cement used in well seal 40 sacks
How was cement grout placed? placed into annular 40' back to surface

Was pump installed? ☒ Type HP Depth ft.
Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☐ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Lane Driller's well number
W. SF W. Section 30 T. 17 S. R. 2 W. W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well

Depth at which water was first found ft.
Static level 19 ft. below land surface. Date 11/2/70
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing ft.

Depth drilled 219 ft. Depth of completed well 198 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Topsoil	0	1	
Soft brown sandy clay	1	6	
Medium gravels w/clay	6	19	
Boulders w/some gravel	19	25	
Fine to coarse gravel	25	28	
Boulders w-some gravels	28	36	
Fine to coarse gravel w cobble	36	40	
Fine to medium gravels	40	43	
Medium to coarse gravel	43	48	
Boulders	48	53	
Med. to coarse gravel-cobbles			
Boulders w trace of clay			
53 to 55'	53	65	
Fine to medium gravel-cobbles	65	70	
Coarse-trace of clay 70-75'			
Med. to coarse gravels	70	114	
boulders 80-83', 90-100'			
Fine to med coarse gravels	114	120	
Med. to coarse gravels w/cobble	120	127	
Fine to med. gravel w 1/4-mm clay	127	131	

Work started 10/10/70 19 Completed 10/20/70 19
Date well drilling machine moved off of well 10/20/70 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

(Signed) Date 11/24, 1970
(Drilling Machine Operator)

Drilling Machine Operator's License No. 751

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name (Person, firm or corporation) (Type or print)

Address
(Signed) (Water Well Contractor)

Contractor's License No. 712 Date 11/24/70, 19.....

State Permit No.

Contractor's License No. Date 19....

State Permit No.

WILLIAM S. LARSEN, JR. Date 10-21-19, 1919

State Permit No.

Contractor's License No. 79 Date 11/24/80 19

JOHNSON-KECK™ DR-74 ELECTRICAL LOGGING SYSTEM

Spontaneous Potential (millivolts)					Depth (ft)	Resistivity (ohm-ft)							
-400	-200	0	200	400		(Circle one) Normal - Lateral			8000	16000	24000	32000	
-100	-50	0	50	100		Normal	Lateral	0	2000	4000	6000	8000	
-20	-10	0	10	20		.25	2.5	10	200	400	600	800	
									100	200	300	400	
28 -					30	117	25	22					
bedrock - 10' - 15'					40	154	90	13					
fine to med. sand					50	147	90	21					
med. to coarse sand					60	141	88	28					
fine to med. sand					70	124	52	16					
med. to coarse sand					80	89	43	13					
fine to med. sand					90	92	33	11					
med. to coarse sand					100	88	30	7.5					
fine to med. sand					110	102	31	8					
med. to coarse sand					120	76	29	7.5					
fine to med. sand					130	80	25	7.5					
med. to coarse sand					140	99	29	7.5					
fine to med. sand					150	97	33	7					
med. to coarse sand					160	96	33	7.5					
fine to med. sand					170	91	32	7					
med. to coarse sand					180	90	29	7					
fine to med. sand					190	72	23	6.5					
med. to coarse sand					200	101	26	6.5					
fine to med. sand					210	68	21	5					
med. to coarse sand					220	69	19	5					
fine to med. sand					230	65	16	5					
med. to coarse sand					240	66	18	5					
fine to med. sand					250	81	19	4.5					
med. to coarse sand					260	81	20	4					
fine to med. sand					270	91	24	5					
med. to coarse sand					280	85	25	5					
fine to med. sand					290	68	20	5					
med. to coarse sand					300	101	23	5					
fine to med. sand					310	101	26	4					
med. to coarse sand					320	116	30	4					
fine to med. sand					330	51	12	3.5					
med. to coarse sand					340	61	12	4					
fine to med. sand					350	155	35	4.5					
med. to coarse sand					360	72	13	5					
fine to med. sand					370	144	20	5					
med. to coarse sand					380	41	12	3					
fine to med. sand					390	64	10	3.5					
med. to coarse sand					400	84	10	5					
fine to med. sand					410	128	14	5					

ELECTRIC LOG BY

Figure 3

JOHNSON-KECK™ DR-74 ELECTRICAL LOGGING SYSTEM

Well 2" Test Well Owner Springfield Utility Board
 Location S.P. Property Date 10/30/80
 Borehole depth 165 ft. dia. 6 in. Casing depth 52 ft. dia. 6 in.
 Mud resistivity temperature F
 viscosity 90 sec weight 90 lb/gal type Bartinite
 Measuring point End level ft. above/below ground level
 Fluid level in hole +2 ft. Other logs
 Driller A.M. Johnson Well Drilling Co. Inc. E-log operator Roy N. Johnson
by Roy N. Johnson

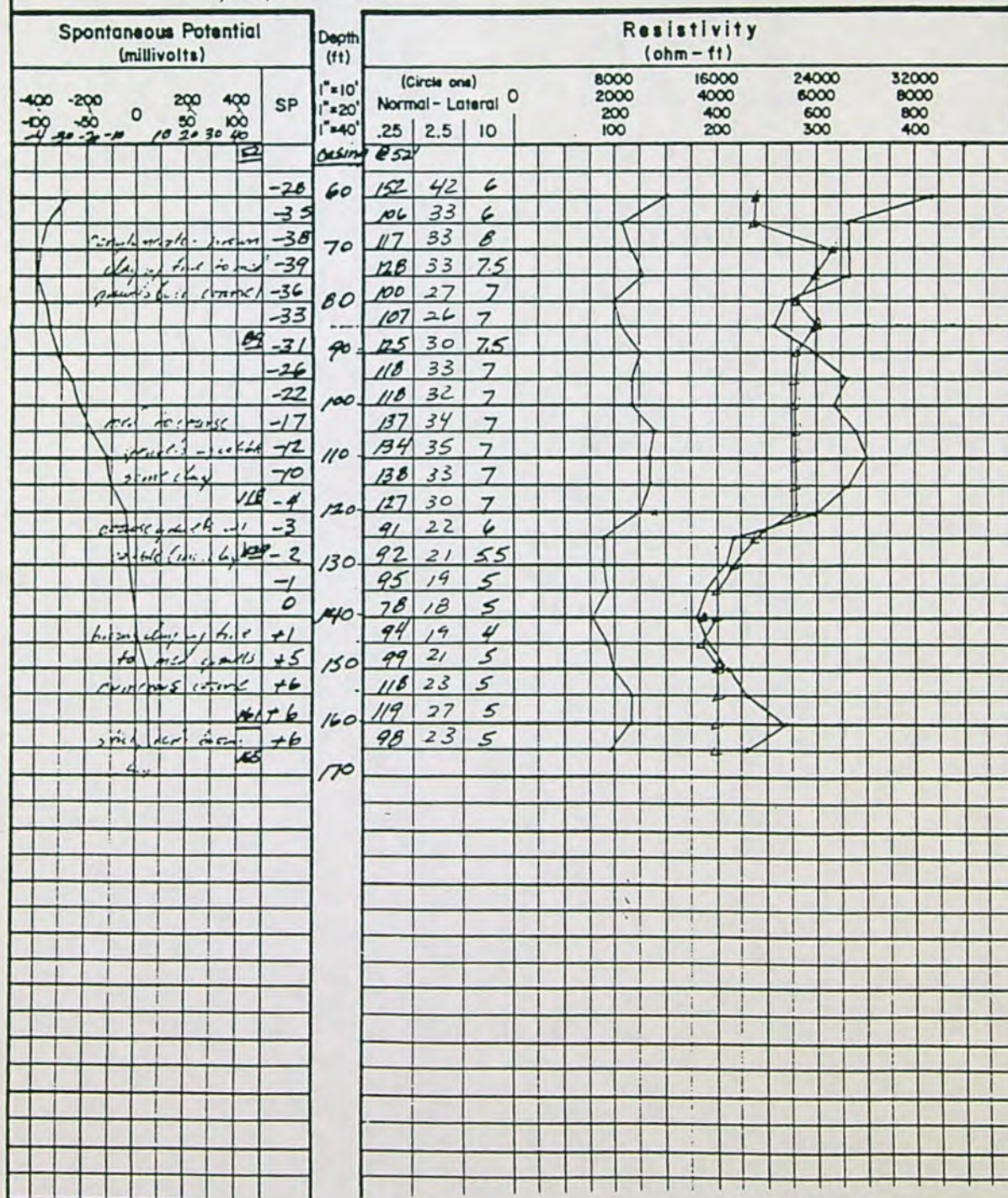
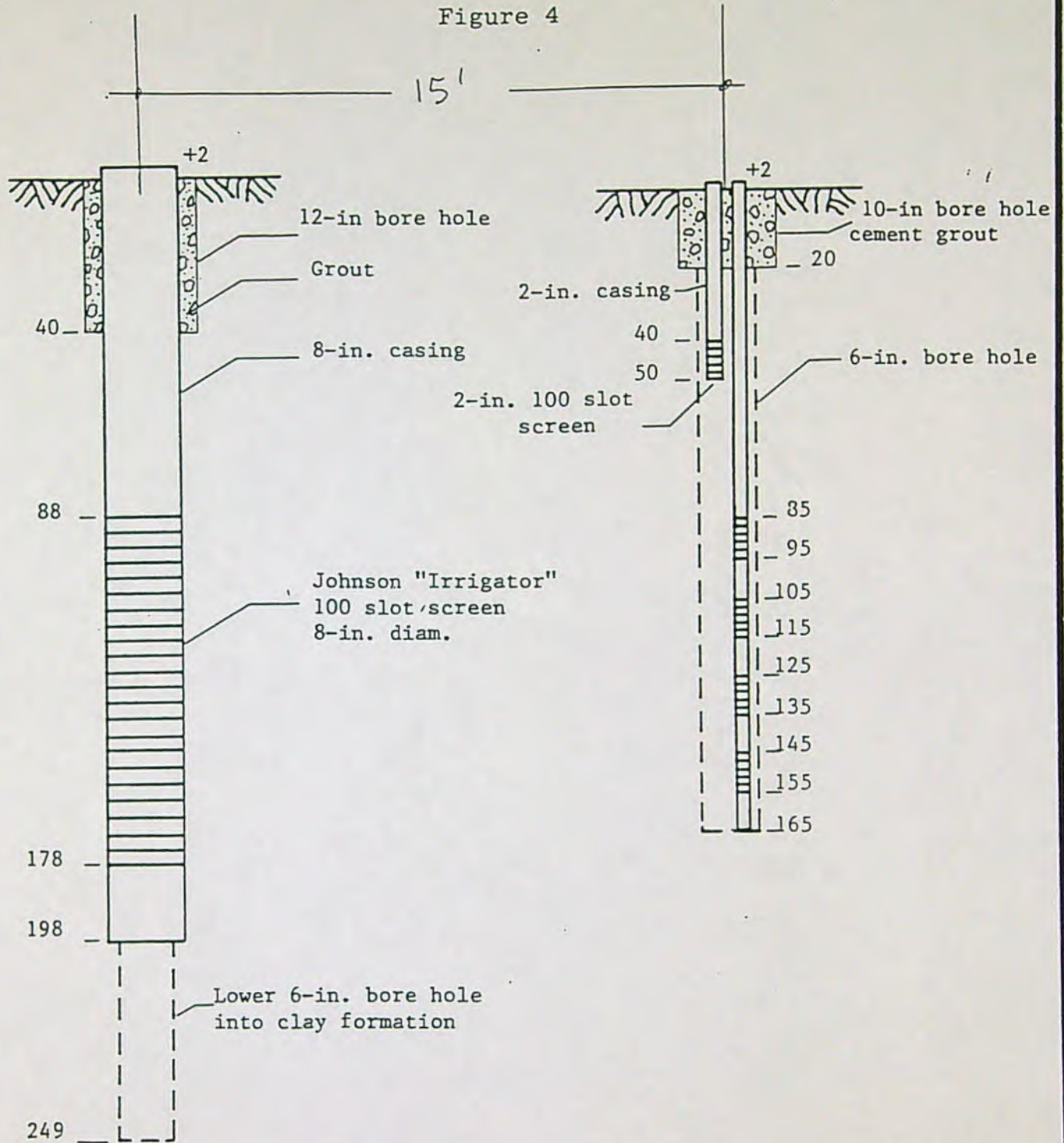


Figure 4



DRAWN	MCR
ENGR.	DEL
REV.	DATE APP.

