

Name Joint Water Commission S-88506
 By 150 E. Main Street
 Address Hillsboro, OR 97123

Application No. S-88506
 Permit No. _____
 Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
<u>1/31/18</u>	<u>11,850.00</u>	<u>125794</u>
<u>6-11-2021</u>	<u>810.00</u>	<u>135497</u>

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume | Page

FEES REFUNDED

Date	Amount	Receipt No.

Cert. Fee

Priority JANUARY 31, 2018
 County WASHINGTON WM# 18

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address

DEVELOPMENT

Date

Completion _____

Extended to _____

Final Proof received _____

Proposed Cert. Mailed _____

REMARKS _____

MAP LOCATION _____

JS 2/1/2018



RECEIVED

APR 03 2023

OWRD
SALEM, OREGON

March 31, 2023

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

RE: Fish Screening Exemption - Application S-88506

Dear Ms. Ratcliffe:

The Joint Water Commission (JWC), which consists of the Cities of Hillsboro, Forest Grove, Beaverton and the Tualatin Valley Water District, filed Application S-88506 on January 31, 2018. On April 27, 2021, the Oregon Water Resources Department (OWRD) issued a proposed final order and draft permit for Application S-88506. The draft permit contains a condition that requires the JWC to "install, maintain, and operate fish screening consistent with current Oregon Department of Fish & Wildlife (ODFW) standards or submit document that ODFW has determined fish screening is not necessary or is exempted." Since the JWC neither owns nor controls the fish screens at the Springhill Pumping Plant (SHPP), it has entered into a fish screening exemption agreement with the Oregon Department of Fish and Wildlife (ODFW) to provide mitigation in lieu of upgrading the fish screening at SHPP. The enclosed Agreement states that it serves as the JWC's compliance with the fish screening requirement of Application S-88506.

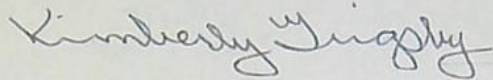
The JWC's mitigation project consisted of the replacement of two culverts and installing large woody materials along Bateman Creek, tributary to Gales Creek. The culvert replacement component of the mitigation project triggered fish passage requirements. On March 10, 2021, ODFW issued its fish passage authorization for the culvert replacement project. A copy of the authorization is enclosed.

The JWC has completed the mitigation project described in the Agreement and submitted a Post Construction Monitoring Report to ODFW in December 2022. On March 2, 2023, ODFW sent the JWC the enclosed confirmation that the post-construction report met its monitoring requirements, and noted that "no other monitoring is required for the Fish Screening Exemption."

On behalf of the JWC, we request that the OWRD place the enclosed copies of the Fish Screening Exemption Agreement, ODFW Fish Passage Approval, and approval of the post-construction monitoring report in its file for Application S-88506.

If you have any questions regarding the enclosed materials, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in cursive script, reading "Kimberly Grigsby".

Kimberly Grigsby
Principal Water Resources Consultant

Enclosures: Fish Screening Exemption Agreement
ODFW-Fish Passage Approval for JWC Mitigation Project
ODFW approval of JWC Post-Construction Report

CC: Jessica Dorsey, JWC

**OREGON DEPARTMENT OF FISH AND WILDLIFE – JOINT WATER COMMISSION
SPRINGHILL PUMPING PLANT
FISH SCREENING EXEMPTION AGREEMENT**

This Fish Screening Exemption Agreement (Agreement) is entered into on the date of last signature by and between the State of Oregon through its Oregon Fish and Wildlife Commission, hereinafter referred to as "the Commission", and the Joint Water Commission, hereinafter referred to as "the Applicant".

PREAMBLE

The Applicant desires an exemption to fish screening requirements pursuant to ORS 498.316 from the Commission for the Applicant's use of the Bureau of Reclamation's Springhill Pumping Plant (SHPP) located on the Tualatin River in Washington County. The Applicant has three water rights associated with SHPP (Permits S-54737, S-55219, and the permit to be issued for Application S-88506) that require fish screening pursuant to ORS 498.306. The Applicant has proposed mitigation in lieu of upgrading the existing SHPP fish screens. The Oregon Department of Fish and Wildlife (ODFW or Department) has conducted a benefit analysis and has concluded that the proposed mitigation will provide a net benefit to fish in the Tualatin River Basin as compared to upgrading fish screens at SHPP to full compliance with state and federal criteria. The Applicant and ODFW hereby enter into this Agreement to provide mitigation in lieu of upgrading fish screening at SHPP as described in the provisions of this Agreement. This Agreement serves as the Applicant's compliance with fish screening requirements of water right permits S-54737, S-55219, and application S-88056. This Agreement was formed to address mitigation necessary to comply with screening requirements for the referenced water rights, which total a diversion rate of no greater than 105 cfs. In accordance with ORS 498.306, any future action that requires fish screening will require additional review of fish screening and is not covered by this Agreement.

PROVISIONS OF THE AGREEMENT

1. Pursuant to ORS 498.316 the Commission hereby exempts the Applicant from fish screening requirements at the SHPP, because it determines that the mitigation the Applicant has agreed to in this Agreement results in a net benefit to fish in the Tualatin Basin as compared to upgrading the existing fish screens to current criteria. This fish screening exemption is based on the Applicant maintaining their existing screens to a level that is equal to or exceeding their current functionality and fish protection ability.
2. This Agreement to exempt fish screening is only valid at the SHPP and solely for the diversion operated by the Applicant.
3. The Applicant, or the Applicant's designee, shall provide fish screening mitigation by implementing all of the following actions. The Applicant, or its designee shall:
 - a. Remove two road stream crossings (culverts) on Bateman Creek (45.62 N, -123.27 W), a tributary of Gales Creek in the Upper Tualatin River Basin, and replace them with two bridges that span the active channel width of Bateman Creek and meet all stream simulation criteria pursuant to OAR 635-412-0035(3); provided however that ODFW may also approve the installation of culverts (in lieu of bridges) that meet all stream simulation criteria per OAR 635-412-0035(3), but any such approval will include additional monitoring provisions as described in Provision 9 of this Agreement.
 - b. Install large wood, at the direction and approval of ODFW, in the "restored reach" of Bateman Creek. The "restored reach" is defined as the stream reach above the lowermost culvert being removed on Bateman Creek but below the uppermost road stream crossing that is not being removed. Large wood placement shall consist of a minimum of 20 key pieces of large wood that are at least 24 feet in length and a minimum of 16 inches in diameter. In addition, a minimum of 5 key pieces will be larger diameter logs at least 24 inches in diameter with branches and rootwads attached. Smaller trees that are removed due to road stream crossing or large wood installation, as described above, shall also be incorporated into the restored reach to the maximum extent practicable.
 - c. Arrange for the financing for the required mitigation activities, which will cover the cost of construction of the mitigation actions as well as the required monitoring, reporting, and long-term stewardship of the mitigation sites.
4. Provision 3 above describes specific mitigation actions that include replacing two road stream crossings with new channel spanning bridges, or alternatively, ODFW-approved channel spanning culverts. The fish passage design plans shall meet all applicable fish passage criteria, including those set forth in OAR 635-412-0035, and all fish passage design plans must be reviewed and approved by ODFW prior to installation (see ORS 509.585 and OAR 635-412-0020).
5. Provision 3 above describes specific mitigation actions that include installing large wood to the mitigation site. Prior to implementation of large wood placement, the Applicant must provide the design plans for wood placement to ODFW for its review. The large wood placement plans must be approved by ODFW prior to installation.

6. The Applicant agrees that the mitigation actions in Provision 3 above shall not be used to comply with any other legal requirements of the Applicant or others. Mitigation authorized by or implemented as a result of this Agreement does not apply towards future mitigation requirements or other natural resource or habitat related impacts and effects associated with this or any other project.
7. All in-water work associated with the proposed project and the mitigation actions shall be completed during the appropriate ODFW in-water work period(s), or as appropriately negotiated with and approved by ODFW.
8. The Applicant, or the Applicant's designee, shall be responsible for obtaining all other necessary permissions and permits as appropriate for the implementation of the mitigation actions described in Provision 3 above.
9. Monitoring and maintenance of any new fish passage structure is required per ORS 509.610(3). The Applicant, or the Applicant's designee, shall monitor and report to ODFW upon completion of the mitigation actions to ensure compliance. Reporting and monitoring, as applicable, shall consist of the following:
 - a. If bridges are installed, a written Post Construction Monitoring Report that includes a narrative and photo documentation of the installed mitigation actions as described in Provision 3 above, shall be completed and submitted to the ODFW Fish Screening and Passage Program by Dec 31st of the year when construction occurs. Photos shall show each new bridge as viewed from upstream and downstream as well as each large wood structure.
 - b. If culverts are installed:
 - A. A written Post Construction Monitoring Report that includes a narrative and photo documentation of the installed mitigation actions, as described in Provision 3 above, shall be completed and submitted to the ODFW Fish Screening and Passage Program by Dec 31st of the year when construction occurs.
 - B. A written monitoring report consisting of a narrative and photo documentation of the condition of the mitigation sites shall be submitted to the ODFW Fish Screening and Passage Program by Dec. 31st of years 1, 3, 5, and 10 after construction is completed. The year construction is completed should be considered year "zero." Photo documentation and narratives shall clearly show the condition of the road stream crossings and how they continue, or do not continue, to meet all applicable fish passage criteria, including those set forth in OAR 635-412-0035.
10. The Applicant, or the Applicant's designee, shall be responsible for the long-term maintenance of the new fish passage crossings so as to ensure fish passage continues to be provided consistent with fish passage criteria OAR 635-412-0035(3), as required by ORS 509.610. The removal of existing road stream crossings and replacement with a new crossing constitutes a "trigger" to ODFW fish passage requirements pursuant to ORS 509.585(4), and fish passage is required for the lifetime of the new crossings.
11. If monitoring by the Applicant, the Applicant's designee, or ODFW, indicates that fish passage is no longer meeting stream simulation fish passage criteria consistent with OAR 635-412-0035(3), the Applicant in consultation with ODFW, shall determine the cause and, during an in-water work period approved by ODFW, the Applicant, or the Applicant's designee, shall modify the mitigation action(s) to rectify problems as necessary.
12. Failure to implement and maintain mitigation actions provided for in Provision 3 above for the duration of this Agreement shall constitute a violation of this Agreement and applicable fish screening laws pursuant to ORS 498.316. Such failure shall invalidate this Agreement and shall require the Applicant to provide fish screening at SHPP if not remedied in a reasonable amount of time or mitigated with some other projects acceptable to the Department. The Department shall notify the Applicant of such violation and allow a mutually agreed upon reasonable amount of time to rectify such violation.
13. The Department shall be allowed to inspect the mitigation sites at reasonable times for the duration of this Agreement with prior notice, appropriate property owner permission, and with a representative of the Applicant, or the Applicant's designee, present. Unless prompted by emergency or other exigent circumstances, inspection shall be limited to regular and usual business hours.
14. The Applicant may employ or contract with other entities to perform work under this Agreement but the Applicant remains responsible for the mitigation, monitoring, reporting, and maintenance required for implementation of the mitigation actions described in Provision 3 above.
15. This Agreement in no way purports to or authorizes take of a federally listed species.
16. In accordance with ORS 498.306 and ORS 498.316, this Agreement will remain in force and effect unless and until the Applicant no longer is diverting water at the existing intake structure or is utilizing an intake structure that fully complies with ODFW fish screening criteria, or this Agreement is superseded in the future due to a fish screening trigger event at which time ODFW would re-evaluate fish impacts at the SHPP.