SPRINGFIELD UTILITY BOARD
SPRINGFIELD, OREGON

SCALE	1" = 40' VERT.
DATE	12-12-80
APP.	<i>[Signature]</i>

"AS BUILT"
S.P. 2 TEST WELLS

DRAWING NO.	REV.

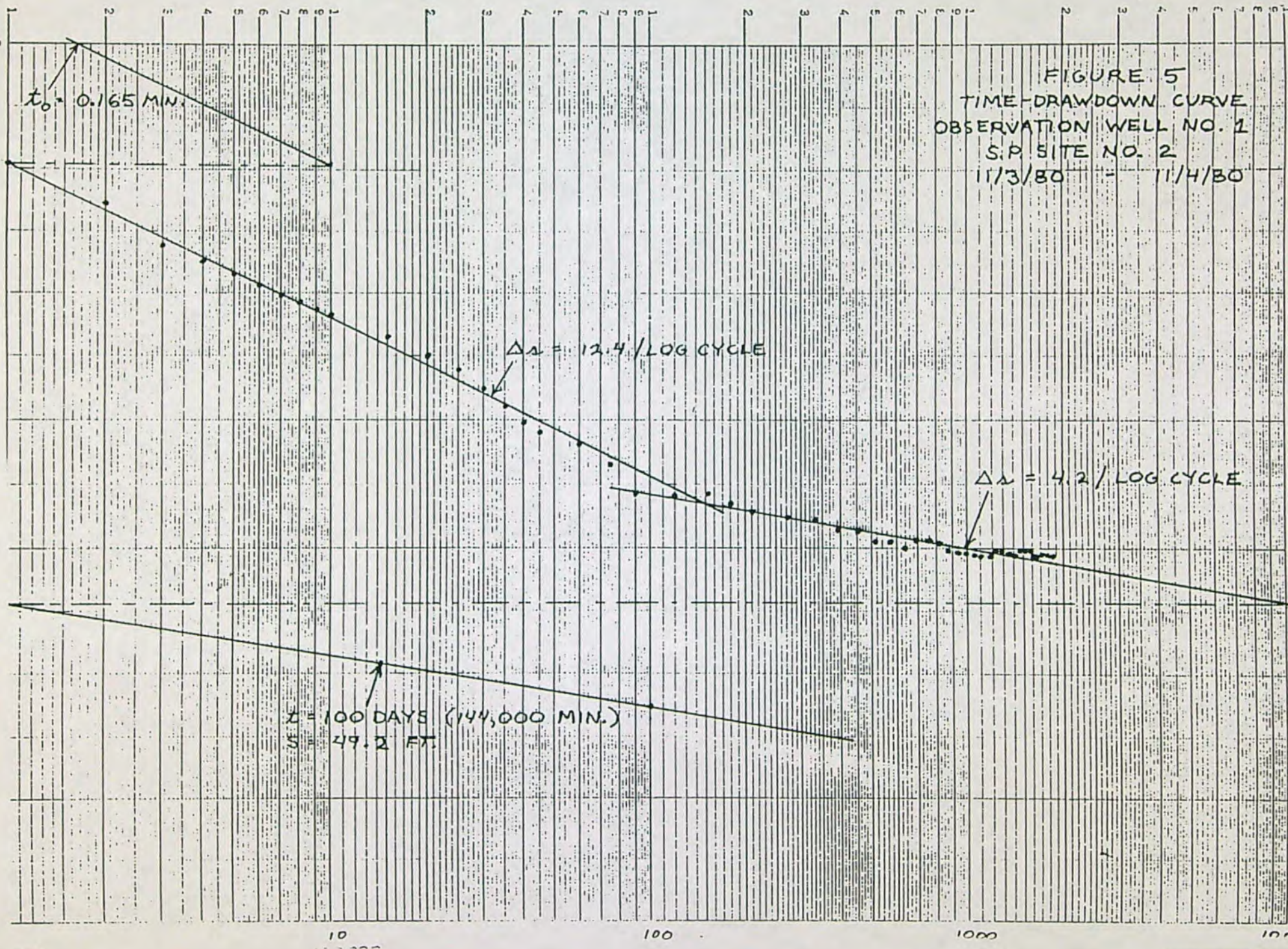


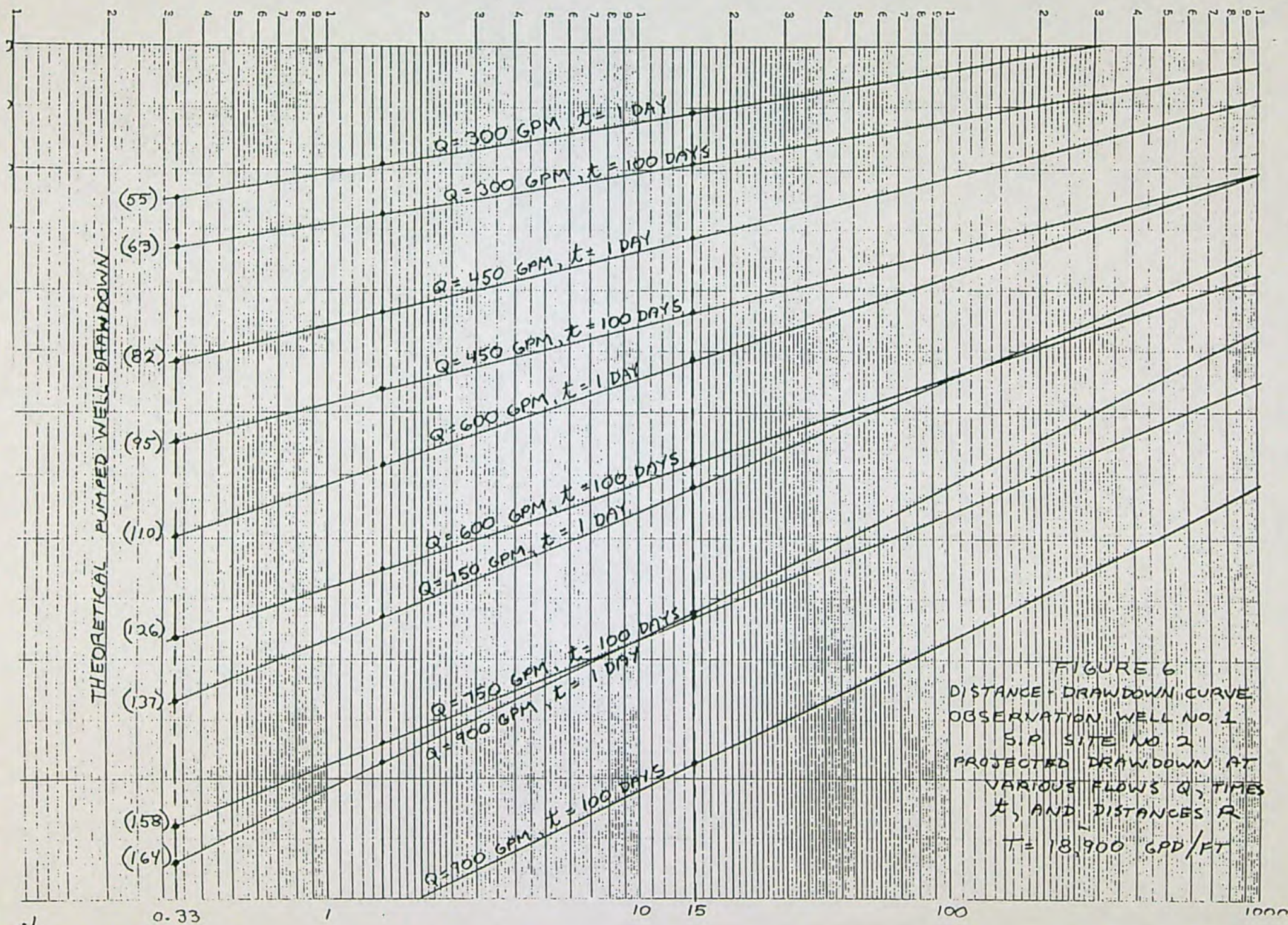
FIGURE 5
TIME-DRAWDOWN CURVE
OBSERVATION WELL NO. 1
S.P. SITE NO. 2
11/3/80 - 11/4/80

$Z = 100 \text{ DAYS (144,000 MIN.)}$
 $S = 49.2 \text{ FT.}$

$\Delta s = 12.4 / \text{LOG CYCLE}$

$\Delta s = 4.2 / \text{LOG CYCLE}$

$t_0 = 0.165 \text{ MIN.}$



Analysis of
 -Water Wells
 -Swimming Pools
 -Waste Water
 -Water Supplies



Water Analysis & Consulting, Inc.

304 BLAIR BLVD
 EUGENE, OREGON 97402
 Telephone 503 485-8404

Figure 7

Lab Report No: 22063
 Inv. No: 04182 Date: 11/25/80
 PO Number: 29440

PUBLIC, COMMUNITY, MUNICIPAL & PUBLIC WATER SUPPLY SYSTEMS TESTING
 OAR Chapter 333 / Section 42-210

NAME: SIUR LOCATION: Sp site #2 SOURCE: test well
Olympic Street
 ADDRESS: P. O. Box 300 DATE COLLECTED: 11/14/80 BY: cust
Springfield, Ore. 97477 DATE ANALYZED: 11/14/80

CRITERIA

Physical & Chemical	Test Results	Max. Allowable Concentration	Desirable
Arsenic	<u>< 0.005</u> mg/l	.05 mg/l	
Calcium	<u>12</u> mg/l	N.A.	
Chlorides	<u>5</u> mg/l	250 mg/l	25 mg/l
Color	<u>80</u> mg/l	15 Color Units	
Copper	<u>< 0.1</u> mg/l	1.0 mg/l	
Fluoride	<u>0.25</u> mg/l	2.0 mg/l	
Hardness(as CaCO ₃)	<u>61</u> mg/l	N.A.	60 mg/l
Iron	<u>< 0.1</u> mg/l	0.3 mg/l	0 mg/l
Magnesium	<u>7.5</u> mg/l	N.A.	
Manganese	<u>< 0.05</u> mg/l	0.05 mg/l	0 mg/l
Nitrate (N)	<u>0.8</u> mg/l	10 mg/l	0 mg/l
Nitrite (N)	<u>< 0.01</u> mg/l	N.A.	
Odor	<u>0</u> T.O.	3 T.O.	0 T.O.
pH	<u>7.1</u>	N.A.	
Silica	<u>37</u> mg/l	N.A.	
Sodium	<u>14</u> mg/l	N.A.	
Specific Conductance	<u>135</u> Micromhos/cm		
Sulfates	<u>< 1</u> mg/l	250 mg/l	25 mg/l
Total Alkalinity (as CaCO ₃)	<u>62</u> mg/l	N.A.	
Total Dissolved Solids	<u>75</u> mg/l		
Total Solids	<u>84</u> mg/l	1000 mg/l	500 mg/l
Turbidity	<u>0.28</u> FTU	5 NTU	0 NTU
Volatile Solids	<u>15</u> mg/l		
Zinc	<u>0.1</u> mg/l	5.0 mg/l	

"N.A." means "not applicable" as applies to a maximum concentration but the determination shall be included in the analysis.

(Handwritten signature)

Analysis of:
 -Water Supplies
 -Waste Water
 -Food, Dairy, Meats
 -Industrial Chem.



Water Analysis & Consulting, Inc.

304 BLAIR BLVD.
 EUGENE, OREGON 97402
 503 485-8404

Lab Report No: 22063

Inv. No: 04182

Customer PO No: 29440

REPORT OF CHEMICAL ANALYSIS OF DRINKING WATER

WATER SYSTEM NAME SUP

ADDRESS P. O. Box 300 PHONE

CITY Springfield STATE Oregon ZIP 97477

DATE SAMPLE COLLECTED 11/14/80 DATE SAMPLE ANALYZED 11/14/80

SOURCE test well LOCATION Olympic Street S.P. site #2

<u>CONTAMINANT</u>	<u>MAXIMUM CONTAMINANT</u>	<u>ANALYSIS RESULT (mg/l)</u>
	<u>LEVEL (mg/l)</u>	
ARSENIC	0.05	< 0.005
BARIUM	1	< 0.02
CADMIUM	0.010	0.0018
CHROMIUM	0.05	< 0.005
FLUORIDE	1.8-2.4*	0.25
LEAD	0.05	< 0.005
MERCURY	0.002	< 0.0005
NITRATE	10	0.8
SELENIUM	0.01	< 0.005
SILVER	0.05	< 0.0005

REMARKS

*MAXIMUM CONTAMINANT LEVEL VARIES BETWEEN 1.8 AND 2.4 mg/l DEPENDING ON THE AVERAGE OF THE MAXIMUM DAILY AIR TEMPERATURES FOR THE LOCATION IN WHICH THE WATER SYSTEM IS LOCATED.

[Signature] Date 11/25/80

APPENDICES

TEST PUMPING DATA SHEET

Well identification S.P. SITE NO 2 - DEEP 2-IN OBS. WELL Date 11/13/80-11/1Time and date of last pumping: _____ Time 4:00 PM Date 11/12/80Location of measuring point for water levels TOP OF CASINGWater Level device used: _____ airline ☒ electric sounderDepth to static water level 20.11 feet

Depth from gauge to bottom of air line _____ feet

Airline gauge units: _____ PSI _____ feet of water (check one)

TIME	ELAPSED TIME (MIN)	DISCHARGE (GPM)	SOUNDER MEASUREMENT, FT		DRAWDOWN (FT)	COMMENTS
			ACTUAL	CORRECTED		
0830	0	0	20.11	-	0	
0831	1	300	29.71	-	9.6	
0832	2		32.94	-	12.83	
0833	3		36.22	-	16.11	
0834	4		37.47	-	17.36	
0835	5		38.62	-	18.51	
0836	6		39.49	-	19.38	
0837	7		40.33	-	20.22	
0838	8		40.89	-	20.78	
0839	9		41.41	-	21.30	
0840	10		41.91	-	21.80	
0845	15		43.66	-	23.55	
0850	20		45.13	-	25.02	
0855	25		46.21	-	26.10	
0900	30		47.75	-	27.64	
0905	35		49.10	-	28.99	
0910	40		50.27	-	30.16	
0915	45		51.00	-	30.89	
0930	60		52.00	-	31.89	
0945	75		53.62	-	33.51	
1000	90		55.94	-	35.83	
1030	120		56.05	-	35.94	
1102	152		55.90	-	35.79	
1131	181		56.61	-	36.50	
1200	210		57.32	-	37.21	
1300	270		57.81	-	37.70	

TEST PUMPING DATA SHEETWell identification S.P. SITE NO. 2 - DEEP 2-IN OBS. WELL Date 11/13/80-11/14/80Time and date of last pumping: _____ Time 4:00 PM Date 11/12/80Location of measuring point for water levels TOP OF CASINGWater Level device used: _____ airline ☒ electric sounderDepth to static water level 20.11 feet

Depth from gauge to bottom of air line _____ feet

Airline gauge units: _____ PSI _____ feet of water (check one)

TIME	ELAPSED TIME (MIN)	DISCHARGE (GPM)	SOUNDER MEASUREMENT, FT		DRAWDOWN (FT)	COMMENTS
			ACTUAL	CORRECTED		
1400	330		57.92	-	37.81	
1501	391		58.68	-	38.57	
1600	450		58.92	-	38.81	
1700	510		59.60	-	39.49	
1800	570		59.60	-	39.49	
1903	633		60.12	-	40.01	
2001	691		59.52	-	39.41	
2100	750		59.46	-	39.35	
2201	811		59.74	-	39.63	
2300	870		60.30	-	40.19	
0001	931		60.36	-	40.25	
0100	992		60.42	-	40.31	
0202	1051		60.56	-	40.45	
0301	1110		60.75	-	40.64	
0400	1170		60.80	-	40.69	
0505	1235		60.25	-	40.14	
0600	1290		60.30	-	40.19	
0700	1350		60.45	-	40.34	
0800	1410		60.63	-	40.52	
0900	1470		60.33	-	40.19	
1004	1534		60.25	-	40.14	
1100	1590		60.55	-	40.44	
1130	1620		60.62	-	40.51	
1145	1635		60.68	-	40.57	
1200	1650		60.72	-	40.61	

RECOVERY DATA
TEST PUMPING DATA SHEET

Page 4 of 4

Well identification S.P. SITE NO. 2 - DEEP 2-IN OBS. WELL Date 11/13/80 - 11/14/

Time and date of last pumping: _____ Time 4:00 PM Date 11/12/80

Location of measuring point for water levels _____

Water Level device used: _____ airline _____ electric sounder

Depth to static water level _____ feet

Depth from gauge to bottom of air line _____ feet

Airline gauge units: _____ PSI _____ feet of water (check one)

NOTE:
CORRECTION FACTOR
FOR S.U.B. SOUND:
(CCA) = -2.10

TIME	ELAPSED TIME (MIN.)	TIME SINCE DISCHARGE PUMPING STOPPED t' (MIN.)	SOUNDER MEASUREMENT, FT		RESIDUAL DRAWDOWN (FT)	t/t'	COMMENTS
			ACTUAL	CORRECTED			
1537	1867	1	55.32		35.21	1867	JANNISEN SOUNDER
1539	1869	3	47.82		27.71	623	
1540	1870	4	42.61		22.50	468	
1541	1871	5	42.21		22.10	374	
1542	1872	6	41.20		21.09	312	
1543	1873	7	40.49		20.38	268	
1544	1874	8	40.31		20.20	234	
1545	1875	9	40.03		19.92	208	
1546	1876	10	38.27		18.16	188	
1547	1877	11	37.96		17.85	171	
1552	1882	16	34.83		14.72	118	
1557	1887	21	30.70		10.59	90	
1603	1893	27	31.37		10.26	70	
1608	1898	32	30.54	28.44	8.33	59	S.U.B. SOUNDER
1613	1903	37	30.30	28.20	8.09	51	(CCA)
1619	1909	43	29.40	27.30	7.19	44	
1624	1914	48	28.88	26.78	6.67	40	
1628	1918	52	28.53	26.43	6.32	37	
1635	1925	59	27.87	25.77	5.66	33	
1640	1930	64	27.47	25.37	5.26	30	
1645	1935	69	27.15	25.05	4.94	28	
1700	1950	84	26.67	24.57	4.46	23	
1731	1981	115	25.42	23.32	3.21	17	
1800	2010	144	26.48	24.38	4.27	14	
1834	2044	178	25.94	23.84	3.73	11	
1930	2100	234	25.34	23.24	3.13	9	

TEST PUMPING DATA SHEETWell identification S.P. SITE NO 2 - 8-IN PUMPED TEST WELL Date 11/13/80-11/14/80Time and date of last pumping: _____ Time 4:00 PM Date 11/12/80Location of measuring point for water levels AIRLINE GAUGE LOCATED AT TOP OF CASING, SOUNDER MEASUREMENTS FROM TOP OF CASINGWater Level device used: _____ ☒ airline _____ ☒ electric sounderDepth to static water level 21.3 feetDepth from gauge to bottom of air line 108.6 feetAirline gauge units: _____ PSI ☒ feet of water (check one)

TIME	ELAPSED TIME (MIN)	DISCHARGE (GPM)	AIRLINE MEASUREMENT (FT)	SOUNDER MEASURE- MENT (FT)	DRAWDOWN (FT)	COMMENTS
0830		0		21.3		
0831		300		23.0		
0832				24.2		
0833				25.0		
0834				34.5		
0835				42.3		
0836				47.8		
0837				51.3		
0838				61.5		
0839				62.2		
0840				62.2		
0845				64.8		
0850			80	64.7		
0855			84	76.8		
0900			84	76.7		
0905			80	79.3		
0910			83	80.9		
0915			83.5	81.3		
0930			86	82.3		
0945			86	81.7		
1002			88	84.4		
1030			91	87.6		
1104			90	87.0		
1134			90	87.8		
1204			91	88.0		

TEST PUMPING DATA SHEETWell identification S.P. SITE NO 2 - 8-IN PUMPED TEST WELL Date 11/13/80 - 11/14/80

Time and date of last pumping: _____ Time _____ Date _____

Location of measuring point for water levels _____

Water Level device used: _____ airline _____ electric sounder

Depth to static water level _____ feet

Depth from gauge to bottom of air line _____ feet

Airline gauge units: _____ PSI _____ feet of water (check one)

TIME	ELAPSED TIME (MIN)	DISCHARGE (GPM)	AIRLINE MEASUREMENT (FT)	SOUNDER MEASURE- MENT (FT)	DRAW DOWN (FT)	COMMENTS
1304			94	88.2		
1403			96			DISCONTINUED USE
1503			97			OF SOUNDER - (AUG.
1603			97			ON PUMP COLUMN)
1704			97			
1805			98			
1905			99			
2004			96			
2103			97			
2204			96			
2304			98			
0003			98			
0104			98			
0203			99			
0304			99			
0404			99			
0509			99			
0604			100			
0705			100			
0804			100			
0904			100			
1005			100			
1103			101			
1130			103			
1145			103			

TEST PUMPING DATA SHEET

Well identification S.P. SITE NO 2 - 8-IN PUMPED TEST WELL Date 11/13/80 - 11/14/80

Time and date of last pumping: _____ Time _____ Date _____

Location of measuring point for water levels _____

Water Level device used: _____ airline _____ electric sounder

Depth to static water level 21.3 feet

Depth from gauge to bottom of air line _____ feet

Airline gauge units: _____ PSI _____ feet of water (check one)

TIME	ELAPSED TIME (MIN)	DISCHARGE (GPM)	AIRLINE MEASUREMENT (FT)	SOUNDER MEASUREMENT (-FT)	DRAW DOWN (FT)		COMMENTS
1202			104				
1215			104				
1343			105				
1403			105				
1502			105				
1536							PUMP MOTOR FAILURE
	t	t'			RESIDUAL DRAW DOWN (FT)	t/t'	
1613	1903	37		32.7	11.4	51.4	RECOVERY DATA
1618	1908	42		31.4	10.1	45.4	
1624	1914	48		30.8	9.5	39.9	
1628	1918	52		30.1	8.8	36.9	
1635	1925	59		29.6	8.3	32.6	
1640	1930	64		29.2	7.9	30.2	
1645	1935	69		28.8	7.5	28.0	
1700	1950	84		28.0	6.7	23.2	
1730	1980	114		26.5	5.2	17.4	
1803	2013	147		25.7	4.4	13.7	
1830	2040	174		25.2	3.9	11.7	
1934	2104	238		24.4	3.1	8.8	

TEST PUMPING DATA SHEETWell identification S.P. SITE NO 2 - 2-IN SHALLOW OBS. WELL Date 11/12/80Time and date of last pumping: _____ Time 4:00 PM Date 11/12/Location of measuring point for water levels TOP OF CASINGWater Level device used: _____ airline ☒ electric souDepth to static water level 12.33 feet