DocuSigned by:			
Signature:	<u>Niki Iverson</u>	<u>10/20/2020</u>	<u>Mary Wahl</u> <u>11/23/2020</u>
	Joint Water Commission	Date	Oregon Fish and Wildlife Commission
	Niki Iverson		Mary Wahl, Chair
Title:	<u>General Manager</u>		<u>Commission Chair</u>



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6201

FAX (503) 947-6202

www.dfw.state.or.us/

March 10, 2021

Jessica Dorsey
Joint Water Commission
150 E. Main St.
Hillsboro, OR 97123
jessica.dorsey@hillsboro-oregon.gov



**RE: ODFW Fish Passage Authorization PA-02-0302 --- Bateman Creek Culvert
Replacement Projects --- Joint Water Commission**

Ms. Dorsey,

The Oregon Department of Fish & Wildlife's (ODFW) Fish Passage Program staff have reviewed the project submittal materials for the Joint Water Commission (JWC) two fish passage restoration projects on Bateman Creek in Washington County. These two fish passage restoration projects (Project) are funded by the JWC and are situated on private property along Bateman Creek, a direct tributary to Gales Creek in the Tualatin River Basin. These two culvert replacement projects will be implemented as part of a fish screening waiver mitigation agreement between the Oregon Fish and Wildlife Commission and JWC in lieu of providing fish screening at the Spring Hill Pumping Plant, owned by the Bureau of Reclamation on the Tualatin River near Dilley, Oregon.

The Project will permanently replace two existing sets of undersized double barrel culverts on Bateman Creek (Crossing 1 and Crossing 2). The project will also install large woody materials (25 pieces) within and along Bateman Creek to enhance fish habitat quality and function. The project proposes to replace each set of undersized culverts with new channel spanning concrete bridge slabs and restore the Bateman Creek streambed under the two new bridges to ensure and maintain volitional passage of native migratory fish through the two new bridges.

The two proposed culvert replacement actions have triggered the state's fish passage rules and regulations (ORS 509.585). This fish passage authorization is intended to provide the state's approval for the two culvert replacement project components where the state has fish passage authority. ODFW has reviewed the project design plans submitted by David Evans and Associates, on behalf of the JWC, and we have determined the design plans are consistent with the state's fish passage design criteria, as defined in OAR 635-412-0035(1), (3), (8) and (10) and therefore approve the two projects as required by Oregon fish passage law (ORS 509.585).

The ODFW fish passage authorization (PA-02-0302) is contingent on specific operational provisions which include:

1. All in-water work, defined as work at or below the ordinary high water mark elevation of the project area(s), shall be complete during the appropriate ODFW in-water work period from July 15 to September 30, or as otherwise defined by ODFW.
2. The ODFW North Willamette Watershed District Fish Biologist shall be contacted 2-weeks in advance and prior to the implementation of the projects.

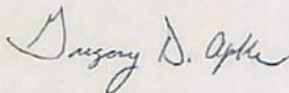
3. Temporary water management, work area isolation and fish salvage, rescue and relocation shall be performed prior to commencement of any in-water work, including temporary work area isolation methods and techniques.
4. Large oversized rocks shall be randomly and mechanically placed in the restored streambed materials leading up to, through and exiting the two new bridge crossing structures. The intent of these large oversized rock features are to create complex flow patterns, areas of high flow refuge (hydraulic shadow) and promote stable bed features throughout the two project areas and at a variety of stream flow stage elevations.
5. Pursuant to OAR 635-412-0035 (10e), prior to in-stream construction activities, all fish must be safely collected, removed from the construction site or dewatered reach, and placed in the flowing stream by an authorized person in possession of a separate valid permit issued by ODFW. An Oregon Rescue/Salvage Permit from ODFW is required to conduct fish salvage in Oregon and other additional authorization may be needed from NMFS or USFWS if work is in ESA waters. OR-Rescue/Salvage Permits can take up to 4-6 weeks for processing and can be applied for at: <https://apps.nmfs.noaa.gov/index.cfm> or if you have questions about OR-STP permitting, please contact fish.research@state.or.us.
6. Volitional downstream passage of native migratory fish shall be maintained throughout and during implementation of the two projects.
7. At any point along, into or through the projects, where fish may be exposed to materials necessary to construct the project (concrete, steel, etc.), all potential sharp or abrasive edges and surfaces shall be made smooth as to preclude harm or physical injury to fish.
8. As per ORS 509.601, JWC or your designee shall be responsible for all maintenance required such that the projects provide adequate passage for native migratory fish. Adequate fish passage is defined as volitional fish passage of native migratory fish species between the fish passage design flows (5% to the 95% exceedence flows) for to various components of the projects.
9. Failure to maintain fish passage and for the duration of this approval shall constitute a violation of this authorization and applicable fish passage laws (ORS 509.585 and 509.610).
10. Annual monitoring and reporting on the effectiveness of fish passage is required for the projects. This shall entail monitoring, by a qualified biologist, to determine whether or not projects function as they were designed to function. Monitoring reports shall report on the effectiveness of fish passage of native migratory fish at a variety of fish passage flows when these fish are migrating through the two project areas. Monitoring and reporting shall coincide with the time of the year when adult and juvenile fish species are migrating through the two project areas. In addition to the monitoring and reporting proposed as part of the project information, these monitoring and reporting efforts shall also consist of a summary of the fish passage conditions and fish passage performance with particular emphasis on flow velocities, water depths and the volitional unimpeded passage of native migratory fish during the appropriate fish passage design flows. Monitoring and reporting shall be based on visual observations, established photo points, flow velocity and water depth characteristics, or other means; particularly with regards to fish passage conditions and fish passage performance through the two project areas.
11. Monitoring reports shall be submitted every other year (years 1, 3, and 5) to the ODFW Fish Passage and Fish Screening Program Coordinators and the ODFW North Willamette Watershed District Fish Biologist for a period of 5 years – post construction.
12. If monitoring, by you, your designee, or the Department indicates that volitional fish passage is questionable or not provided, you in consultation with the Department, shall determine the cause and, during a work period approved by the Department, shall modify the project(s) to rectify fish passage problems as necessary.

13. Failure to monitor fish passage for the duration of the ODFW fish passage approval shall constitute a violation of this approval and applicable fish passage laws (ORS 509.585 and 509.610).
14. The ODFW shall be allowed to inspect the two projects at reasonable times for the duration of this approval. Unless prompted by emergency or other exigent circumstances, inspection shall be limited to regular and usual business hours, including weekends.
15. It is your responsibility to comply with all necessary and required local, county, state, and federal approvals and permits.
16. This approval in no way purports or authorizes take of a federally listed species.

Please retain this fish passage authorization on for your records, as this documents ODFW's approval of fish passage for the two JWC's fish passage restoration projects on Bateman Creek. This approval is solely for the purpose of fulfilling Oregon fish passage statutory requirements and responsibilities administered by the Oregon Fish and Wildlife Commission or the Department and does not satisfy any other Department, federal, state, or local laws, rules, or regulations, including but not limited to State or Federal Endangered Species Acts, any applicable water rights, approvals or other certificates administered by regulatory authorities.

Please continue to coordinate with Peter Stevens and Dave Stewart (ODFW District Fish Biologists), as the project advances towards implementation. You may similarly contact me at 503-947-6228 or by email at greg.d.apke@state.or.us if you have any questions regarding the content or the provisions of this fish passage authorization.

Sincerely,



Greg Apke
ODFW - Statewide Fish Passage Program Leader

Cc: Peter Stevens, ODFW North Willamette Watershed District Fish Biologist
Alan Ritchey, ODFW Screens and Passage Program Manager
Kregg Smith, ODFW Fish Passage Assistant Program Coordinator
Jeff Boechler, ODFW Willamette Watershed District Manager
John Maclin and Casey Storey, David Evans and Associates
ODFW Project files (#PA-02-0302)

From: [NORDHOLM Katherine E * ODFW](#)
To: [Brittany Contreras](#)
Cc: [APKE Greg D * ODFW](#); [STEWART Dave * ODFW](#); [Jessica Dorsey](#); [RITCHEY Alan D * ODFW](#); [BARR Charles M * ODFW](#); [Kim Grigsby](#); [John Macklin](#); [Eric Bortvedt](#)
Subject: RE: Bateman Creek Fish Passage Enhancement Project completion report
Date: Thursday, March 2, 2023 11:52:12 AM
Attachments: [image001.png](#)
[ODFW Fish Passage Approval Bateman Creek Culverts Project PA-02-0302.pdf](#)

Hi Brittany,

Thank you for following up with a phone call about the Bateman Creek post-construction report today and thank you to the group for your patience as ODFW worked through our review of the monitoring report.

This post-construction report for the culvert replacement project on Bateman creek meets the monitoring requirement of provision 9 (a) in the Fish Screening Exemption letter from 11/23/2020. No other monitoring is required for the Fish Screening Exemption.

Future monitoring is required as a provision of the Fish Passage Approval PA-02-0302. Provision 11 of the approval requires reporting on years 1, 3, and 5 post-project, by my records, that will be in 2023, 2025, and 2027. Let me know if you have any questions.

I also want to update the point of contacts for this project. Peter Stephens has taken another position and Charles (Mac) Barr, cc'd, should be included in his place. I've also updated Dave Stewart's email to include ODFW's new @ODFW.Oregon.gov email domain to replace the old @state.or.us domain of our previous emails.

Thank you,

Katherine Nordholm
Fish Screens and Passage Coordinator
4034 Fairview Industrial Dr. SE
Salem, OR 97302
Cell: (503) 507-5843

From: Jessica Dorsey <Jessica.Dorsey@hillsboro-oregon.gov>
Sent: Wednesday, December 14, 2022 4:20 PM
To: RITCHEY Alan D * ODFW <Alan.D.RITCHEY@odfw.oregon.gov>; APKE Greg D * ODFW <Greg.D.APKE@odfw.oregon.gov>
Cc: Peter M Stevens <Peter.M.Stevens@state.or.us>; Dave Stewart (dave.stewart@state.or.us) <dave.stewart@state.or.us>; John Macklin <Jdm@deainc.com>; Eric Bortvedt <eric.bortvedt@deainc.com>; Brittany Contreras <Brittany.Contreras@hillsboro-oregon.gov>; Kim Grigsby <kgrigsby@gsiws.com>
Subject: Bateman Creek Fish Passage Enhancement Project completion report

Hello,

Please find at the link below the post-construction report for the culvert replacement project on Bateman Creek completed in accordance with the ODFW – Joint Water Commission Springhill Pumping Plant Fish Screening Exemption Agreement dated 11/23/2020 and approved in PA-02-0302.

 [ODFW Post Construction Narrative](#)

Please confirm that you have received this report and it meets your needs. If you have questions, please contact me.

Thank you,

Jessica Dorsey (she/hers) | *Water Resources Manager*

City of Hillsboro, Oregon | Water Department

Oregon Water Utilities Council (OWUC), Chair

d. 503-615-6579 | c. 503-735-5357

Email Jessica.Dorsey@Hillsboro-Oregon.gov

Web Hillsboro-Oregon.gov/Water

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 135497

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

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon, Inc.

APPLICATION S-88506

BY: _____

PERMIT _____

TRANSFER _____

CASH: ☐ CHECK: # 1004 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 810.00

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

47035

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

0223 OTHER (IDENTIFY) Protest Fee \$ 810.00

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: 135497

DATED: 6/11/2021 BY: Mindy Carlson

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 135497

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

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RECEIVED FROM: Waterwatch of Oregon, Inc.

APPLICATION S-88506

BY: _____

PERMIT _____

TRANSFER _____

CASH: ☐ CHECK: # 1004 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 810.00

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

47035

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0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

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RECORD FEE

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LICENSE FEE

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

0223 OTHER (IDENTIFY) Protest Fee \$ 810.00

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: 135497

DATED: 6/11/2021 BY: Mindy Carlson

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

**Oregon Water Resources Department
Water Rights Division**

In the Matter of Application)		PROTEST TO PROPOSED
S-88506 in the Name of the)		FINAL ORDER
Joint Water Commission)		

I. Name, Address and Telephone Number of Protestant

WaterWatch of Oregon, Inc.
213 SW Ash Street, Suite 208
Portland, OR 97204
Phone: 503.295.4039
Fax: 503.295.2791
Contact: Lisa Brown, lisa@waterwatch.org

RECEIVED

JUN 11 2021

II. Interests of Protestant

OWRD

Protestant WaterWatch of Oregon ("WaterWatch") has invested significant time and resources protecting and restoring instream flows and fish in Oregon, including in areas that would be affected by the Proposed Final Order ("PFO"). WaterWatch also has members who regularly use and enjoy surface waters that would be affected by the PFO.

WaterWatch and its members have invested significant time and resources to promote sound water policy, ensure that Oregon's water code and rules are correctly applied and that instream uses are protected, and to prevent speculative uses of Oregon's water.

WaterWatch has invested significant time and resources specifically to limit the adverse impacts of municipal water development on fish and instream values in the Willamette Basin, including in the Tualatin Basin.

WaterWatch also represents its organizational interest and the public's interest in protecting Oregon's waterways from exploitation and waste, investing its time and resources to ensure the highest beneficial use is realized from the public waterways.

WaterWatch does this by participating in the water permitting process, including by reviewing and filing protests, as appropriate, to water permitting decisions; participating in the public review process for Water Management and Conservation Plans; participating in fish passage and screening waiver proceedings before the Oregon Fish and Wildlife Commission; and working in the Oregon legislature and on rules advisory committees, all with the goal of ensuring that the water laws are properly implemented so to achieve the sustainable and beneficial use of Oregon's waterways.

For all of these reasons, WaterWatch, its members and the public interest will be affected, adversely affected and aggrieved, and practically affected by the PFO.

III. The PFO Would Impair And Be Detrimental To Protestant's Interests

1. The proposed water use would harm existing surface water uses for fishing, supporting aquatic ecosystems, maintaining water quality, boating and recreation. The members of WaterWatch use the Tualatin River for boating, fishing and recreation.

2. Issuance of the permit consistent with the PFO would impair and be detrimental to WaterWatch's interest in protecting the public's use of the Tualatin River Basin for beneficial uses including instream uses.

3. Issuance of the permit would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring that the state not issue duplicative water rights in contravention of Oregon's water code and rules.

4. Issuance of the permit would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring that Oregon's water laws and rules are properly implemented and that Oregon water resources are allocated fairly and on the basis of accurate information.

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IV. How The PFO Is In Error And Deficient And How To Correct The Errors And Deficiencies

A. The PFO is in error and deficient for reasons including the following:

1. The Oregon Water Resources Department (OWRD) lacks authority to issue a second, primary water right (application S-88506) to the Joint Water Commission (JWC) for the same use already included in an existing right (permit S-54737), as the PFO proposes to do. The application for S-88506 describes the need and use of a permit that should be issued, if at all, as a supplemental permit to permit S-54737, or as a replacement permit requiring the cancellation of S-54737 to the extent of overlap between the two. For example, the JWC application for S-88506 states that “[t]he requested permit is intended as a redundant source of supply for Permit S-54737.” (Application, p. 8). The application states that JWC is seeking this new permit because its existing permit, S-54737, is “not consistently reliable because it is subject to a bypass flow on Scoggins Creek, and is subordinate to the fill schedule for Scoggins Reservoir” and that “[f]or these reasons, the JWC is submitting this permit application to request water from the Tualatin River to increase the certainty of the JWC’s supply during the non-peak season” and that the new permit “will be used in combination with the JWC’s existing Permit S-54737.” (*Id.*).

A “Supplemental Water Right or Supplemental Water Use Permit,” is an “additional appropriation of water to make up a deficiency in supply from an existing water right. A supplemental water right is used in conjunction with a primary water right.” OAR 690-300-0010 (52). By comparison, a “Primary Right” is “the right to store water in a reservoir or the water right designated by the commission as the principle

water supply for the authorized use, or if no designation has been made, the first in time or initial appropriation.” OAR 690-300-0010 (36). Here, JWC is seeking a second right for the same use already covered by permit S-54737 and may not a second primary right for the purpose described in the application, *i.e.* making up for a deficiency in the reliability of permit S-54737 to meet the use.

The combined diversion limitation in the Draft Permit, limiting diversion under both permits combined to no more than the 75 cfs permitted under S-54737, inadequately ties the permits together. (Draft Permit, p. 1, “THE USE OF WATER UNDER THIS PERMIT OR A SUBSEQUENT PERMIT OR CERTIFICATE(S), IN COMBINATION WITH PERMIT S-54737 OR SUBSEQUENT CERTIFICATE(S), SHALL NOT EXCEED 75.0 CUBIC FEET PER SECOND.”) This language does not provide needed limits on permit S-54737. For instance, the PFO would issue a new permit for the same use already included in permit S-54737, but then apparently allow JWC to sell or use S-54737 essentially as mitigation to support other new uses, unlawfully resulting in a essentially a doubling of authorized water use. There is no authority, on these facts, to issue a permit to JWC that would allow for such an increase in authorized water use.

2. OWRD should not issue a permit for application S-88506 because the application materially misstates the intent and plan for the permit and permit S-54737, the relationship of the permits, and the effect on diversion rates and water availability.

First, the application states that the new permit is being sought as a redundant supply to permit S-54737 because various limitations on that permit make it unreliable, and that the new permit “will be used in combination with the JWC’s existing Permit S-54737.” (Application, p. 8). However, the 2018 application amendment filed for R-

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86734¹ (now seeking to store an additional 25,000 acre-feet of water in Scoggins Reservoir) states that JWC is in negotiations to partially cancel permit S-54737 (the portion that overlaps with application S-88506) to support issuance for the requested reservoir permit (*see* Adobe p. 2 and 9), essentially to free up water that could then be stored in the proposed reservoir expansion—and which could then be used to support other out-of-stream uses under secondary rights or other mechanisms.² Because three of the four members of the JWC are also Tualatin Basin Water Supply Partners,³ which applied for R-86734, JWC would certainly be familiar with the application amendment for R-86734 and its proposal to cancel permit S-54737 in order to secure a reservoir permit. Therefore, statements in application for S-88506 that the requested permit for application S-88606 would be used to increase the reliability of permit S-54737 and “will be used in combination with the JWC’s existing Permit S-54737” (Application, p. 8) appear to be materially false and to be statements that JWC knows at this time to be incorrect. The intent is not to use the requested permit for application S-88506 “in combination” with permit S-54737; rather, it is to get a second primary permit that will then allow permit S-54737 to be cancelled to gain approval of a new reservoir and other connected uses that would follow.

Second, the application’s statement that “[t]herefore, the requested permit would cause no net increase in authorized consumptive use and no net negative impact on water availability because the proposed 44 cfs will be used in combination with the JWC’s

¹ Available in OWRD’s Water Right Information System here:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=150573

² Given the lack of reliability of permit S-54737, including due to required bypass flows, it appears that cancellation of that permit as described in the reservoir application amendment would be illusory mitigation for a new use.

³ Cities of Hillsboro, Forest Grove and Beaverton.

existing Permit S-54737,” which is restated in the PFO at FOF #2, is also incorrect. Because the lack of reliability of permit S-54737 stems from limits on its authorized use, for example by conditions added to maintain fish persistence, subordination to first fill of Scoggins Reservoir and by water availability in Scoggins Creek, the requested permit would constitute an increase in authorized use. Further, JWC’s claim that application S-88506 is not seeking to increase authorized consumptive use conflicts with the application’s description of permit S-54737 as unreliable. Finally, depending on how OWRD ran its “water availability” model, it may or may not be true that the proposed use would not have a net negative impact on “water availability” as shown in that model, but it certainly would have a net negative impact on the actual availability of water in the Tualatin River.

In sum, OWRD should deny application S-88506 because it materially misrepresents JWC’s intended use of the requested permit and how it relates to JWC’s existing permit S-54737. In Oregon, “[a]ll water within the state from all sources of water supply belongs to the public.” ORS 537.110. It would be antithetical to sound public policy and to faithfully discharging the Oregon water code to award a permit to use the public’s water based on application S-88506. Further, the inaccuracies in the application make the PFO’s analyses, findings and conclusions inaccurate.

3. The public interest presumption is overcome, and the proposed use will impair or be detrimental to the public interest, because it does not comply with the rules of the Water Resources Commission. ORS 537.153(2); OAR 690-310-0110(1)(d). Rules that the proposed use does not comply with include but are not limited to the following:

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a) OAR 690-033-0340(2), which requires that “[c]onsistent with 690-033-0340(1), the Department shall follow the recommendations of the interagency review team in determining whether the presumption is established pursuant to OAR 690-310-0110 or 690-310-0130. In completing the remainder of the public interest determination under 690-310-0120 or 690-310-0140, the Department shall follow the recommendations of the interagency review team unless it finds: [exceptions not found here].” Here, the PFO and draft permit fail to follow the recommendations made by the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Environmental Quality (ODEQ) in their reviews for this application conducted pursuant to OAR 690-33 (Division 33 reviews).

The ODFW Division 33 review states:

“(C) ☒ ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit STE fish species at the Point of Diversion or downstream.

Source: MF 174 and MF 175.”

and

“(2) Surface Water or Groundwater Uses

☒ “Biologically Necessary Flows”

To protect beneficial uses, ODFW recommends the biologically necessary flows identified in Section 3.1 B or C [see OAR 690-410-0070(2)(h)] be met or the use mitigated for (see Recommended Mitigation Obligation in Section 7) prior to diversion of water.”

(P. 2 and 4). The PFO provides no protection for these Biologically Necessary Flows. It fails to require that these Biologically Necessary Flows be met or the use mitigated for prior to diversion of water. Therefore, the PFO is inconsistent with OAR 690-033-0340(2).

The ODEQ Division 33 review includes the following "Recommended Permit Condition[]" to address water quality issues:

"2. **Limit Diversion** The permittee shall not divert water under this water use permit unless streamflow in the Tualatin River is at or above 904 cubic foot per second from April 1- April 30 as determined at Gaging Station ID: USGS 14206500 TUALATIN RIVER AT FARMINGTON, OREG." (P. 1)

(P. 1). However, the Draft Permit (attached to the PFO) does not include ODEQ's recommended permit condition. Instead, the Draft Permit includes a condition that is significantly less protective of water quality:

"4. Limit Diversion:

The permittee shall not divert water under this water use permit unless streamflow in the Tualatin River is at or above 904 cubic foot per second from April 1- April 30 *based on a seven day rolling average of mean daily flows measured in the Tualatin River* at Gaging Station ID: USGS 14206500 TUALATIN RIVER AT FARMINGTON, OREG."

(Draft Permit, p. 2 (emphasis added)). Because it triggers the diversion limitation based on a calculated seven-day rolling average of mean daily flows at the identified streamflow gage, instead of anytime flows drop below 904 cfs at that gage as recommended by ODEQ, the Draft Permit condition would be less protective of water quality than the condition recommended by ODEQ. Therefore, the PFO is inconsistent with OAR 690-033-0340(2).

b) OAR 690-300-0010(36) and (52), which are rules defining whether a permit is a primary or supplemental right. Those definition are:

(36) "Primary Right" means the right to store water in a reservoir or the water right designated by the commission as the principle water supply for the authorized use, or if no designation has been made, the first in time or initial appropriation.