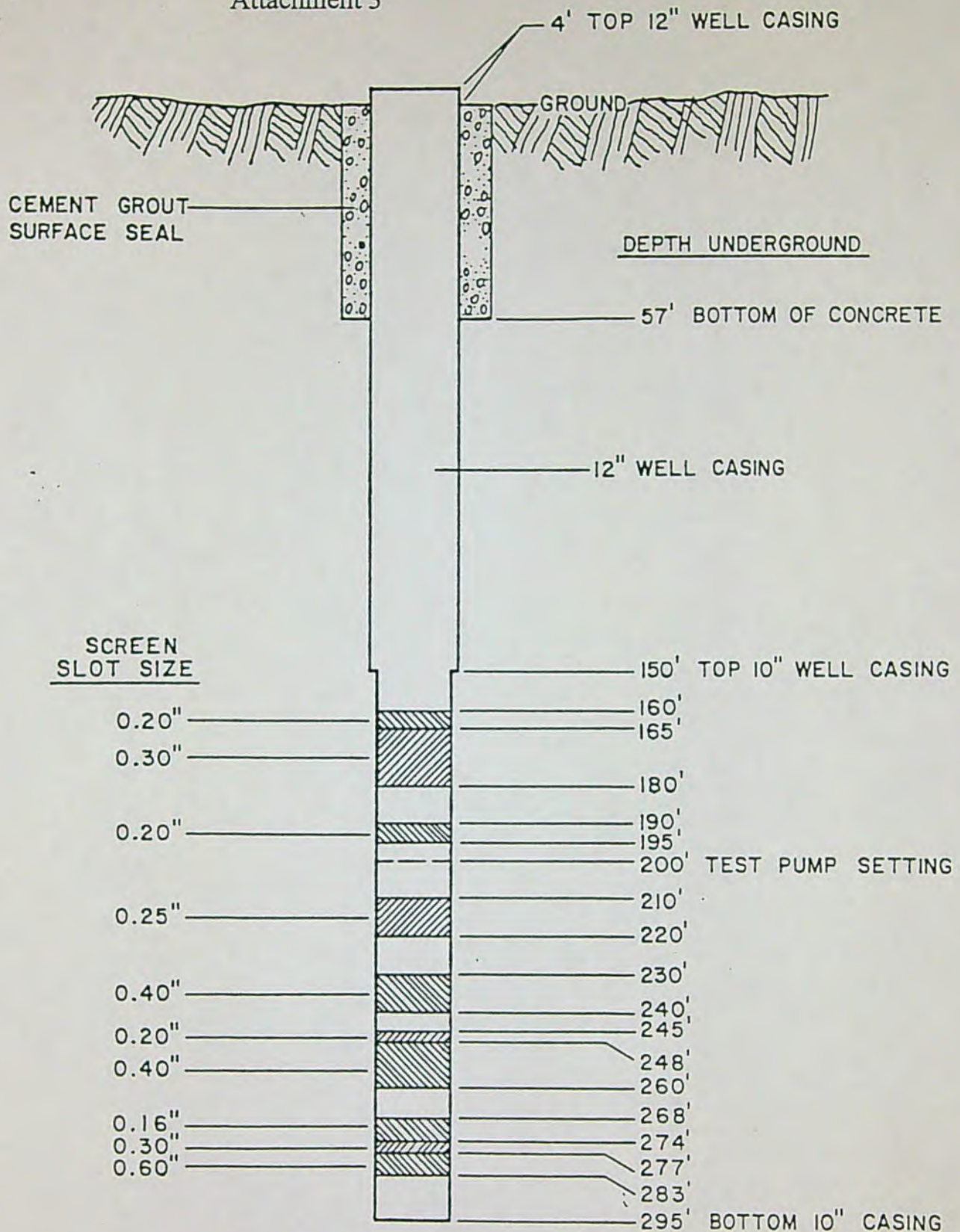
Depth from gauge to bottom of air line _____ feet

Airline gauge units: _____ PSI _____ feet of water (check one)

TIME	ELAPSED TIME (MIN)	DISCHARGE (GPM)	SOUNDER MEASUREMENT, FT		DRAWDOWN (FT)	COMMENT
			ACTUAL	CORRECTED		
0830			12.33			
0857			14.32			
0912			15.06			
0947			16.09			
1030			16.38			
1103			16.61			
1132			16.53			
1201			16.60			
1302			16.72			
1402			16.85			
1502			16.92			
1601			17.01			
1700			17.15			
1802			17.21			
1904			17.21			
2002			17.30			
2101			17.30			
2200			17.34			
2301			17.40			
2400			17.40			
0101			17.44			
0201			17.36			
0300			17.43			
0401			17.50			
0506			17.25			

11/14/80

Attachment 3



DRAWN KJM

ENGR.

REV. DATE APP.

SPRINGFIELD UTILITY BOARD
SPRINGFIELD, OREGON

SCALE 1" = 40' VERT

DATE 6-30-82

APP.

SP PRODUCTION WELL No. 1

DRAWING NO.

REV.

WELL INFORMATION SHEET

WELL: SP #1

WELL

Drilled 1982
Depth 295'
Gravel-pack No

2/89

Well treated with
chemical and mechanical
rehabilitation methods

SEAL

Type Cement
Depth 57'

CASING

Diameter 12" / 10"
Wall thickness 0.312" / 0.250"

SCREEN

Type Johnson V-slot Stainless
Slot size See attached sheet
Location

PERFORATIONS

Type
Size
Number
Location

PUMP

Brand Aurora
Model 10RH
No. of stages 8
Impeller Closed
Impeller dia.
GPM 800
TDH 385'
Pump setting 148' 9"
Suction depth 168' 8"
Suction size 8"
Column size 8"
Efficiency 82.4%

3/89

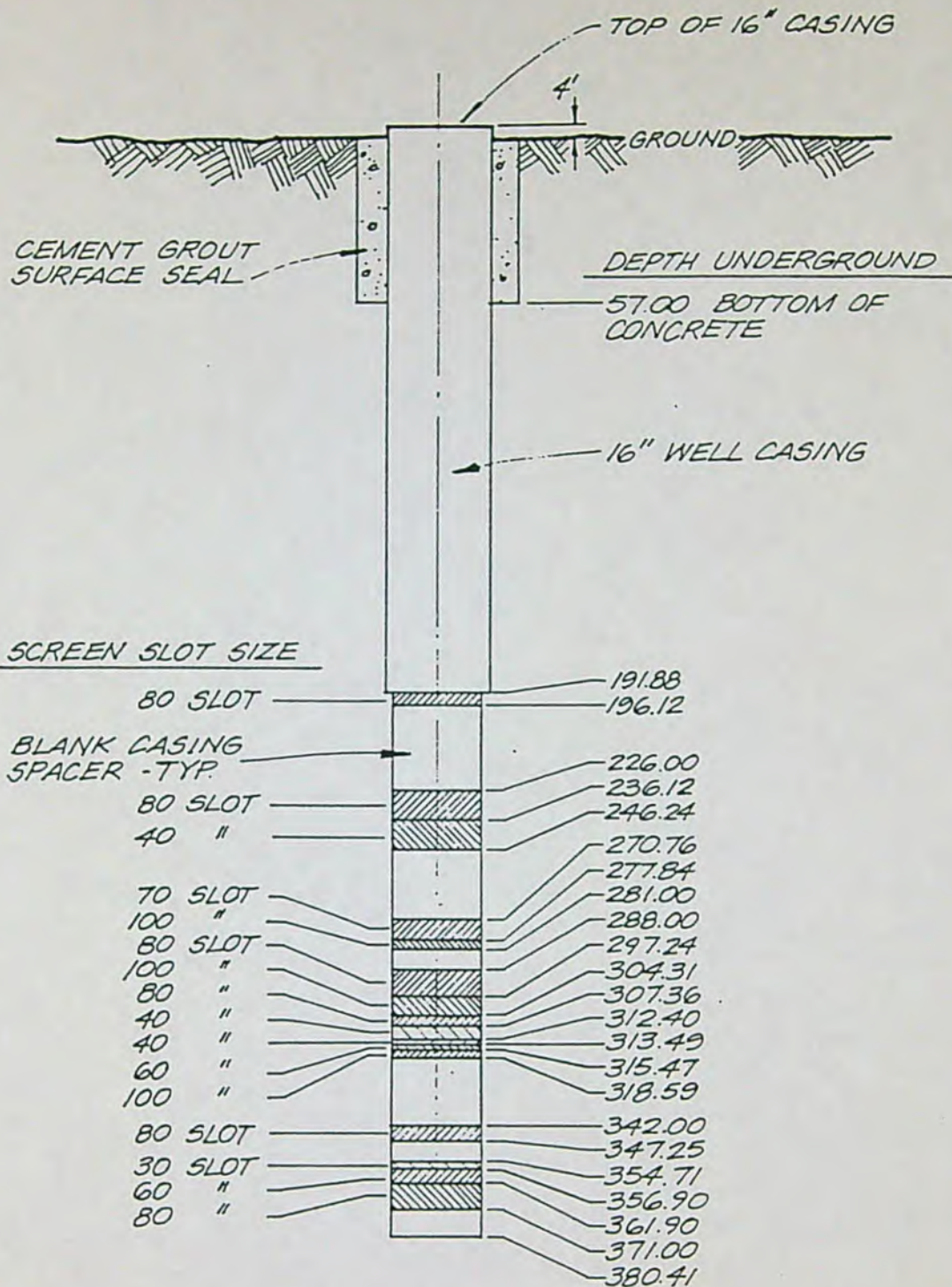
Pump rebuilt

MOTOR

Brand US Motors
Type RU VHS
Horsepower 100
Voltage 460
Frame no. 404TF
Efficiency 92%

ELECTRIC METER

Number 13774
Kh 4.8
Multiplier 40



DRAWN	KMG
ENGR.	BEM
REV.	DATE APP.

SPRINGFIELD UTILITY BOARD
SPRINGFIELD, OREGON

SCALE 1"=60 VERT.
DATE 4-10-84
APP.

MAIA PRODUCTION WELL
SCREEN SECTION

DRAWING NO.	REV.
W.D. NO.	
84-734	

Springfield Utility Board

MAIA WELL No. 2

No. 8309

2) Well Log

From	To	Description
0	3	Top soil, brown
3	5	Clay, brown, sandy
5	12	Clay, brown & small gravel
12	20	Gravel & sand grey clay
20	23	Gravel & sand w/ sandy grey clay
23	48	Gravel, 6" minus, & sand, med-coarse, brown
48	50	Gravel, 2" minus, & sand, coarse
50	59	Gravel & sand w/ traces of brown clay
59	63	Boulder & gravel w/ brown clay
63	75	Gravel & medium sand w/ light brown clay
75	82	Gravel, 6" minus w/ dark brown clay
82	87	Sand & gravel w/ tan clay
87	95	Gravel & sand, brown w/ brown clay
95	105	Sand, brown w/ small gravel & some brown clay
105	130	Gravel, 6" minus & clay, brown, sandy
130	143	Gravel & clay, multi-colored
143	153	Gravel & clay, tan
153	158	Sand, brown, med-coarse
158	163	Gravel & clay, brown, sandy
163	170	Gravel, 2" minus & sand w/ clay, tan
170	180	Gravel & brown clay
180	188	Sand & gravel, 2" minus w/ clay, tan
188	193	Gravel & brown clay
193	195	Sand, brown, med-coarse w/ 1" minus gravel W.B.
195	196	Gravel & brown clay
196	210	Sand & gravel & tan clay
210	219	Gravel & brown clay
219	232	Sand & gravel & tan clay
232	237	Gravel & sand w/ trace of brown clay
237	239	Sand & small gravel w/ trace of brown clay
239	246	Sand & small gravel W.B.
246	254	Gravel, 3" minus, & tan clay
254	264	Gravel & sand & brown clay
264	265	Sand, fine, & tan clay
265	273	Gravel, 4" minus, & tan clay
273	277	Gravel & fine sand W.B.
277	287	Sand & gravel & clay, brown & green
287	297	Gravel & fine sand & green clay
297	302	Sand, medium & gravel, small W.B.
302	307	Gravel & sand w/ clay, green & grey
307	311	Sand, black, med-coarse, w/ small gravel & trace of clay & wood
311	313	Clay, grey w/ black sand & gravel
313	317	Sand, med-coarse, black w/ small gravel & wood W.B.
317	321	Gravel, small & sand, coarse W.B.
321	338	Gravel, 6" minus & clay, grey-tan
338	341	Sand, fine, black, w/ clay & silt W.B.
341	349	Sand, black & gravel (clay streak @ 346) W.B.
349	353	Clay, brown-grey
353	356	Sand, black & gravel W.B.
356	357	Clay, grey, soft
357	362	Sand, black & gravel (trace of clay) W.B.
362	367	Gravel, 3" minus & sand, black (trace of wood) W.B.
367	384	Gravel, 3" minus & sand, black & clay, grey



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

May 25, 2001

Ken Cerotsky
Springfield Utility Board Water Service Center
202 S 18th St
Springfield OR 97477-5240

RE: Applications G-15241 & G-15242

Dear Mr. Cerotsky,

This is to acknowledge receipt of your letters dated May 21, 2001 pertaining to applications G-15241 and G-15242. These letters have been added to your application files and will be considered when the applications proceed to the next stage of processing, the Proposed Final Order.

If you have any questions, please feel free to call me at 503-378-8455, extension 324.

Sincerely,

Mr. Cory C. Engel
Water Right Specialist

c:





SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348

May 21, 2001

Cory C. Engel
Water Rights Processing Technician
Water Resources Department
158 - 12th St. NE
Salem, OR 97301-4172

RE: Additional Information, Application #G-15241 (Cedar Creek, Springfield)

Dear Cory:

This municipal use application was rejected in February 2001 because of concerns over surface water influence to Cedar Creek. Cedar Creek is in a unique situation because it begins at the McKenzie River and terminates in the McKenzie River. For all practical purposes, it is composed of McKenzie River water.

For reference, I have included copies of the 1967 USGS maps for the area showing the site for G-15241 and its relationship to the start of Cedar Creek and the end of Cedar Creek.

Cedar Creek originates from the McKenzie River several miles upstream from the proposed well sites for #G-15241. A weir (irrigation district control) at the headworks controls flow into Cedar Creek. During the summer, the weir is adjusted to keep Cedar Creek full of river water. In the winter, the weir is closed to try and control local flooding along the creek from the river. Several miles downstream from the well sites, Cedar Creek returns to the McKenzie.

It is my understanding that water from the McKenzie River is still available year around for municipal classifications. Since Cedar Creek is part of the river (beginning and ending at the river) we believe Cedar Creek should have the same water rights availability as the McKenzie River

Please reconsider our application based on this additional information about Cedar Creek. Please call me as soon as you have had a chance to review this letter.

Sincerely,

Ken Cerotsky
Director - Water Division

KC:mkm

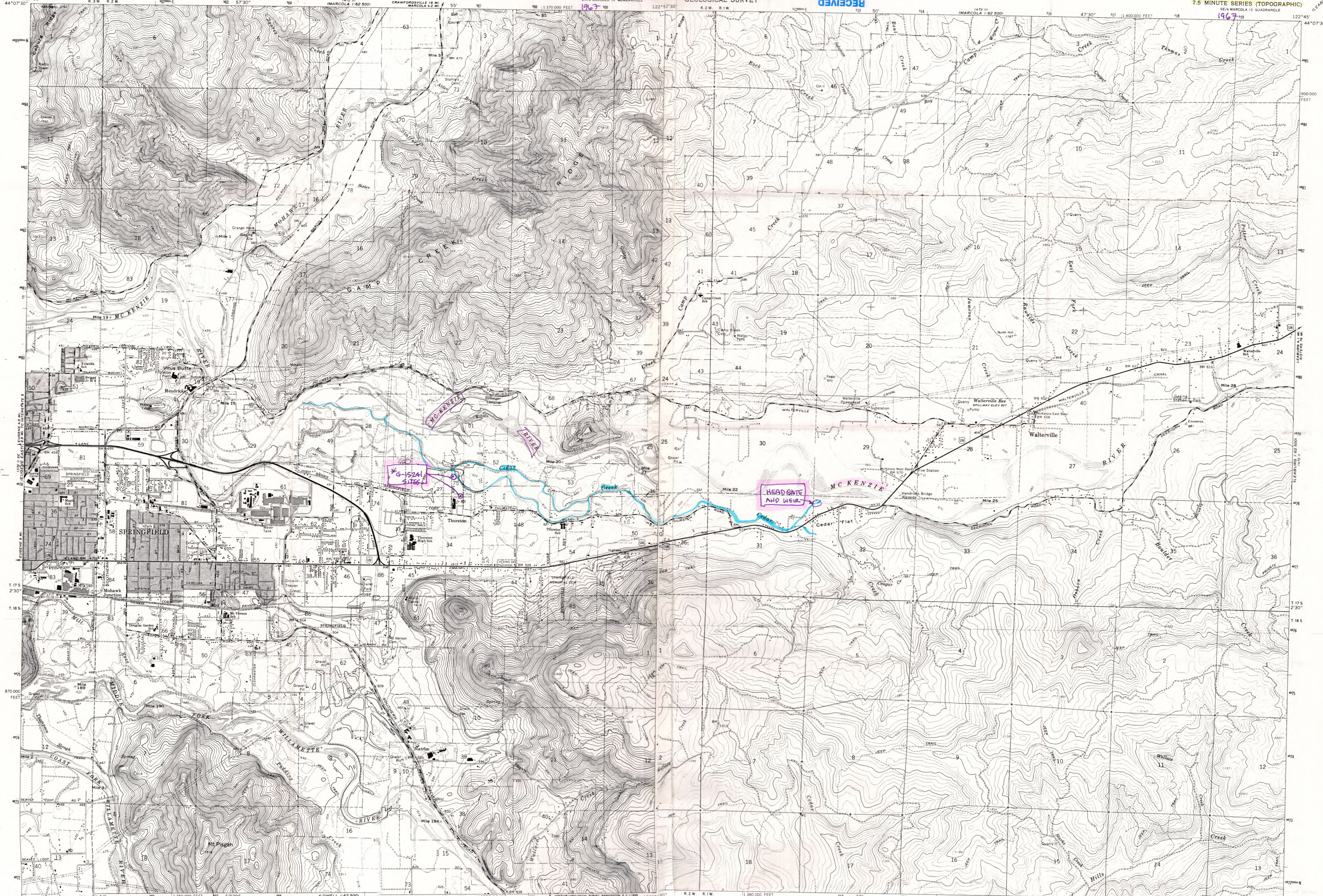
Enclosure

s:\kenc\water right 15241 information 052101.doc

RECEIVED

MAY 23 2001

WATER RESOURCES DEPT.
SALEM, OREGON





SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348

April 23, 2001

RECEIVED

APR 25 2001

**WATER RESOURCES DEPT.
SALEM, OREGON**

Mr. Cory C. Engel
Water Right Processing Technician
Water Resources Department
Commerce Building
158 12th Street, NE
Salem, OR 97301-4172

RE: File G-15241, G-15242, G-15243, G-15244

Dear Cory:

In your correspondence of 2/9/01, you requested SUB complete a water use and projected needs form for each of the above mentioned file numbers. Enclosed are the completed forms. Please note that I believe the information is the same for each of the files.

We will be providing more information on G-15241 and G-15242 to the Department's hydrogeologist in the near future. I have included the water use and projected needs forms at this time however.

I did not submit a chart showing all SUB water rights versus population. I couldn't figure out a way to present all the information requested on the chart and still be legible.

Feel free to contact me at 541-746-8451, #3731.

Sincerely,

Ken Cerotsky
Director – Water Division

KC:mkm

WATER USES, PROJECTED NEEDS

1. POPULATION AND GROWTH:

	Current (year: 2000)	2020	2030	2040	2050	2060	2070
Population:	$\approx 53,000$	68,600	78,000	87,900	97,000	107,100	118,358
Growth rate:		$\approx 1.3\%$	$\approx 1.3\%$	$\approx 1.2\%$	$\approx 1.1\%$	$\approx 1.0\%$	$\approx 1.0\%$

2. EXISTING WATER RIGHTS AND PERMITS:

Groundwater:

Permit/Application number	Description	Amount	Priority Date
(SEE ATTACHED)			

Surface Water:

Permit/Application number	Description	Amount	Priority Date
(SEE ATTACHED)			

Pending permits:

Permit/Application number	Description	Amount	Priority Date
(SEE ATTACHED)			

3. EXISTING AND FUTURE WATER USE:

	1998
Current (year: 2000)	26.65 (1) MGD
Current peak demand:	

Current water use:

	1998	2020
Current (year: 2000)	26.65	32.0
Peak day demand (gallons/capita/day): (2)	467	447
Peak daily demand (MGD): (1)	26.65	32.0
Average daily demand (gallons/capita/day):	206	200
Average summer demand (gallons/capita/day): (3)	319	300

RECEIVED

APR 25 2001

WATER RESOURCES DEPT.
SALEM, OREGON

4. EXPLANATION FOR PROJECTED GROWTH RATE:

POPULATION GROWTH RATE ESTIMATED BASED ON DISCUSSIONS WITH CITY/COUNTY PLANNING DEPARTMENTS & UTILITY PROJECTS OF GROWTH (SEE ADOPTED MASTER PLAN).

5. EXPLANATION FOR EXTENSION TIME PERIOD:

- (1) - 1998 IS HIGHEST RECENT PEAK USAGE, INCLUDING EAST (SUB) WEST (SUB) AND NORTH (SUB/RWD) - FROM MASTER PLAN
- (2) - 1998, ASSUME NORTH POPULATION OF 6000 AND CITY POPULATION OF 51,000
- (3) - SUMMER DEFINED AS JUNE, JULY, AUGUST

TABLE 4-1

SUB Source Listing

Source Name	Owner	Permit No.	Priority Date	Certificate No.	Water Right Amount (gpm)
Willamette Wellfield	SUB				
No. 8		G-266	6/18/56	20-27979	896
No. 1		GR-3134	6/16/59		900
No. 6		GR-3135	6/16/59		1,250
No. 4		GR-3136	6/16/59		1,250
No. 3		GR-3137	6/16/59		1,250
No. 7		GR-3138	6/16/59		1,250
No. 5		GR-3139	6/16/59		600
No. 2		GR-3140	6/16/59		1,250
No. 9		G-3027	8/30/65	27-35650	400
No. 12		G-3073	11/1/65		995
No. 11		G-3074	11/1/65	27-35651	1,478
No. 10		G-3075	11/1/65	27-35754	1,075
No. 13/15		G-11558	6/4/91		323
SP Well	SUB	G-9989	7/12/82	51-56430	797
Mara Well	SUB	G-10349	1/20/84		1,200
Thurston Wellfield	SUB				
No. 1		G-3267	4/21/66	34-42085	797
No. 2		G-4570	4/28/69	34-42086	1,201
No. 3		G-4989	2/10/72	34-42088	497
No. 4		G-9983	2/4/82	51-56427	251
Platt Wellfield	SUB				
No. 1		G-9984	2/4/82	51-56428	251
No. 2		G-9985	2/4/82	51-56429	448
(1) Weyerhaeuser Wellfield	SUB/RWD				
No. A (1)-Wellfield		G-237	3/29/56	37-45301	493
No. 1 shared by SUB and		G-237	3/29/56	37-45301	806
No. 2 Rainbow Water Dist.		G-237	3/29/56	37-45301	806
No. D 50/50, including		G-237	3/29/56	37-45301	403
No. 3 water right.		G-2795	12/16/64		762
Sports Way Well	SUB	G-12845	10/13/95		2,000
4/23/01 by Ken Cerotsky, SUB					
SURFACE RIGHT					
Willamette River, East Fork	SUB	22200	4/53		1495
PENDING RIGHTS					
Thurston WF					
8,9,11	SUB	G15244	11/8/00		1800
5,6,10	SUB	G15243	11/8/00		1800
7	SUB	G15243	11/8/00		400

RECEIVED

APR 25 2001

WATER RESOURCES DEPT
SALEM, OREGON



15241

SPRINGFIELD UTILITY BOARD
WATER DEPARTMENT
202 SOUTH 18TH STREET
SPRINGFIELD, OR 97477
PHONE (541) 726-2396 FAX (541) 747-7348

FAX TRANSMITTAL

DATE: 4/18/01
TO: ANITA HUFMANN
FAX#: 503-378-6203
FROM: KEN CERITSKY

Number of pages (total): 1 TO FOLLOW

COMMENTS:

AS WE DISCUSSED ON PHONE,
4/18/01

**SPRINGFIELD UTILITY BOARD**

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 736-2396
Fax: (541) 747-7348

March 23, 2001

Ken's copy

2/29

Anita Huffman
Water Resources Department
158 12th St. NE
Salem OR 97301-4172

RE: Application # 15242, #15241, Time Out Request

Dear Anita:

The Springfield Utility Board is requesting a 60-day time out for the above referenced applications. We would like to submit additional information to the Department regarding the applications, but it may take several months to get the information to the Department.

Please call me if you have any questions about this request.