(52) "Supplemental Water Right or Supplemental Water Use Permit" means an additional appropriation of water to make up a deficiency in supply from an

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existing water right. A supplemental water right is used in conjunction with a primary water right.

(OAR 690-300-0010). As further described in (1) above, incorporated fully here, JWC's application requests a new permit that "will be used in combination with the JWC's existing Permit S-54737," to serve the same demand as that permit due to issues with its reliability. (Application, p. 8). The proposed issuance of a primary right on these facts does not comply with OAR 690-300-0010(36) and (52). The proposed use described in the application is for an "additional appropriation of water to make up a deficiency in supply from an existing water right" that would be used "in conjunction with a primary water right" (OAR 690-300-0010(36), not for "the principle water supply for the authorized use" (OAR 690-300-0010(52)) and thus the PFO is inconsistent with these rules.

4. The public interest presumption is overcome, and the proposed use will impair or be detrimental to the public interest, because the PFO does not establish that water is available. ORS 537.153(2); OAR 690-310-0110(1)(b). Problems with the water availability analysis include but are not limited to incomplete and incorrect analysis regarding permit S-54737 (including but not limited to its relationship to application S-88506 and application R-86734) and application R-86734.

5. The proposed use will impair or be detrimental to the public interest under ORS 537.170(8)(a)-(e) for reasons including but not limited to the following:

a) The proposed use fails to conserve the highest use of the water for all purposes, including specifically game fish and wildlife and public recreation, as well as other aquatic species, ecological processes, and water quality (which are uses that have special value for the public and the State). ORS 537.170(8)(a). The PFO and Draft Permit

fail to protect fish, wildlife, water quality and ecosystem processes by failing to protect the Biologically Necessary Flows identified by ODFW and to protect water quality as specified by ODEQ, as described in 1(a) above which is incorporated in full here. Further impacts to these values will accrue through the scheme to use this permit to support additional uses through cancelation of permit S-54737, as discussed in (2) above, incorporated in full here.

b) Because water for the proposed use would be diverted at a facility where fish screens do not meet current standards resulting in entrainment of thousands of fish annually, the proposed use fails to conserve the highest use of the water for all purposes, including specifically game fish, including Coho and steelhead, and other fish such as Pacific Lamprey (which is a use that has special value for the public and the State) and is an unreasonable use. ORS 537.170(8)(a) and (e). JWC requested from the ODFW Commission a fish screening waiver for this permit application, which was considered and granted at the August 7, 2020 ODFW Commission meeting.⁴ This means that if the permit were issued, JWC would be diverting the water at a diversion point where the fish screens do “not meet current State or federal fish screening criteria,”⁵ which already causes the entrainment and death of thousands of fish annually. According to materials provided to the Commission by JWC’s consultants, estimated annual fish losses (maximum) at the diversion are: 2680 Coho fry (4163 at capacity pumping rates) and 1341 Steelhead fry (2378 at capacity pumping rates).⁶ Pacific lamprey and other fish are also being entrained.⁷ Because JWC’s use of the proposed permit would be through a

⁴ Materials available here: https://www.dfw.state.or.us/agency/commission/minutes/20/08_Aug/index.asp

⁵ *Id.* at Ex. D, Attachment 1, Agenda Item Summary, p. 2.

⁶ *Id.* at Ex. D, Attachment 1, Agenda Item Summary, p. 4.

⁷ *Id.* at Ex. D, Attachment 5, SHPP Entrainment Study.

diversion point that is killing many thousands of fish annually, including Coho, steelhead, and lamprey, due to lack of compliant fish screens, JWC's proposed use is not in the public interest, does not conserve water for its highest use and is an unreasonable use. ORS 537.170(8)(a) and (e).

c) The scheme, not disclosed in and directly contradicted by application S-88506 and not evaluated in the PFO, for JWC and others to use the proposed permit for application S-88506 to then cancel S-54737 in order to support other uses (described in (2) above, incorporated in full here) represents a "wasteful, uneconomic, impracticable or unreasonable use of the waters involved" and thus the proposed use is inconsistent with OAR 537.170(8)(e). The requested permit appears to be part of a shell game to gain increases in authorized water uses based on misrepresentations in application S-88506. Further, the PFO is, in effect, approving an amount of water that is excessive when compared to the reasonable demand of the applicant and that has not been evaluated in the PFO.

d) It is not in the public interest to issue a permit based on an application that misstates the intended use of the permit and fails to disclose the scheme described in (2) and 5(c) above, both incorporated fully here. In Oregon, "[a]ll water within the state from all sources of water supply belongs to the public." ORS 537.110. It is not in the public interest to allocate the public's water based on the material misrepresentations made in this application.

6. The PFO cannot be upheld because it is inconsistent with agency rules, as described in (3) above which is incorporated fully here.

7. FOF #11 is in error and not supported by evidence in the record for reasons stated above, including in (3)(a), incorporated in full here.

8. FOF #2 is in error and not supported by evidence in the record for reasons stated above, including in (1) and (2), incorporated in full here. In addition to the fact that the JWC, in application S-88506, itself has described that it seeks the new permit due to limitations on the authorized use of permit S-54737, OWRD has a record, in application amendment for R-86734, of the plan to cancel permit S-54737 making any diversion under the requested permit exceed the authorized use under S-54737 and cause a net negative effect on water availability.

9. The PFO is deficient because it fails to include “[a]n assessment of . . . the amount of water necessary for the proposed use” as required by ORS 537.153(3)(c).

10. The applicant has not shown an ability or intent to complete this project within twenty years as required by under ORS 537.230(3). The application states that the new permits is needed to address reliability issues under permit S-54737, but JWC has never used any water under that permit, which was issued more than 30 years ago in 1990 (as permit S-50879) and now has requested and been granted an extended development deadline until 2071. In other words, OWRD has found that the permit that JWC requests application S-88506 be tied to needs 50 additional years to be developed. This record does not support the required determination that any permit issued for application S-88506 could be developed in 20 years. Additionally, the PFO does not support a determination that the project could be completed within 20 years.

B. The errors and deficiencies should be corrected as follows:

The errors and deficiencies should be corrected by denying the permit.

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V. Citation Of Legal Authority

Applicable legal authorities where known include: ORS 537.110; ORS 537.153; ORS 537.170; OAR 690-033-0340(2); OAR 690-310-0110; OAR 690-300-0010(36) and (52); ORS 537.230(3).

VI. Protest Fee

The required fee of \$810.00 is included with this protest.

VII. Request For Hearing

Protestant requests a contested case hearing.

Dated: June 11, 2021

/s/Lisa A. Brown

Lisa A. Brown, OSB #025240
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Ph: 503.295.4039 x4
Fax: 503.295.2791
lisa@waterwatch.org

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Certificate of Service

I certify that on this date, a copy of the foregoing protest was served on each of the following by the method indicated:

AGENT:

GSI WATER SOLUTIONS INC.

ATTN: ADAM SUSSMAN

1600 SW WESTERN BLVD SUITE 240

CORVALLIS, OR 97333

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

APPLICANT:

JOINT WATER COMMISSION

150 E MAIN ST

HILLSBORO, OR 97123

By placing in the US Postal Mail, first class postage prepaid, from Portland, Oregon

Water Rights Section

Oregon Water Resources Department

725 Summer St. NE, STE A

Salem, OR 97301

By hand delivery

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Dated: June 11, 2021.

/s/Lisa A. Brown

Lisa A. Brown
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Ph: 503.295.4039 x2
Fax: 503.295.2791
lisa@waterwatch.org

Mailing List for PFO/Draft Permit Copies

Application S-88506

PFO Date April 27, 2021

Original mailed via CERTIFIED MAIL to applicant:

JOINT WATER COMMISSION
150 E MAIN STREET
HILLSBORO OR 97123

Copies Mailed

By: TM

(SUPPORT STAFF)

on: 4/27/2021

Sent via auto email:

1. Applicant - niki.iverson@hillsboro-oregon.gov
1. Agent - Adam Sussman: asussman@gsiws.com
2. WRD - Watermaster District #18, Jacob W. Constans
3. WRD - Mike McCord NWR
4. WRD - SW Section

Copies sent to:

1. WRD - File # S-88506

Application Specialist: Lisa Graham

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

Water Right Application S-88506 in the	)	
name of JOINT WATER COMMISSION	)	PROPOSED FINAL ORDER
	)	

Summary: The Department proposes to issue an order approving Application S-88506 and a permit consistent with the attached draft permit.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.153 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and the Willamette Basin Program (OAR 690-502). These statutes and rules can be viewed on the following website: <https://www.oregon.gov/OWRD/programs/policylawandrules/Pages/default.aspx>.

The Department's main website can be found at: <https://www.oregon.gov/OWRD>.

The Department shall presume that a proposed use will not impair or be detrimental to the public interest if:

- a) 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);
- b) Water is available;
- c) The proposed use will not injure other water rights; and
- d) The proposed use complies with the rules of the Commission. ORS 537.153(2); OAR 690-310-0110(1)

All four criteria must be met for a proposed use to be presumed to not impair or be detrimental to the public interest. When the criteria are met and the presumption is established, or if the proposed use can be modified or conditioned to meet the presumption criteria, the Department must further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies and any other available information to determine whether the presumption is overcome. OAR 690-310-0120(3).

If the Department determines that the presumption is established and not overcome, the Department shall issue a Proposed Final Order recommending issuance of the permit subject to any appropriate modifications or conditions.

FINDINGS OF FACT

Application History

1. On January 31, 2018, Joint Water Commission filed a complete application for the following water use:

Source: TUALATIN RIVER, TRIBUTARY TO WILLAMETTE RIVER
Use: MUNICIPAL USE
Rate/Volume: 44.0 CUBIC FEET PER SECOND (CFS)
Period of Use: OCTOBER 1 THROUGH MAY 31
County: WASHINGTON COUNTY
Place of Use: WITHIN TUALATIN VALLEY WATER DISTRICT SERVICE AREA, BEAVERTON CITY LIMITS, FOREST GROVE CITY LIMITS, AND HILLSBORO CITY LIMITS

2. The application demonstrates that the applicant is not requesting to divert additional water from the authorized point of diversion on the Tualatin River beyond the rate authorized by its existing water rights. The applicant requested that the proposed use in combination with Permit S-54737, which authorizes use of up to 75.0 CFS, be limited to a total of 75.0 CFS.
3. On June 1, 2018, the Department mailed the applicant notice of its Initial Review, determining that the diversion of 44.0 CFS of water from Tualatin River, tributary to Willamette River for municipal use is allowable December 1 through April 30 of each year. The applicant did not notify the Department to stop processing the application within 14 days of that date.
4. On June 5, 2018, the Department provided notice of the application in its weekly public notice, requesting comments, and providing information for interested persons about obtaining future notices and a copy of the Proposed Final Order.
5. On June 10, 2019, the applicant requested to remove the months of October, November and May from the proposed season of use.
6. The application was placed on administrative hold on three different occasions, the last of which was removed by the applicant on November 18, 2020.

Presumption Criteria (a) Consistency with Basin Program

7. Municipal use is allowed under the Willamette Basin Program (OAR 690-502-0130(1)(b)). ORS 537.153(2); OAR 690-310-0110(1)(a)

Presumption Criteria (b) Water Availability

8. An assessment of water availability at 80% exceedance for the proposed use was completed using the Department's Water Availability Reporting System. A copy of this assessment is in the application file. This review is done consistent with OAR 690-410-0070(2)(a). During the period of use requested, the assessment established that water surface water is available during the period December 1 through April 30 of each year. ORS 537.153(2); OAR 690-310-0150(2)(c)

Presumption Criteria (c) Injury Determination

9. The proposed use will not injure other water rights. ORS 537.153(2); OAR 690-310-0150(2)(e)

Presumption Criteria (d) Whether the Use Complies with Rules of the Commission

10. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright. ORS 537.153(2)(b); OAR 690-310-0150(2)(b)
11. The proposed use is in an area of the state in which OAR 690-033-0210 thru -0230 and OAR 690-033-0310 thru -0340 apply. These rules establish definitions, additional procedures, and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species.