Sincerely,

Ken Cerotsky
Director - Water Division

KC:mkm

cc: Bart McKee, SUB Project Engineer Water Division

s:\kenctimeoutapplication wrd 032101.doc



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

February 9, 2001

BART MCKEE
SPRINGFIELD UTILITY BOARD
202 S 18TH ST
SPRINGFIELD, OREGON 97477

541-726-2396

Reference: File G-15241

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.

This letter is to inform you of the unfavorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from TWO WELLS IN CEDAR CREEK BASIN for MUNICIPAL USE is a **classified use** under OAR 690-502-160(2), the Willamette Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely Cedar Creek. Therefore limitations to the surface water source must be applied to this application also.
4. The use of water from CEDAR CREEK for MUNICIPAL USE is a **classified use only from October 1 through June 30** under OAR 690-502-080(1)(d), the Willamette Basin Program.
5. Water in the amount of 1.78 CUBIC FEET PER SECOND, BEING .089 CFS FROM EACH OF TWO WELLS (1 AND 2) for MUNICIPAL USE is **available** year-round.



6. Because water is not available for a full season, MUNICIPAL USE cannot be allowed. However, by providing additional information, you may pursue a limited permit.

Summary of Allowable Water Use

Because item #4 above is unfavorable, the use of 1.78 CUBIC FEET PER SECOND, BEING .089 CFS FROM EACH OF TWO WELLS (1 AND 2) for MUNICIPAL USE is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

ADDITIONAL INFORMATION OPPORTUNITY: Limited Season-of-Use Information

By supplying the Department with additional information concerning the proposed use, you may be able to use water during the period July 1 to September 30 of each year. Please note that if you do not withdraw your application and if you do not provide the additional information as described below, the Department will propose to reject your application.

If you would like to be able to use water when it is available, you must supply the Department with two items, as indicated below:

- Item #1: Supply information that would indicate that you can make beneficial use of the water during the times it is available.
- OR -
Identify another source of water to use during the period when water use is not allowed.

- Item #2: Acknowledge water use may only occur, under the terms of the permit (if one is issued), during the allowed period of use.

Additional Information Required: Please complete and return the enclosed Projected Water Needs form by Thursday, March 29, 2001.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, February 23, 2001**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. You will be required to comply with state and federal water quality standards.
3. The tentative priority date for this application is December 11, 2000.
4. The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

5. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
6. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application is in an area that is currently developing a an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders. These plans help make sure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to contact Mike Wolf, (503) 986-4711 at the ODA to learn more about the plan and how it may affect your proposed water use.

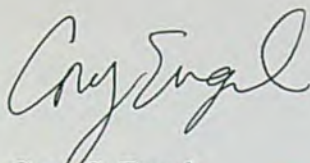
Information obtained from the Department of Environmental Quality (DEQ) indicates that the source of water identified in your application is "Water Quality Limited". That means that there are water quality concerns. DEQ will be looking at information from your application to see if additional conditions or restrictions are needed to protect the water quality situation. One possible outcome is that the Water Resources Department will propose in the proposed final order that your application be denied. You are encouraged to contact Tom Melville, (503) 229-5849 at DEQ to discuss the specifics of your application. Often, this information exchange can allow the water use to occur and at the same time keep the water quality situation from worsening.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 318 if you have any questions regarding the contents of this letter. Please have your application

number available if you call. Address all other correspondence to: Water Rights Section, Oregon
Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

Sincerely,

A handwritten signature in cursive script, appearing to read "Cory Engel".

Mr. Cory C. Engel
Water Right Processing Technician

cc: Regional Manager, Watermaster District 2, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-15241
wab 02-
pou 02-
gw A

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-15241

Applicant: SPRINGFIELD UTILITY BOARD; MCKEE, BART

County: LANE

Watermaster: District 2

Priority Date: December 11, 2000

Source: TWO WELLS IN CEDAR CREEK BASIN

Use: MUNICIPAL USE

Quantity: 1.78 CUBIC FEET PER SECOND, BEING .089 CFS FROM EACH OF TWO WELLS

(1 AND 2)

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 2 MCKENZIE R MISC

Point of Diversion Location: NWE, SECTION 34, T17S, R2W, W.M.; 43 FEET SOUTH & 280

FEET EAST FROM N1/4 CORNER, SECTION 34 SE, SECTION 27, T17S, R2W, W.M.; 1002

FEET NORTH & 118 FEET WEST FROM S1/4 CORNER, SECTION 27

Place of Use: WITHIN THE SERVICE AREA OF SPRINGFIELD UTILITY BOARD

14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 23, 2001

PUBLIC NOTICE DATE: Tuesday, February 27, 2001

30 DAY COMMENT DEADLINE DATE: Thursday, March 29, 2001

Mailing List for IR Copies

Application #G-15241

IR Date: February 20, 2001

Original mailed to:

✓ Applicant: SPRINGFIELD UTILITY BOARD; MCKEE, BART, 202 S 18TH ST, SPRINGFIELD, OREGON 97477

✓ Send stapled item "INSTRUCTIONS FOR FILLING OUT MUNICIPAL WATER USES AND PROJECTED NEEDS FORM" with the original only.

Copies Mailed
By: DS
(SUPPORT STAFF)
on: 2/8/01
(DATE)

Copies of IR sent to:

- ✓ 1. WRD - File # G-15241
- ✓ 2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

- ✓ 3. WRD - Watermaster # District 2 + water avail. + WM Form
- ✓ 4. WRD - Regional Manager (not Bob Main): NW
- ✓ 5. DOA (N.Salem/Keizer): Mike Wolf

IR, Map, and Fact Sheet Copies to be given to KERRY LEFEVER to be sent to:

- ✓ 6. ODFW Biologist: Jeff Ziller, ODFW Springfield Office, 3150 E Main St, Springfield OR 97478 Form 2
- ✓ 7. DOA (Salem): Steve Applegate lower / State
- ✓ 8. DEQ (Portland): Andy Schaedel + DEQ Form

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☐ Yes (Skip to section 3 "Ground water Development.")

☒ No Please check the appropriate box below.

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

(X) SEE ATTACHED COPY OF CITY CHARTER

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 2 B. Name of nearest surface water body: CEDAR CREEK

C. Distance from well(s) to nearest stream or lake: 1) 1st - 1600'

2) 2nd - 500' 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) ~ 20'

2) ~ 20' 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: WELL #1 - SEE ATTACHED LOG ; WELL #2 TO BE CONSTRUCTED THROUGH COMPETITIVE BID.

Address: _____

Completion date: WELL #2 x 2006

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
2	16"-8"	8"-16" STEEL	≈ 125'	SS 125'-300'	≈ 60'	≈ 30'	≈ 100'	SANDPUMP TUBE	≈ 360'

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N.A.

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

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SALEM, OREGON

Application No. 915241
Permit No. Ground Water/3

(SEE ATTACHED)

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	GRAVELS	MUNICIPAL	400	210.2 MG	400
2	"	"	400	210.2 MG	400

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 400 gpm, BOTH WELLS
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: BOTH WELLS ALL YEAR
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: N.A.
(This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and pump type) #1-40 hp - line shaft turbine; #2-40 hp - line shaft turbine
☐ Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

- ☒ Pipe (give diameter and total length)

Diameter _____ Length _____

- ☒ Other (describe) MUNICIPAL DISTRIBUTION APES

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? NA

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| ☐ Flood | ☐ High-pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water cannons | ☐ Center pivot system |
| ☐ Hand lines | ☐ Wheel lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ Other, describe _____ | | |

Distribution method

- ☒ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

MUNICIPAL CONSERVATION PLAN SUBMITTED FOR REVIEW

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin	<u>#1 - 2000</u> <u>#2 - 2004</u>	RECEIVED RECEIVED DEC 11 2000 AUG 21 2000
Proposed date construction will be completed	<u>#1 - 2004</u> <u>#2 - 2006</u>	
Proposed date beneficial water use will begin	<u>#1 - 2005</u> <u>#2 - 2006</u>	

7. REMARKS

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WATER RESOURCES DEP
SALEM, OREGON

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Application No. 91524
Permit No. _____

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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 use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Ken Christy, Director
Signature of Applicant

7/30/00
Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- ✓ • Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- ✓ • Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- ✓ • Included a check payable to the Oregon Water Resources Department for the appropriate amount.

Application No. 915241

Permit No.

WELL #1 - THURSTON MIDDLE SCHOOL

STATE OF OREGON WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

WELL I.D. # L 22545

START CARD # 118229

Instructions for completing this report are on the last page of this form.

(1) OWNER: Springfield School Dist. #17
Name: Springfield School Dist. #17
Address: 525 Main Street
City: Springfield State: OR Zip: 97477

(2) TYPE OF WORK
☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☒ Other test

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 254 ft.
Explosives used ☐ Yes ☒ No Type Amount

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
12	0	20	Gravel		20	32
8	20	254				

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ Other as per OAR 672-210-340

Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

Casing	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
	6	12	155	250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:									
☒ Perforations		Method		Struc					
☐ Screens		Type		Material					
From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner		
90	100	3/8	240			☒	☐		
		3/8	120			☒	☐		
		3/8	228			☒	☐		
		3/8	1920			☒	☐		

(8) WELL TESTS: Minimum testing time is 1 hour
Well output may fluctuate
☒ Pump ☐ Bailer ☐ Air ☐ Flowing
Yield gal/min Drawdown Drill stem at Time
300 98 24
300 109

Temperature of water 51° Depth Artesian Flow Found
Was a water analysis done? ☐ Yes By whom
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Lane Latitude Longitude
Township 17 S N or S Range 2 W E or W. WM.
Section 34 NW 1/4 NE 1/4
Tax Lot 500 Lot Block Subdivision
Street Address of Well (or nearest address) Thurston Middle School
6300 Thurston Rd Springfield, OR

(10) STATIC WATER LEVEL:
29 ft. below land surface. Date 8/13/99
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 29'

From	To	Estimated Flow Rate	SWL
90	100	82	
108	113	+ 30	
155	167	+ 25	
177	254	+ 165	

(12) WELL LOG:
Ground Elevation

Material	From	To	SWL
Topsoil	0	4	
Gravel sand mixed with silt	4	32	
Gravel sand	32	76	
Gravel sand, sand, clay light	76	85	
Gravel sand	85	114	
Gravel sand, sand heavy	114	119	
Gravel sand	119	172	
Gravel sand, sand	172	180	
Gravel sand, sand light	180	221	
Gravel sand, sand heavy	221	226	
Gravel sand, sand light	226	254	

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Date started 8/12/99 Completed 8/13/99

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed _____ WWC Number 636
Date 8-20



Oregon Water Resources Department

FORM M

FOR MUNICIPAL AND QUASI MUNICIPAL WATER SUPPLIES

Unless otherwise noted, water use information should be in acre-feet per year (AFY).
1 acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: SPRINGFIELD UTILITY BOARD (SUB)
Name and size of area to be served: CITY OF SPRINGFIELD, UGB (~18 SQ. MI.)
(in square miles)
Present population of service area: 53,000
(Contact county planning staff, if needed.)
Projected population in 20 years: 71,000 (CITY PLANNING VIA PSU)
(Cite source and year. For example: "20,595 Based upon 1995 Portland State University projections.")
List present water rights and permits held:
Date of Issuance: Natural Source of Water: Amount Permitted: Utilization:
SEE ATTACHED LIST

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Water Use

Average yearly demand: 11,761 AFY Year: 1998

Per-capita daily consumption (in gallons): (POP. = 53,000) = 153
(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 7/1/99 to 10/1/99 Total peak season demand: 3566 Acre-feet

Peak season per-capita daily consumption: 243 GALLONS
(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

produced: 3,832,500,000 GALLONS
(diverted or pumped)

delivered: 3,317,050,333 GALLONS

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: DECREASING BLOCK, WITH SUMMER (5/1 - 9/1) SURCHARGE
(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

Application No. 915241
Permit No.

Request for Water

A. Discuss the reason(s) for your request for additional water

(e.g. loss of current supply, peak demand, growth, or other): (1) CONTINUED GROWTH;

(2) NEW TREATMENT REQUIREMENTS NECESSITATES DEVELOPMENT OF ADDITIONAL G.W. SOURCES.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) PROJECTED WATER NEEDS TO 2017

C. Briefly discuss operation of water system and the most constraining component of the system:

G.W. SYSTEM DELIVERS WATER TO CUSTOMERS FIRST AND THEN TO STORAGE (TANKS). CONSTRAINING COMPONENTS ARE SOURCE CAP CAPACITY TO ^{MEET} A PEAK DEMAND) AND TRANSMISSION (MOVE G.W. FROM WELLS TO CUSTOMERS & TANKS).

D. Percentage of water use by type:

Residential: ≈ 36%

Commercial: ≈ 18%

Public Authority: ≈ 4%

Agricultural: ~ 0 -

Unaccounted for use: ≈ 21%

Industrial: ≈ 21%

Other (specify use): - 0 -

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E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

MASTER PLAN / CONSERVATION PLAN UNDER WRD

REVIEW. COSTS, TIMING OF ADDING FACILITIES, AND

ALTERNATIVES EXAMINED ARE CONTAINED IN THE

MASTER PLAN SUBMITTED.

F. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

APPROXIMATE SAVINGS OF 2 GALLONS (~1%)

PER CAPITA CONSUMPTION PER YEAR.

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 915241
Permit No.

SUB - Summary - WATER RIGHTS

Source Name	Owner	Permit No.	Priority Date	Certificate No.	Water Right Amount (gpm)	Developed Capacity (gpm)
Willamette Wellfield	SUB					3,600 4200
No. 8		G-266	6/18/56	20-27979	896	
No. 1		GR-3134	6/16/59		900	
No. 6		GR-3135	6/16/59		1,250	
No. 4		GR-3136	6/16/59		1,250	
No. 3		GR-3137	6/16/59		1,250	
No. 7		GR-3138	6/16/59		1,250	
No. 5		GR-3139	6/16/59		600	
No. 2		GR-3140	6/16/59		1,250	
No. 9		G-3027	8/30/65	27-35650	400	
No. 12		G-3073	11/1/65		995	
No. 11		G-3074	11/1/65	27-35651	1,478	
No. 10		G-3075	11/1/65	27-35754	1,075	
No. 13/15		G-11558	6/4/91		323	
SP Well	SUB	G-9989	7/12/82	51-56430	797	650
Maia Well	SUB	G-10349	1/20/84		1,200	1,000
Thurston Wellfield	SUB					2,250
No. 1		G-3267	4/21/66	34-42085	797	
No. 2		G-4570	4/28/69	34-42086	1,201	
No. 3		G-4989	2/10/72	34-42088	497	
No. 4		G-9983	2/4/82	51-56427	251	
Platt Wellfield	SUB					650
No. 1		G-9984	2/4/82	51-56428	251	
No. 2		G-9985	2/4/82	51-56429	448	
Weyerhaeuser Wellfield	SUB/RWD	(1/2 TO SUB)				2,350 1175
No. A		G-237	3/29/56	37-45301	493 246	
No. 1		G-237	3/29/56	37-45301	806 403	
No. 2		G-237	3/29/56	37-45301	806 403	
No. D		G-237	3/29/56	37-45301	403 201	
No. 3		G-2795	12/16/64		782 381	
Sports Way Well	SUB	G-12845	10/13/95		2,000	1,500
TOTAL (gpm)					21,993	11,425
TOTAL (mgd)					326	16.5

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WATER RESOURCES DEPT.
SALEM, OREGON

11/2/98

Application No. *G 15241*
Permit No.



Application No. 915241
Permit No.

Oregon Water Resources Department
Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: SPRINGFIELD UTILITY BOARD

Address: 202 S 18TH ST

City: SPRINGFIELD State: OR Zip: 97477 Day Phone: 541-726-2396

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>17023412</u> <u>74500</u>	<u>SCHOOL - LOW DENSITY RESIDENTIAL</u>	☒ Diverted	☒ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used

List counties and cities where water is proposed to be diverted, conveyed, or used. SPRINGFIELD, LAKE, OR

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): MUNICIPAL

Briefly describe: BY CHARTER, SUB SUPPLIES MUNICIPAL
WATER REQUIREMENTS IN SPRINGFIELD

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SALEM, OREGON

D. Source

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

800

☐ CFS

☒ GPM

☐ Acre-Feet

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

— A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____. Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
None. Permitted Use	DEVELOPMENT CODE SECTION 16.020(13)(b)	☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

— B. Approval

Please provide printed name and written signature.

Name: KATHRYN BORK Date: 8/15/00

Title: PLANNER Phone: (541) 726-3784

Signature: Kathryn Bahr

— C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

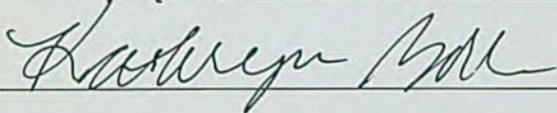
Receipt for Request for Land Use Information

Name of water right applicant: SPRINGFIELD UTILITY BOARD

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: SPRINGFIELD

Staff contact: KAY BORIC Phone: 726-3784

Signature:  Date: 8/14/00

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WATER RESOURCES DEPT.
SALEM, OREGON

Receipt for Request for Land Use Information

State of Oregon

Water Resources Department

Commerce Bldg.

158 12th St. NE

Salem, OR 97310-0210

(503)378-8455

Lane Co.



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First

Co-applicant: _____
First

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: SPRINGFIELD UTILITY BOARD

Name and title of person applying: BART MCKEE P.E. - ENGINEER

Mailing address of organization: 202 S. 18th ST.

SPRINGFIELD OR 97477
City State Zip

Phone: 541-726-2396
Day Evening

*Fax: 541-747-7348 *E-Mail address: bartm@subutil.com

*Optional information

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App. No. <u>G-15241</u>	For Department Use	Date <u>12/11/00</u>	AUG 21 2000
<u>G-15241</u>	Permit No. _____	WATER RESOURCES DEPT. SALEM, OREGON	

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☐ Yes (Skip to section 3 "Ground water Development.")

☒ No Please check the appropriate box below.

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

(*) SEE ATTACHED COPY OF CITY CHARTER

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 2 B. Name of nearest surface water body: CEDAR CREEK

C. Distance from well(s) to nearest stream or lake: 1) 1st - 1600'

2) 2nd - 500' 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) ~ 20'

2) ~ 20' 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: WELL #1 - SEE ATTACHED LOG ; WELL #2 TO BE CONSTRUCTED THROUGH COMPETITIVE BID.

Address: _____

Completion date: WELL #2 ~ 2006

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
2	16"-8"	8"-16" STEEL	≈ 125'	SS 125'-300'	≈ 60'	≈ 30'	≈ 100'	SANDPUMP TUBE	≈ 300'

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N.A.

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M ✓ (SEE ATTACHED)
- If your proposed use is **commercial/industrial**, attach Form Q

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WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 915241
Permit No.

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	GRAVELS	MUNICIPAL	400	210.2 MG	400
2	"	"	400	210.2 MG	400

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 400 gpm, BOTH WELLS
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: BOTH WELLS, ALL YEAR
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: N.A.
(This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and pump type) _____
☐ Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)
Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

- ☒ Pipe (give diameter and total length)
Diameter _____ Length _____

- ☒ Other (describe) MUNICIPAL DISTRIBUTION PIPES

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? NA

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| ☐ Flood | ☐ High-pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water cannons | ☐ Center pivot system |
| ☐ Hand lines | ☐ Wheel lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ Other, describe _____ | | |

Distribution method

- ☒ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

MUNICIPAL CONSERVATION PLAN SUBMITTED FOR REVIEW

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin 12-2004

Proposed date construction will be completed 12-2005

Proposed date beneficial water use will begin 12-2006

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7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Application No. 915241
Permit No. _____

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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 use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Ken Christy, Director
Signature of Applicant

7/30/00
Date

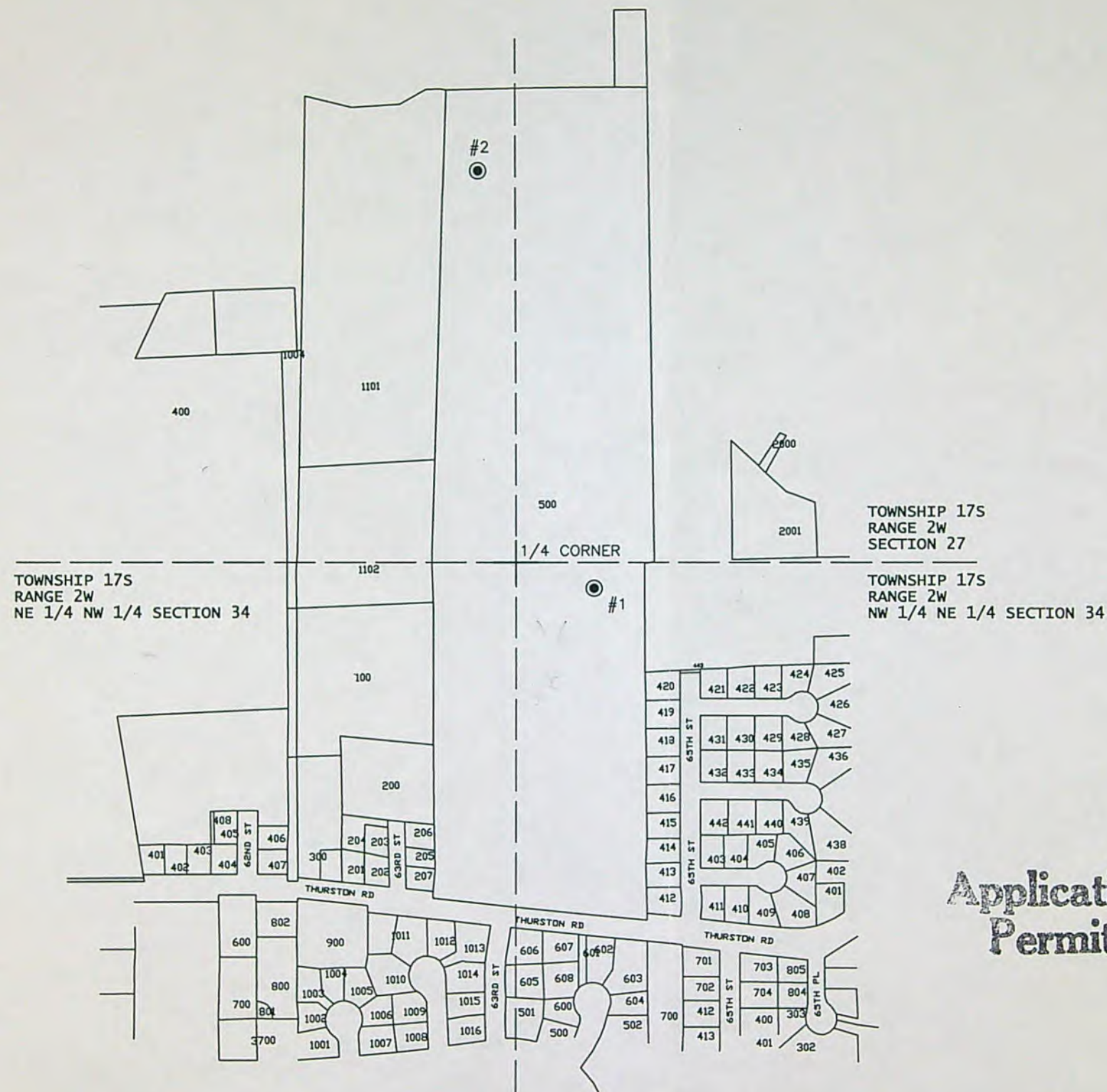
Signature of Co-applicant

Date

Before you submit your application be sure you have:

- ✓ • Answered each question completely.
- ✓ • Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- ✓ • Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- ✓ • Included a check payable to the Oregon Water Resources Department for the appropriate amount.

SUPERSEDED



Application No. *g 15241*
Permit No.