OAR 690-033-0210 Lower Columbia Rules (Below Bonneville Dam)

- A. The proposed use of water is not detrimental to the protection or recovery of a threatened or endangered species. OAR 690-033-0220(1)
- B. The application is not presumed to impair or be detrimental to the public interest.

OAR 690-033-0310 Statewide Rules

- A. The proposed use occurs occur in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0310(2)
- B. The applicant has been notified that based on a preliminary determination, the proposed use may affect the habitat of sensitive, threatened or endangered fish species and the application may be conditioned or denied. OAR 690-033-0330(1)(a)
- C. The interagency review team has been notified that an application has been received in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0330(1)(b)
- D. The interagency review team was convened to review the application and recommended conditions as necessary to achieve the standards listed in 690-033-0330(2)(a) and (b). The draft permit has been conditioned accordingly.

Determination of Presumption that a Proposed Surface Water Use will not Impair or be Detrimental to the Public Interest

Based on the review of the presumption criteria (a)-(d) above, the presumption has been established. ORS 537.153(2); OAR 690-310-0110(1)(a)-(d)

Further Evaluation of the Proposed Use

12. No comments were received by the close of the comment period. OAR 690-310-0120(3)
13. Information available in Department files, received from other interested agencies, and other available information does not provide a preponderance of evidence that the proposed use would impair or be detrimental to the public interest under ORS 537.153. OAR 690-310-0120(3)

Other Criteria and Requirements

14. The proposed use is not located within or above a state scenic waterway, as designated under ORS 390.826.
15. The amount requested, 44.0 CFS, is necessary for the proposed use. ORS 537.153(3)(c); OAR 690-310-0150(2)(d)
16. The applicant proposed methods to measure the amount of water diverted, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream, or to prevent damage to public uses of any affected surface waters. These measures are adequate at this time. OAR 690-310-0150(2)(j)
17. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

CONCLUSION OF LAW

1. The proposed use would not impair or be detrimental to the public interest as described in ORS 537.153(2).

NOTE: When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of water to be appropriated for the project.

PROPOSED ORDER

The Department recommends approval of Application S-88506 and issuance of a permit consistent with the attached draft permit.

DATED April 27, 2021

Alyssa Mucken

Digitally signed by Alyssa Mucken
Date: 2021.04.22 07:06:10 -07'00'

Alyssa Mucken
Water Rights Section Manager, for
Thomas M. Byler, Director
Oregon Water Resources Department

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. Protests must be received by the Water Resources Department no later than **June 11, 2021**.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Protests must be in writing and 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 the 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;
- To affect the Department's determination that the proposed use in this application will, or will not, impair or be detrimental to the public interest, ORS 537.153(6) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.170(8) that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.170 (8) would be impaired or be adversely affected;
- If you are the applicant, a protest fee of \$410 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$810 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.

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **June 11, 2021**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;

- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$230. If a hearing is scheduled, an additional fee of \$580 must be submitted along with a petition for party status.

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 either:

- 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.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a prima facie case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

-
- If you have any questions about statements contained in this document, please contact Lisa Graham at Elisabeth.A.Graham@oregon.gov or 503-986-0808.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF WASHINGTON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JOINT WATER COMMISSION
150 E MAIN ST
HILLSBORO OR 97123

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

APPLICATION FILE NUMBER: S-88506

SOURCE OF WATER: TUALATIN RIVER, TRIBUTARY TO WILLAMETTE RIVER

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 44.0 CUBIC FEET PER SECOND

THE USE OF WATER UNDER THIS PERMIT OR A SUBSEQUENT PERMIT OR
CERTIFICATE(S), IN COMBINATION WITH PERMIT S-54737 OR SUBSEQUENT
CERTIFICATE(S), SHALL NOT EXCEED 75.0 CUBIC FEET PER SECOND

PERIOD OF USE: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JANUARY 31, 2018

AUTHORIZED POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	8	SW SW	500 FEET NORTH AND 410 FEET EAST FROM SW CORNER, SECTION 8

AUTHORIZED PLACE OF USE:

WITHIN TUALATIN VALLEY WATER DISTRICT SERVICE AREA, BEAVERTON CITY
LIMITS, FOREST GROVE CITY LIMITS, AND HILLSBORO CITY LIMITS

PERMIT SPECIFIC CONDITIONS

1. 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.

2. Water Use Measurement, Recording, and Reporting:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

3. Water Quality:

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.

4. Limit Diversion:

The permittee shall not divert water under this water use permit unless streamflow in the Tualatin River is at or above 904 cubic foot per second from April 1- April 30 based on a seven day rolling average of mean daily flows measured in the Tualatin River at Gaging Station ID: USGS 14206500 TUALATIN RIVER AT FARMINGTON, OREG.

5. Fish Screening:

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish & Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary or is exempted. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screening Coordinator.

STANDARD CONDITIONS

1. 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.

2. 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.
3. 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.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS

1. Construction of the water system shall begin within twenty years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. Complete application of the water shall be made within twenty years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
3. 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.

Issued _____

DRAFT - THIS IS NOT A PERMIT

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

Reminder: use a different colored pen for changes and Date and Initial changes.

PFO Checklist for Standard Application

Application # S-88506 Applicant: JOINT WATER COMMISSION
Basin # 2 WM 18

☒ IR requested additional information? ☒ NA ☐ Yes

☒ Add'l info received? ☒ NA ☐ Yes

☒ IR Date 6.1.18 Noticed on 6.5.18 Comment Deadline 7.5.18

☒ Electronic /Written comments? ☒ No ☐ Yes Comment Eval? ☒ NA ☐ No ☐ Yes

☒ Allowed Use/Rate/Season MU/44.0 CFS / 12.1 - 4.30 ^{*FURTHER LIMITED TO 75.0 CFS WITH PERMIT} Limit: - Duty: -

☒ GW Rev ☒ NA ☐ will likely be available ☐ will not likely be available ☐ will, if conditioned

☒ No PSI ☐ Yes PSI WELL Has PSI with

PSI caused from: ☐ 1/4 mile ☐ > 5CFS ☐ Instream Q ☐ > 1% of 80% ☐ Interference > 25%

Groundwater Conditions:

☒ Well construction meets minimum standards? ☐ NA (proposed well) ☐ Yes ☐ No (propose to deny)

☒ Conditions ☐ Small ≤ 0.1 CFS ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 0.25 CFS. > 9.2 AF but < 100 AF ☒ Large ≥ 0.25 CFS ≥ 100 AF

☒ SWW ☒ NA ☐ above ☐ within If GW, add 7J ☐

☒ SW availability ☐ NA ☒ 80% ☐ 50% Dec-apr

☒ Division 33 ☐ NA ☐ No ☐ UPPER COLUMBIA (not allowed 4/15 - 9/30) OAR 690-033-0120 (DIV331)
☒ LOWER COLUMBIA OAR 690-033-0220 (DIV332)
☐ STATEWIDE OAR 690-033-0330 (DIV333)
☐ UPPER COLUMBIA AND STATEWIDE (DIV334)
☐ LOWER COLUMBIA AND STATEWIDE (DIV335)

☒ Land Use ☒ allowed outright ☐ decision obtained ☐ being pursued ☐ not being pursued

☒ MU or QM: ☐ NA ☒ change construction condition to 20 years in Draft Permit

☒ Needed before permit: ☒ NA ☐ Fees ☐ LU ☐ easement ☐ plans/ specs ☐ storage contract

☒ Changes from IR determinations

letter from agent confirming season of use to 12.1-4.30. void 6/13/19

Notes

Specialist: Elisabeth A. Graham Date: 6.28.19 Peer Reviewer: Date: Manager: Date:

Copy to:

- ☐ NCR ☒ WM 18
☒ Agent Adam Sussman @ GSI
☐ CWRE _____
☒ A.L.O. IR Dist.: Tualatin Valley IR Dist: 2330 Elm St Forest Grove OR 97116
☐ Commenter(s) _____
☒ SW Section (If SW, GW w/PSI, or SWW (include copy of yellow sheet))

EXAM FEE REQUIRED	<u>16330</u>	RECORDING FEE REQUIRED	<u>520</u>
EXAM FEE PAID	<u>16330</u>	RECORDING FEE PAID	<u>520</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

The purpose of this check list is to be used as a working document by the 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.

IR Checklist for Standard Application

Reminder: use a different colored pen for changes and Date and Initial changes.

Application #: S-88506 Applicant JOINT WATER COMMISSION

Basin # 2 Priority Date: January 31, 2018 (1R Due 3.17.18)

☒ Requested Use/Rate/Season MU / 44.0 cfs / 10.1 - 5.31 Limit _____ Duty _____

Allowed use/Rate/Season MU / 44.0 cfs / 12.1 - 4.30 Limit - Duty -

☒ ORS 538 prohibits use ☒ No ☐ Yes (stop processing and return app and fees)

☒ DIV 9: ☒ NA ☐ will likely be available... ☐ will not likely be available... ☐ will, if properly condition...

☐ No PSI OR ☐ well _____ has PSI with _____

PSI caused from: ☐ 1/4 mile ☐ > 5 CFS ☐ Instream Q ☐ > 1% of 80% ☐ Interference > 25%

☐ Reduce rate to avoid PSI _____

☐ GW conditions _____

☒ Conditions _____

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 0.25 CFS, > 9.2 AF but < 100 AF ☒ Large ≥ 0.25 CFS, ≥ 100 AF

• use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin ground water.

• use Large for: Tenmile Lake, NU or other temp control, and gov. entities, HC exceptions; and if GW in South Salem Hills, or 10+ acres in Stage Gulch CGWA; Large-7g, Large-7i for 7g/7i.