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WATER RESOURCES DEPT.
SALEM, OREGON



SPRINGFIELD UTILITY BOARD
SPRINGFIELD, OREGON

REV.	DATE	SCHOOL DISTRICT SITE (THURSTON MIDDLE SCHOOL)			
		DRAWN BY: E.J.N.	SCALE: 1"=400'	DRAWING NO:	PAGE:
		ENGR: KC	DATE: 7/3/00		OF
		APPROVAL:			



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

November 9, 2000

Springfield Utility Board
Bart McKee, P.E. - Engineer
202 South 18th Street
Springfield, Oregon 97477

REFERENCE FILES: G-15241, G-15242, G-15243 and G-15244

Dear Applicant:

The Department has received your applications for Permits to Use Ground Water and has assigned the above referenced numbers to these applications. Please refer to these numbers when corresponding with the Department. At this time, however, additional information is needed to complete the applications. The Department must receive the following items in order to proceed with the review of these applications. Please provide the following items:

Application File #G-15241 Thurston Middle School - 2 wells

- Under Item #5-A, "Diversion," please complete the information describing the **pump for each well**. Indicate the pump type and horsepower used in the existing well, as well as, the expected pump type and horsepower to be used in the proposed well.
- Under Item #6, "Project Schedule," please indicate the **proposed date that beneficial use of water from the existing well will begin**. If the use of water from the existing well has already begun, please indicate so.
- The map showing the Municipal Service Boundary is larger than 11"X 17". Four copies must be submitted for each application, or it must be drawn on tracing linen, tracing velum or Mylar.
- On the smaller "Thurston Middle School" map, the location of each well under this application (1-existing well and 1-proposed well) must be referenced to a recognized public land survey corner; do not measure from property lines unless they are part of the public land survey lines. The locations may be shown by distance and bearing or by coordinates (EX: "400 feet south and 350 feet west of the northeast corner of section 27").

Application No. *G-15241*
Permit No.



Application File #G-15242 16th Street & "Q" Street - 1 Well

- Under Item #5-A, "Diversion," please complete the information describing the pump for the proposed well. Indicate the pump type and horsepower to be used in the proposed well.
- The map showing the Municipal Service Boundary is larger than 11"X 17". Four copies must be submitted for each application, or it must be drawn on tracing linen, tracing velum or Mylar.
- On the smaller "16th Street and Q Street" map, please identify which "1/4 corner" you have referenced your well location coordinates to. I assume you are referencing the west 1/4 corner of section 25. A standard map usually identifies this distance from the northwest corner of a section to the west 1/4 corner of that same section as approximately 2,640 feet. Based upon your application map and the map scale, however, the distance from the northwest corner of section 25 to the west 1/4 corner of section 25 measures only to about 610 feet. Your application map does not indicate that this distance is altered or not to scale. **Please clarify the reference point identified on your map and, if needed, correct any discrepancies that may appear on the application map.**
- The appropriate quarter-quarter sections must be clearly identified on the application map.

Application File #G-15243 Thurston Well #'s 5, 10, 6 and 7

- The total exam fee required for this application is \$775. You paid a total of \$700 in exam fees for this application. **An additional \$75 in exam fees is required for the proposed use of 5.35 cubic foot per second requested under this application.** Examination fees are calculated as follows: Base fee of \$250, plus \$150 for the 1st cubic foot per second (cfs), plus \$75 for each additional cfs or fraction thereof.

Total amount requested: 5.35 cfs →	Base Fee -	\$250
	<i>plus...</i> 1 st cfs -	\$150
	<i>plus...</i> 5 cfs (4.35 cfs)	
	@ \$75 per cfs -	<u>\$375</u>
	Total Exam Fee:	\$775

- Under Item #5-A, "Diversion," please complete the information describing the pump for the proposed well. Indicate the pump type and horsepower to be used in the proposed well.

- The map showing the Municipal Service Boundary is larger than 11"X 17". Four copies must be submitted for each application, or it must be drawn on tracing linen, tracing velum or Mylar.
- On the smaller "Thurston - Well #'s 5, 10, 6 and 7" map, the location of each well under this application must be referenced to a recognized public land survey corner; do not measure from property lines unless they are part of the public land survey lines. The locations may be shown by distance and bearing or by coordinates (EX: "400 feet south and 350 feet west of the northeast corner of section 27").
- The appropriate quarter-quarter sections must be clearly identified on the application map.

Application File #G-15244 Thurston Well #'s 8, 9, 11 and 12

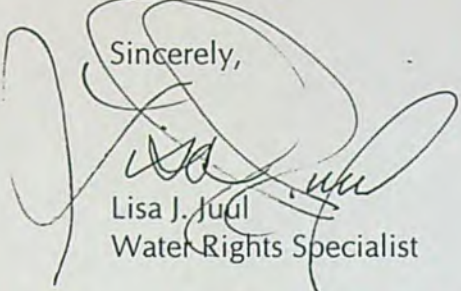
- The total exam fee required for this application is \$775. You paid a total of \$700 in exam fees for this application. An additional \$75 in exam fees is required for the proposed use of 5.35 cubic foot per second requested under this application. Examination fees are calculated as follows: Base fee of \$250, plus \$150 for the 1st cubic foot per second (cfs), plus \$75 for each additional cfs or fraction thereof.

Total amount requested: 5.35 cfs →	Base Fee -	\$250
	<i>plus...</i> 1 st cfs -	\$150
	<i>plus...</i> 5 cfs (4.35 cfs)	
	@ \$75 per cfs -	<u>\$375</u>
	Total Exam Fee:	\$775

- Under Item #5-A, "Diversion," please complete the information describing the pump for the proposed well. Indicate the pump type and horsepower to be used in the proposed well.
- The map showing the Municipal Service Boundary is larger than 11"X 17". Four copies must be submitted for each application, or it must be drawn on tracing linen, tracing velum or Mylar.
- On the smaller "Thurston - Well #'s 8, 9, 11 and 12" map, the location of each well under this application must be referenced to a recognized public land survey corner; do not measure from property lines unless they are part of the public land survey lines. The locations may be shown by distance and bearing or by coordinates (EX: "400 feet south and 350 feet west of the northeast corner of section 27").
- The appropriate quarter-quarter sections must be clearly identified on the application map.

Please submit the requested information by November 30, 2000, so the Department may proceed with the processing of these applications. If you have any questions, please contact me at (503)378-8455, extension 264, or toll-free in Oregon at 1-800-624-3199, extension 264.

Sincerely,



Lisa J. Juul
Water Rights Specialist

cc: FILES - G-15241, G-15242, G-15243 & G-15244
Michael Mattick, Watermaster Dist #2
Bill Fujii, WRD

Springfield Charter

ARTICLE V. RECORDER; TREASURER

Section 34. Recorder as Clerk of Council. The duties of the recorder as clerk of the council shall be prescribed by the common council. (Sec. 20.)

Section 35. Recorder Pro Tem.¹ In the absence of the recorder, or if he be from any cause unable to act, the mayor may designate any person having the qualifications of a recorder to act in his stead, who shall forthwith take the oath of office and perform the duties of recorder during such temporary absence or inability and he shall receive his same salary as the recorder, to be deducted from the salary and fees of that officer; and the order of the mayor appointing such person shall be filed in the office of the recorder. (Sec. 44.)

Section 36. Treasurer--Functions. The treasurer shall receive and keep the funds and moneys of the city and pay out the same upon a warrant signed by the mayor and attested by the recorder and no claim against the city shall be paid until audited and allowed by the common council. (Sec. 21.)

Section 37. Treasurer--Funds. The treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund it can only be paid out of such fund. (Sec. 22.)

Section 38. Treasurer--Reports. The treasurer must make a report to the council of all moneys received and expended whenever required by the council. (Sec. 23.)

Section 39. Recorder, Treasurer--Rules, Regulations. The common council may prescribe such additional rules and regulations for the recorder and treasurer, not inconsistent with this charter, as they may see fit. (Sec. 24.)

ARTICLE VI. UTILITY BOARD

Section 40. Utility Board--Establishment, Functions.² There is hereby created a board to be known as the City of Springfield Utility Board, hereinafter called the 'utility board,' which shall operate, maintain, supervise, and control, for and on behalf of the city of Springfield, Oregon, all electric, water, and gas, properties, or any of them, which are now or which may hereafter be owned and operated by the city of Springfield, Oregon. Sewerage and sewage disposal property shall be operated, maintained, supervised and controlled by the Common Council and under its jurisdiction through the city manager. The utility board may build, install, construct, develop, acquire by purchase or by condemnation/eminent domain, operate, maintain, manage, supervise, control, finance, improve and extend one or more cable communications systems. (10-9-50, Sec. 1)

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¹ Pursuant to charter, Section 19, the city manager and not the mayor would designate someone to act as recorder.

² Amended by the voters of Springfield at a Special Election held June 30, 1987. WATER RESOURCES DEPT.
SALEM, OREGON

13 Application No. 915241
Permit No.

Section 46. Utility Board--Powers. The utility board shall act for and on behalf of the city of Springfield in connection with all matters relating to the management, operation, acquisition, and financing of all electric, water and gas, properties now owned or hereafter acquired by the city of Springfield. The utility board shall have power on behalf of the city to borrow money, to issue and sell bonds, to acquire property, both real and personal, including the acquisition of utility properties or systems, to make additions, betterment, and extensions to any utility property owned and operated by the City, to establish rates, to adopt rules and regulations for the furnishing of service, to pay in lieu taxes to City, County, School District, or State, to employ a manager or managers to manage such properties and to fix his or their duties, as the utility board deem necessary to properly discharge its duties, and to do all other things necessary or convenient for the efficient operation and management of utility properties except sewerage and sewage disposal properties owned by the City of Springfield. Provided, that such utility board shall not have power to sell or otherwise dispose of all or any part of such utility properties other than the properties which the utility board determines are no longer useful or necessary for the operation of such properties, and shall not have power to borrow money or issue bonds except as hereinafter provided without first obtaining the approval at a duly called and held election of the qualified voters of the city of Springfield, Oregon. The utility board shall have power to borrow money either by the issuance of notes or bonds secured only by a pledge of revenues of the utility for which such funds are borrowed in an amount not to exceed 25 percent of the original cost of such utility for the purpose of providing working capital,¹ repairing damage, or making additions to such utility system. (10-9-50, Sec. 3).

Section 46B. Cable Communications Systems.² The utility board is hereby authorized and empowered to build, install, construct, develop, acquire by purchase or by condemnation/ eminent domain, operate, maintain, supervise, control, finance and manage one or more cable communications systems. In connection therewith the utility board shall have the power to contract, to borrow money, to issue and sell bonds, to subsidize cable communications with revenue from other utility operations, to acquire real and personal property including the acquisition of cable communications properties and systems, to make additions, improvement, betterments and extensions to any cable communications systems operated by the utility board, to establish rates, assessments and charges, to adopt rules and regulations for the furnishing of service, to pay in lieu taxes to City, County, School District or State, to pay franchise fees, to employ personnel including any technical or professional consultants, to employ a manager or managers to manage such cable communications systems and to fix the duties of such manager or managers, to apply for, accept and hold any licenses, certificates, franchises or permits, required by applicable law, to comply with any applicable local, State or Federal law or rule and to do all other things necessary or convenient for the installation,

¹ Amended by the voters of Springfield at a Special Election held November 5, 1974. *There is no Section 46A. This number was reserved for Charter amendment rejected by the voters March 27, 1984.

² Amended by the voters of Springfield at a Special Election held June 30, 1987

Application No. 915241
Permit No.

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WATER RESOURCES DEPT.
SALEM, OREGON
P.04

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **41592**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Springfield Utility Board
BY: _____

APPLICATION	6-1524
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 76-455 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 475.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

EXAM FEE

\$

\$ 475.00

\$

EXAM FEE

\$

0202

0204

0206

0219

0220

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$

\$

CARD #

CARD #

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

\$

\$

\$

RECEIPT # **41592**

DATED: 11/8/00

BY: S. Henderson

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

NEW APPLICATION ROUTE SLIP

RECEIPTING

Done

DATA CENTER

12-22-00 AS

GROUNDWATER

YES

No

CAROL



(Powerbuilder updates & marking contents of file)

ROUTE TO FILES

Warc

FILE#: G 15241

SPRINGFIELD UTILITY BOARD;
MCKEE, BART
202 S 18TH ST
SPRINGFIELD, OR 97477

FILE#: G 15241

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MCKEE, BART
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