☒ Use is ☒ allowed ☐ not allowed ☒ limited ☒ OAR ☐ Compact MDV-apr 690-502-0130(1)(b)

☒ SW availability ☐ NA ☒ 80% ☐ 50% Dec-apr WID: 30201013

☐ Use DWF's 6/21/05 non-standard W/A memo if the source is: trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalem Cr, or Champoeg Cr (including Mission Cr and Case Cr)

☒ DIVISION 33: ☐ NA ☐ No ☐ UPPER COLUMBIA (not allowed 4/15 - 9/30) OAR 690-033-0120

☒ LOWER COLUMBIA OAR 690-033-0220

☐ STATEWIDE OAR 690-033-0330

☒ SWW: ☒ NA ☐ above ☐ within _____

☒ POU conflict? ☒ No ☐ No, different sources ☐ No, make up a deficiency in rate ☐ No, existing not at max. rate

☐ Yes _____

☒ Use is supplemental, checked for primary rights w/ diff source ☒ NA ☐ No ☐ yes, limits _____

☒ App w/in a District boundary ☐ No ☐ Yes, cc: _____

☒ Land use: ☒ allowed outright ☐ not allowed ☐ being pursued ☐ not being pursued ☐ decision obtained

☐ receipt only ☐ N/A

☒ MU or QM: ☐ NA ☐ will complete construction within 20 years

☒ Chris or Kerri reviewed and added recommendations _____

☒ Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained _____

☒ POD is within North Umpqua or Tenmile Lake for domestic use and the spreadsheet was updated ☒ NA ☐ Yes

☒ Forms ☐ NA ☐ HC except (receipts/well logs attached) ☐ spring description ☒ Form M

Application #: S-88506 Applicant JOINT WATER COMMISSION

☒ Authorized agent specified ☐ No ☒ Yes Adam Gussman e GSI

Copy to ☐ SWR ☒ WM # 1B ☐ ALO ☐ City

☐ NCR ☒ agent ☐ district (w/in 5-mile muni wells)

☒ Hydrographic (if SW, GW with PSI, or SWW) ☐ CWRE

☐ Division 33 - Upper Columbia (Northwest Power and Cons Council, National Marine Fisheries, Indian Tribes (CTUIR, CRIFC, WST), and USFWS)

☐ DOA Food Safety Division (bottled water)

☐ DOGAMI & DSL (mining)

☐ Any appropriate local government

☒ IR district: Tualatin Valley IR Dist : 2330 Elm St Forest Grove OR
97114

Fees 44.0 CFS Base 930-

 AF Up to 1 CFS 300-

 Add'l CFS 15100-

 well(s)/POD(s) Up to 20 AF

 Add'l AF @ \$1

 use(s) Add'l POD/POA use +

Exam Fee Required 11330

Rec Fee Req'd 520

Exam Fee Paid 11330

Rec Fee Paid 520

Still Owed/Refund 0

Owed before Permit 0

☒ App/map meet min. required ☒ Yes ☐ No ☐ ALO info ☐ map ☐ legal

☒ Req'd before PFO: ☒ NA ☐ LU approve/pursue ☐ ALO info ☐ exam fees

☒ Req'd before permit: ☒ NA ☐ recording fees ☐ well repair ☐ LU ☐ easement ☐ plans/specs ☐ storage contract

☒ Letter format: ☒ good ☐ limited ☐ bad ☐ bad w/ rate reduction opportunity

☒ Scanned images exist for application form and map

Name: Elisabeth A. Graham Date Completed: 4/16 Initials: 9 Peer Reviewer bp Date: 5/25/2018

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.

Revised 2/5/18



Point of Diversion Characteristics

Right:	App: S 88506 *
Name:	JOINT WATER COMMISSION

TRSQQ: 01.00S-03.00W-08-SWSW

County: Washington

Basin: Willamette

WM District: 18

WM Region: NW

Withdrawn Area:

WAB: TUALATIN R > WILLAMETTE R - AT GAGE 14206500 (30201013)

Priority WAB: TUALATIN R ab 14206500 (OWRD: Very good, ODFW: Moderate) (14206500)

Rule 4D: Rules apply

Groundwater Restricted Area: Limited - Chehalem Mountain

Scenic Water Way:

Division 33: LOWER COLUMBIA

Water Quality Limited: Yes



Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: S 88506 *

Division 502
WILLAMETTE BASIN PROGRAM

690-502-0130

Tualatin River Subbasin

The Tualatin subbasin includes the drainage area of the Tualatin River upstream from the confluence with the Willamette River near West Linn:

(1) Surface water classification:

(b) Except as specified in subsections (a) and (c) of this section, the Tualatin River and tributaries are classified for domestic, livestock, **municipal**, irrigation, industrial, agricultural, commercial, power in conjunction with storage, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses **from November 1 through April 30**, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock, wetland enhancement and public instream uses from May 1 through October 31;



Water Availability Analysis

TUALATIN R > WILLAMETTE R - AT GAGE 14206500
WILLAMETTE BASIN

Water Availability as of 2/12/2018

Basin OK

Watershed ID #: 30201013 (Map)

Date: 2/12/2018

Download Data

Exceedance Level: 80%

Time: 4:12 PM

Water Availability

Select any Watershed for Details

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes

Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	585.00
FEB	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	854.00
MAR	175	TUALATIN R > WILLAMETTE R - AT MOUTH	Yes	702.00
APR	175	TUALATIN R > WILLAMETTE R - AT MOUTH	Yes	340.00
MAY	175	TUALATIN R > WILLAMETTE R - AT MOUTH	No	-41.90
JUN	175	TUALATIN R > WILLAMETTE R - AT MOUTH	No	-124.00
JUL	175	TUALATIN R > WILLAMETTE R - AT MOUTH	No	-238.00
AUG	175	TUALATIN R > WILLAMETTE R - AT MOUTH	No	-228.00
SEP	175	TUALATIN R > WILLAMETTE R - AT MOUTH	No	-198.00
OCT	175	TUALATIN R > WILLAMETTE R - AT MOUTH	No	-115.00
NOV	175	TUALATIN R > WILLAMETTE R - AT MOUTH	No	-242.00
DEC	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	271.00
ANN	30201013	TUALATIN R > WILLAMETTE R - AT GAGE 14206500	Yes	532,000.00

Detailed Reports for Watershed ID #181

WILLAMETTE R > COLUMBIA R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 2/12/2018

Watershed ID #: 181 (Map)

Date: 2/12/2018

Exceedance Level: 80%

Time: 4:12 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	27,500.00	2,740.00	24,800.00	0.00	1,500.00	23,300.00
FEB	30,000.00	8,010.00	22,000.00	0.00	1,500.00	20,500.00
MAR	28,500.00	7,570.00	20,900.00	0.00	1,500.00	19,400.00
APR	25,400.00	7,170.00	18,200.00	0.00	1,500.00	16,700.00
MAY	20,700.00	4,430.00	16,300.00	0.00	1,500.00	14,800.00
JUN	11,000.00	2,340.00	8,660.00	0.00	1,500.00	7,160.00
JUL	6,280.00	2,290.00	3,990.00	0.00	1,500.00	2,490.00
AUG	4,890.00	2,050.00	2,840.00	0.00	1,500.00	1,340.00
SEP	4,930.00	1,680.00	3,250.00	0.00	1,500.00	1,750.00
OCT	5,990.00	709.00	5,280.00	0.00	1,500.00	3,780.00
NOV	12,700.00	1,000.00	11,700.00	0.00	1,500.00	10,200.00
DEC	24,800.00	1,390.00	23,400.00	0.00	1,500.00	21,900.00
ANN	19,700,000.00	2,480,000.00	17,300,000.00	0.00	1,090,000.00	16,200,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,990.00	0.00	436.00	95.50	7.74	22.30	122.00	66.70	2,740.00

FEB	7,260.00	0.00	436.00	95.50	7.74	22.30	122.00	66.20	8,010.00
MAR	6,810.00	6.63	436.00	95.50	7.73	22.30	120.00	64.50	7,570.00
APR	6,390.00	43.30	436.00	95.50	7.73	22.30	117.00	64.40	7,170.00
MAY	3,430.00	302.00	433.00	95.50	7.58	22.30	86.40	42.70	4,430.00
JUN	443.00	605.00	1,050.00	95.50	7.43	22.30	80.00	40.80	2,340.00
JUL	14.30	1,030.00	1,040.00	95.00	7.41	22.30	43.70	33.50	2,290.00
AUG	2.15	811.00	1,030.00	94.90	7.41	22.30	43.40	33.50	2,050.00
SEP	0.86	399.00	1,040.00	95.50	7.42	22.30	68.70	37.20	1,680.00
OCT	0.66	28.70	429.00	95.50	7.72	22.30	69.80	55.80	709.00
NOV	275.00	0.00	436.00	95.50	7.72	22.30	102.00	63.70	1,000.00
DEC	642.00	0.00	436.00	95.50	7.74	22.30	123.00	66.70	1,390.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF181A	APPLICATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Maximum		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00

Detailed Reports for Watershed ID #175

TUALATIN R > WILLAMETTE R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 2/12/2018

Watershed ID #: 175 ([Map](#))

Date: 2/12/2018

Exceedance Level: 80%

Time: 4:12 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	1,290.00	428.00	862.00	0.00	250.00	612.00
FEB	1,640.00	486.00	1,150.00	0.00	250.00	904.00
MAR	1,300.00	348.00	952.00	0.00	250.00	702.00
APR	834.00	244.00	590.00	0.00	250.00	340.00
MAY	407.00	199.00	208.00	0.00	250.00	-41.90
JUN	191.00	185.00	6.02	0.00	130.00	-124.00
JUL	90.30	228.00	-138.00	0.00	100.00	-238.00
AUG	68.60	196.00	-128.00	0.00	100.00	-228.00
SEP	46.80	150.00	-103.00	0.00	94.50	-198.00
OCT	52.00	67.50	-15.50	0.00	100.00	-115.00
NOV	183.00	175.00	7.62	0.00	250.00	-242.00
DEC	968.00	408.00	560.00	0.00	250.00	310.00
ANN	913,000.00	187,000.00	740,000.00	0.00	137,000.00	625,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	342.00	0.00	57.90	3.51	0.11	2.80	20.80	1.18	428.00
FEB	400.00	0.00	57.90	3.51	0.11	2.80	20.80	1.18	486.00
MAR	264.00	0.03	57.90	3.51	0.11	2.80	19.00	1.18	348.00
APR	159.00	0.57	57.90	3.51	0.11	2.80	19.00	1.17	244.00
MAY	55.80	75.30	57.90	3.51	0.11	2.80	3.37	0.19	199.00
JUN	0.00	95.10	83.80	0.50	0.11	2.80	2.45	0.19	185.00
JUL	0.00	136.00	83.80	3.51	0.10	2.80	2.38	0.19	228.00
AUG	0.00	115.00	72.60	3.51	0.10	2.80	2.27	0.19	196.00
SEP	0.00	57.20	83.80	3.51	0.10	2.80	2.32	0.19	150.00
OCT	0.53	0.02	57.90	3.51	0.10	2.80	2.45	0.19	67.50
NOV	106.00	0.00	57.90	3.51	0.10	2.80	5.19	0.19	175.00
DEC	322.00	0.00	57.90	3.51	0.11	2.80	20.80	1.17	408.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF174A	APPLICATION	30.00	30.00	30.00	30.00	30.00	20.00	20.00	15.00	15.00	30.00	30.00	30.00
MF175A	APPLICATION	250.00	250.00	250.00	250.00	250.00	130.00	40.00	30.00	25.00	90.00	250.00	250.00

IS73538A
S86703B
S86704C
Maximum

CERTIFICATE
PERMIT
PERMIT

100.00
2.80
10.40
250.00

100.00
2.80
10.40
250.00

100.00
2.80
10.40
250.00

100.00
2.80
10.40
250.00

100.00
2.80
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250.00

100.00
2.80
10.40
130.00

100.00
2.80
10.40
100.00

100.00
2.80
10.40
100.00

94.50
2.80
10.40
94.50

100.00
2.80
10.40
100.00

100.00
2.80
10.40
250.00

100.00
2.80
10.40
250.00

Detailed Reports for Watershed ID #30201006

TUALATIN R > WILLAMETTE R - AT GAGE 14207500

WILLAMETTE BASIN

Water Availability as of 2/12/2018

Watershed ID #: 30201006 (Map)

Date: 2/12/2018

Exceedance Level: 80%

Time: 4:12 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	1,290.00	427.00	863.00	0.00	250.00	613.00
FEB	1,840.00	485.00	1,355.00	0.00	250.00	905.00
MAR	1,300.00	347.00	953.00	0.00	250.00	703.00
APR	833.00	243.00	590.00	0.00	250.00	340.00
MAY	407.00	198.00	209.00	0.00	250.00	-40.70
JUN	191.00	185.00	6.46	0.00	130.00	-124.00
JUL	90.30	227.00	-136.00	0.00	100.00	-236.00
AUG	68.60	195.00	-126.00	0.00	100.00	-226.00
SEP	46.80	149.00	-102.00	0.00	94.50	-196.00
OCT	52.00	66.50	-14.50	0.00	100.00	-115.00
NOV	183.00	174.00	8.58	0.00	250.00	-241.00
DEC	967.00	407.00	560.00	0.00	250.00	310.00
ANN	913,000.00	187,000.00	740,000.00	0.00	137,000.00	626,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	341.00	0.00	57.90	2.59	0.11	2.64	21.00	1.18	427.00
FEB	400.00	0.00	57.90	2.59	0.11	2.64	21.00	1.18	485.00
MAR	264.00	0.03	57.90	2.59	0.11	2.64	19.20	1.18	347.00
APR	159.00	0.57	57.90	2.59	0.11	2.64	19.20	1.17	243.00
MAY	55.80	74.90	57.90	2.59	0.11	2.64	3.53	0.19	198.00
JUN	0.00	94.60	83.80	0.50	0.11	2.64	2.61	0.19	185.00
JUL	0.00	135.00	83.80	2.59	0.10	2.64	2.54	0.19	227.00
AUG	0.00	114.00	72.60	2.59	0.10	2.64	2.43	0.19	195.00
SEP	0.00	56.90	83.80	2.59	0.10	2.64	2.48	0.19	149.00
OCT	0.52	0.02	57.90	2.59	0.10	2.64	2.61	0.19	66.50
NOV	106.00	0.00	57.90	2.59	0.10	2.64	5.35	0.19	174.00
DEC	322.00	0.00	57.90	2.59	0.11	2.64	21.00	1.17	407.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF173A	CERTIFICATE	30.00	30.00	30.00	30.00	30.00	20.00	20.00	15.00	15.00	30.00	30.00	30.00
MF174B	APPLICATION	30.00	30.00	30.00	30.00	30.00	20.00	20.00	15.00	15.00	30.00	30.00	30.00
MF175B	APPLICATION	250.00	250.00	250.00	250.00	250.00	130.00	40.00	30.00	25.00	90.00	250.00	250.00
IS73538B	CERTIFICATE	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	94.50	100.00	100.00	100.00
S86703A	PERMIT	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.80
S86704B	PERMIT	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40
Maximum		250.00	250.00	250.00	250.00	250.00	130.00	100.00	100.00	94.50	100.00	250.00	250.00

Detailed Reports for Watershed ID #30201013

TUALATIN R > WILLAMETTE R - AT GAGE 14206500

WILLAMETTE BASIN

Water Availability as of 2/12/2018

Watershed ID #: 30201013 (Map)

Date: 2/12/2018

Exceedance Level: 80%

Time: 4:12 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	1,090.00	405.00	685.00	0.00	100.00	585.00
FEB	1,420.00	466.00	954.00	0.00	100.00	854.00
MAR	1,140.00	329.00	811.00	0.00	100.00	711.00

APR	676.00	227.00	449.00	0.00	100.00	349.00
MAY	332.00	174.00	158.00	0.00	100.00	58.40
JUN	179.00	151.00	27.90	0.00	100.00	-72.10
JUL	80.00	183.00	-102.00	0.00	100.00	-202.00
AUG	44.30	141.00	-97.10	0.00	100.00	-197.00
SEP	54.20	121.00	-66.90	0.00	94.50	-161.00
OCT	69.40	58.10	11.30	0.00	100.00	-88.70
NOV	160.00	162.00	-2.36	0.00	100.00	-102.00
DEC	758.00	387.00	371.00	0.00	100.00	271.00
ANN	751,000.00	169,000.00	592,000.00	0.00	72,100.00	542,000.00

Detailed Report of Consumptive Uses and Storage

Month	Consumptive Uses and Storages in Cubic Feet per Second									Total
	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other		
JAN	334.00	0.00	51.10	2.28	0.11	1.97	14.60	1.00	405.00	
FEB	395.00	0.00	51.10	2.28	0.11	1.97	14.60	1.00	466.00	
MAR	260.00	0.02	51.10	2.28	0.11	1.97	12.80	1.00	329.00	
APR	157.00	0.53	51.10	2.28	0.11	1.97	12.80	1.00	227.00	
MAY	55.60	59.50	51.10	2.28	0.11	1.97	3.08	0.02	174.00	
JUN	0.00	75.10	69.50	2.28	0.11	1.97	2.17	0.02	151.00	
JUL	0.00	107.00	69.50	2.28	0.10	1.97	2.17	0.02	183.00	
AUG	0.00	90.50	44.50	2.28	0.10	1.97	2.06	0.02	141.00	
SEP	0.00	45.10	69.50	2.28	0.10	1.97	2.11	0.02	121.00	
OCT	0.49	0.02	51.10	2.28	0.10	1.97	2.17	0.02	58.10	
NOV	105.00	0.00	51.10	2.28	0.10	1.97	1.53	0.02	162.00	
DEC	316.00	0.00	51.10	2.28	0.11	1.97	14.60	1.00	387.00	

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS73538C	CERTIFICATE	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	94.50	100.00	100.00	100.00
IS73539A	CERTIFICATE	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00
IS73540A	CERTIFICATE	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
IS73541A	CERTIFICATE	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00
S86704A	PERMIT	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40	10.40
Maximum		100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	94.50	100.00	100.00	100.00

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOINT WATER COMMISSION
(HILLSBORO, FOREST GROVE, BEAVERTON,
AND TUALATIN VALLEY WATER DISTRICT)
150 E MAIN STREET
HILLSBORO OR 97123

503-615-6702

This superseding permit is issued to describe an amendment for a change in point of diversion proposed under Permit Amendment Application T-11155 and approved by Special Order Vol. 85, Page 822, entered December 15, 2011, and to describe an extension of time for complete application of water approved September 9, 2010, a Water Management and Conservation Plan approved September 14, 2010, and an assignment approved November 18, 2010. This permit supersedes Permit S-50879.

to use the waters of SCOGGINS CREEK, a tributary of TUALATIN RIVER, for MUNICIPAL USE.

This Permit is issued approving Application 69637. The date of priority is JUNE 9, 1988. The use is limited to not more than 75.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the original point of diversion, (NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T 1 S, R 4 W, W.M.: 707 feet South and 441 feet West from the NE Corner of Section 20), from the source.

AUTHORIZED POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	8	SW SW	SPRINGHILL INTAKE - 500 FEET NORTH AND 410 FEET EAST FROM THE SW CORNER OF SECTION 8

AUTHORIZED PLACE OF USE:

MUNICIPAL USE		
Twp	Rng	Mer
1 N	1 W	WM
1 N	2 W	WM
1 N	3 W	WM
1 N	4 W	WM
1 S	1 W	WM
1 S	2 W	WM
1 S	3 W	WM
1 S	4 W	WM
2 S	3 W	WM
2 S	4 W	WM

THE USE OF WATER UNDER THE TERMS OF THIS PERMIT WILL BE FURTHER RESTRICTED AS FOLLOWS:

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion on Scoggins Creek; and

Water shall be acquired from the same surface water source (Scoggins Creek) as the original point of diversion; and

The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department; and

The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion. Any increase of the pumping facility capacity will result in the need to upgrade the fish screens to be consistent with fish screen criteria in place at the time of the increase in capacity. The water user shall operate, inspect and maintain the existing intake system (checking seals, integrity of screens, etc.) as needed to function as designed, but not less frequently than annually.

The diversion will be limited to the period from October 1 through May 31; and

A bypass flow of 20 cubic feet per second (cfs) will be maintained in Scoggins Creek from Scoggins Dam to the mouth from October 1 through November 30 and 15 cfs will be maintained from December 1 through May 31; and

The use of water for municipal use will be subordinate to the fill schedule of Scoggins Reservoir; and

The Joint Water Commission will report to the Water Resources Commission by February 1994 on the use of water under the terms of this permit and determine if other water rights from the Tualatin River are surplus and should be cancelled.

This project was considered and approved by the Water Resources Commission on February 12, 1990.

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

Conditions to Maintain the Persistence of Listed Fish:

A. Minimum Fish Flow Needs

Minimum fish flow needs on the Tualatin River as recommended by the Oregon Department of Fish and Wildlife (ODFW) are:

TABLE 1 ODFW'S Recommended Minimum Fish Flow Needs on the Tualatin River Measured at Golf Course Gage (USGS No. 14204800) (or its equivalent)	
Month	Cubic Feet per Second (CFS)
June 1 - September 30	No Withdrawal Permitted
October 1 - May 31	100 CFS

B. Determining Water Use Reductions - Generally

The use of the undeveloped portion of Permit S-54737 that impacts Tualatin River surface water and legally can be diverted must be reduced in proportion to the amount by which the flows shown in Table 1 are not met as calculated using ODFW's formula, $1 - [(Q - E) / Q_1]$, where Q is the stream flow at the point of diversion, E is the amount of the extension (75 cfs), and Q_1 is the target flow of 100 cfs at the Golf Course Gage. The flows will be based on a seven-day rolling average of mean daily flows, and curtailment will be based on the remaining flows measured at the Golf Course Gage (USGS No. 14204800), or its equivalent, as shown in Table 2.

TABLE 2 Calculated curtailment and resulting diversion for Permit S-54737 for different flows at the POD (CFS)				
Flow at POD	% Missed	Curtail	Diversion	Remaining Q as measured at Golf Course Gage (USGS 14204800)
200	0%	0.0	75.0	125.0
175	0%	0.0	75.0	100.0
170	5%	3.8	71.3	98.8
160	15%	11.3	63.8	96.3
150	25%	18.8	56.3	93.8
140	35%	26.3	48.8	91.3
130	45%	33.8	41.3	88.8
120	55%	41.3	33.8	86.3
110	65%	48.8	26.3	83.8
100	75%	56.3	18.8	81.3
95	80%	60.0	15.0	80.0
90	85%	63.8	11.3	78.8
85	90%	67.5	7.5	77.5
80	95%	71.3	3.8	76.3
75	100%	75.0	0.0	75.0

The Joint Water Commission shall submit an updated Water Management and Conservation Plan no later than **September 14, 2020**, and shall submit a progress report containing the information required under OAR 690-086-0120(4) by **September 14, 2015**.

Actual construction work shall begin on or before FEBRUARY 16, 1991, and shall be completed on or before October 1, 2071. Complete application of the water to the use shall be made on or before October 1, 2071.

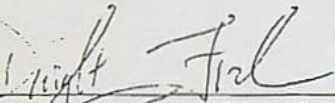
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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.

Issued 15 December, 2011



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

E-2

Standard Application Completeness Checklist

~~XXX~~ No

For use with Groundwater and Surface Water Applications Only

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

For use by WRD staff only

Application S-88506 County Washington Priority Date 1/31/18
Township 1S Range 3W Section 8
Amount 44 cfs Use Municipal WM Dist. # 18
Applicant Name City of Hillsboro Joint Water Commission
Receipt No. 125794 Caseworker Assigned: ☐ Barbe ☐ Kim ☒ Lisa ☐ Scott

☒ Applicant/Organization Name and Mailing Address

☒ Signature of *all* applicants (include title or authority of representative if applicant is an organization or corporation). *Applicant's agent may NOT sign application.

☒ Property ownership: Does the applicant own all the land for the proposed project? ☐ Y ☐ N

If No:

N/A ☐ The affected landowner's name(s) and mailing address(s) must be listed

N/A ☐ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ For a SW Application: Source of water must be indicated.

☐ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2)(ORS 537.147).

☐ If for stored water not under contract, is the source authorized under a permit, certificate, or decree?

Permit or Certificate issued ☐ Y ☐ N Permit or Certificate # _____

☐ For a GW Application: Well Development Tables completed and/or a well log report included (if existing)

☒ Proposed water use

☒ Amount of water from *each* source in GPM, CFS, or AF

☒ Period of use indicated

☐ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed
(Primary and Supplemental Irrigation counts as 2 uses)

☒ Water Management Section (Estimates if the water system has not been designed)

☒ Resource Protection Section (N/A for Groundwater)

☒ Project schedule (If system is already completed, indicate "existing.")

☒ Supplemental data sheets enclosed (if needed)

☒ Form M (Municipal or Quasi-Municipal)

☐ Spring Description Sheet (if source is a spring)

☒ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*

☒ A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.

☒ The proposed source **IS / IS NOT** (circle one) restricted or withdrawn from further appropriation. *NOTE: If it is withdrawn under ORS 538, return application and fees.*

☒ The **map** must meet all the minimum requirements of OAR 690-310-0050.

☒ Township, Range, Section

☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)

☒ Place of use, 1/4-1/4's and tax lot clearly identified

☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.

☒ Location of *each* diversion point or well by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs, if existing.

☒ Reference corner on map

☒ North Directional Symbol

☒ Number of acres per 1/4 1/4 if for irrigation, nursery, or agriculture

☐ **Fees: Print out from Fee Calculator**

Total Fees \$ _____

Fee Paid \$ _____

Amount Due \$ _____

Reviewed by: E.G.

Date: 1/31/18

LISA G.

Letter delivered in person @ counter!

Division 33 Agency Review's Synthesis Form

Application #	S-88506
Applicant	Joint Water Commission
Amount of water sought	44 cfs for municipal use
Application Specialist	Lisa Graham
Division 33 Geographic Code	335 Lower Columbia & Statewide
Listed Threatened or Endangered Fish Species	Upper Willamette Steelhead
ODFW Listed Sensitive Fish Species	Coastal cutthroat trout, Pacific Lamprey, Western brook Lamprey, Pacific Lamprey

Division 33 Review Findings:

ODFW	ODEQ
The proposed use will occur in an area that may affect the essential habitat of sensitive, threatened, or endangered (STE) fish species, at several of these species' life stages. It was further determined, the proposed use will impair the identified biologically necessary flows for these STE fish wholly or partially annually during May, October & November. However, the impacts to fish habitat from the proposed may be mitigated with the following conditions.	ODEQ found that the proposed use can be brought into compliance with existing state and federal water quality standards with the adoption of the following conditions.

Recommended Conditions:

ODFW

Flow Mitigation – Prior to issuance of a permit, the applicant shall provide mitigation water that is of no less volume than the permitted use. Mitigation water shall be sourced upstream of the point of appropriation, or the uppermost point on the stream at which potential for surface water interference occurs. If surface water is used for mitigation, it shall be transferred during the period of use and be of similar water quality. The applicant should contact their OWRD caseworker to discuss flow mitigation options.

Screen - The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish & Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary or is exempted. Fish screening is to prevent fish from entering the

proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screening Coordinator.

ODEQ

Flow Mitigation – Prior to issuance of a permit, the applicant shall provide mitigation water that is of no less volume than the permitted use. Mitigation water shall be sourced upstream of the point of appropriation, or the uppermost point on the stream at which potential for surface water interference occurs. If surface water is used for mitigation, it shall be transferred instream during the period of use and be of similar water quality. The applicant should contact their OWRD caseworker to discuss flow mitigation options.

Water Quality - 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 existing state or federal water-quality standards.

Limit Withdrawal –

- a) No water shall be diverted under this right during which begins the earlier of: 1) the first day after April 30 when the seven-consecutive-day median of daily mean river flow at the Farmington gage station (ID 14206500) is less than 250 cubic feet per second (cfs) or: 2) July 1.
- b) No water shall be diverted before the earlier of: 1) the first day after September 30 when seven-consecutive-day-median of daily mean flow at Farmington gage is at least 350 cfs or 2) November 15.

n/a
water
use is
Dec-Apr

J F M A M J J A S O N D

Oregon Department of Fish and Wildlife's WATER RIGHT APPLICATION REVIEW SHEET Lower Columbia Basin (Below Bonneville Dam)

The Oregon Department of Fish and Wildlife (ODFW) provides the following recommendations to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations. Mitigation recommendations are to be consistent with the goals and standards in ODFW's OAR 635-415 (Fish and Wildlife Habitat Mitigation Policy) and other applicable law. The information is requested by the Oregon Department of Water Resources (OWRD) for the purposes of consultation pursuant to OAR 690-33 (Additional Public Interest Standards for New Appropriations), OAR 690-310 (Water Rights Application Processing), OAR 690-400 (State Water Resources Policy), and OAR 690-410 (Statewide Water Resource Management).

Section 1: Proposed Use

Proposed period of use (from application): October - May

allowed: Dec. 1 - April 30

Basin: Tualatin

Stream: Tualatin

Tributary to: Willamette

TRSQQ: 1S 3W 8 SWSW (optional)

Section 2: Sensitive, Threatened, and/or Endangered (STE) Fish Species Present

- A) ☐ No STE fish species are present at the location of the proposed use nor will be impacted by the proposed use. (Skip to Section 6)
- B) ☒ The following STE fish species are present at the location of the proposed use or will be impacted by the proposed use:

STE Species	Listing Status			Life Stage Present		
	Sensitive	Threatened	Endangered	Egg	Juvenile	Adult
<u>Upper Willamette Steelhead</u>	☐	☒	☐	☐	☒	☒
<u>Coastal Cutthroat Trout</u>	☒	☐	☐	☐	☒	☒
<u>Pacific Lamprey</u>	☒	☐	☐	☒	☒	☒
<u>Western Brook Lamprey</u>	☒	☐	☐	☐	☒	☒
<u>River Lamprey</u>	☒	☐	☐	☐	☒	☒
	☐	☐	☐	☐	☐	☐
<u>type here</u>	☐	☐	☐	☐	☐	☐
<u>type here</u>	☐	☐	☐	☐	☐	☐
<u>type here</u>	☐	☐	☐	☐	☐	☐
<u>type here</u>	☐	☐	☐	☐	☐	☐
<u>type here</u>	☐	☐	☐	☐	☐	☐
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<u>type here</u>	☐	☐	☐	☐	☐	☐
<u>type here</u>	☐	☐	☐	☐	☐	☐

Section 3: Potential Impacts to STE Fish Species

Note: Impacts identified below may be determined by professional judgment. Recommended mitigation for identified impacts is outlined in Section 7. See Section 8 for complete "condition" language.

3.1 Instream Flow

Note: Supporting information can be found in the associated Excel file for this application.

- A) ☐ ODFW has not identified biologically necessary flows within the impacted reach. However, based on best professional judgment, impacts to STE fish habitat from the proposed reduction in flow are expected to be inconsequential, and no compensation for a reduction in flow is recommended. (Skip to Section 3.2)
- B) ☒ There is an instream water right(s) (ISWR) that supports biological base flows for STE fish species at the Point of Diversion or downstream.
Certificate(s): C59692
- C) ☒ ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit STE fish species at the Point of Diversion or downstream.
Source: MF 174 and MF 175
- D) Are the biologically necessary flows identified above (Questions B and C) **available**¹ during the period of impact (see Tables 1 and 2 in the associated Excel file for supporting information)?
- ☐ YES; "Maintain Flow"
- A further reduction in flow from the proposed use will not impair the identified biologically necessary flows for STE fish as long as the identified biologically necessary flows remain satisfied.
- Note: Mitigation for a reduction in biologically necessary flows [Section 7, Part 1 and 2] is unnecessary, but mitigation may be recommended [Section 7, Part 3] for other impacts identified in Section 3.3.*
- ☒ NO; The proposed use **will impair** the identified biologically necessary flows for STE fish wholly or partially during the period of impact.

3.2 Fish Passage and Screening

- A) Would the proposed use potentially create or maintain an artificial obstruction² to fish passage for STE native migratory fish currently or historically present *at the point of diversion* per ORS 509.585?
- ☐ YES; "Passage"
- ☒ NO
- B) Would STE fish species benefit from fish screening per ORS 498.306?
- ☒ YES; "Screen" Note to WRD: Please use the condition language found in Section 8.
- ☐ NO
- ☐ "Future Protection"

¹ Based on information WRD's Water Availability Reporting System (WARS)

² "Artificial obstruction" means any dam, diversion, dike, berm, levee, tide or flood gate, road, culvert or other human-made device placed in the waters of this state that precludes or prevents the migration of native migratory fish.

Fish screening will not currently benefit STE fish species but may be beneficial in the future if conditions within the watershed change. Please describe current conditions within the watershed: type here

3.3 Other Ecological Functions Important to STE Fish

Are there other impacts to ecological functions important to STE fish during the period of impact (see Table 3 in the associated Excel file for supporting information)?

- ☐ YES; Mitigation will be recommended in Section 7, Part 3.
- ☐ The proposed dam or reservoir will detrimentally inundate a wetland.
 - ☐ Development of the point of diversion may reduce/degrade the riparian area.
 - ☐ The proposed use will limit access to or directly impair cold-water refuges.
 - ☐ Other impacts to STE fish: type here

☒ NO

Section 4: ODFW Findings Regarding Threatened and Endangered Fish Species (under OWRD's Division 33 Lower Columbia Rules)

Overarching Question 1:

Is the proposed use detrimental to the protection or recovery of a threatened or endangered fish species?

- ☐ Not applicable; threatened and endangered fish are not present at the location of the proposed use nor will be impacted by the proposed use. **Skip to Section 5.**
- ☐ NO; ODFW did not identify impairment of biologically necessary flows (Page 2, Section 3.1, Question D), impacts to ecological functions important to protection or recovery of threatened and endangered fish (Page 3, Section 3.3), or impacts to threatened and endangered fish habitat from the proposed reduction in flow are expected to be **inconsequential or de Minimis** based on best professional judgment.
- ☒ YES; Based on knowledge of recovery plans, the Fish and Wildlife Program, and regional restoration programs, ODFW found the use to be detrimental to the protection or recovery of a threatened or endangered species due to impairment of biologically necessary flows (Page 2, Section 3.1, Question D) or to impacts to ecological functions important to threatened and endangered fish (Page 3, Section 3.3).

Overarching Question 2:

Can the use be conditioned or mitigated to avoid the detriment to a threatened or endangered fish species?

- ☐ NO; ODFW found the proposed use will impact irreplaceable, essential habitat for a threatened or endangered fish species, population, or a unique assemblage of species that is limited on either a physiographic province or

site-specific basis (i.e., **Category 1 Habitat**). ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.

Note: This finding may prohibit the application from moving forward as proposed, so consult with the Water Quality/Quantity Program Manager prior to making this recommendation. Check Box A on page 8 and sign the document on page 11 prior to submitting the review to WRD.

☒ **YES:**

- ☒ Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of threatened or endangered fish and/or the proposed use will otherwise impact habitat or ecological functions important to threatened or endangered fish. Without appropriate mitigation, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to threatened or endangered fish. ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) outlined in Section 7, and other conditions recommended below (from Section 3 and 4), to compensate for any potential impact from the proposed use.

- ☒ In addition to conditions identified in Section 3 and mitigation outlined in Section 7, ODFW recommends the following:

Flow

1) Inconsequential or De Minimis Uses

- ☐ **"Restrictor"**

Note: ODFW has determined that compensation for a reduction in flow is not necessary. However, a restrictor valve should be placed on the diversion system to ensure the permitted amount is not exceeded.

2) Surface Water or Groundwater Uses

- ☒ **"Biologically Necessary Flows"**

To protect beneficial uses, ODFW recommends the biologically necessary flows identified in Section 3.1 B or C [see OAR 690-410-0070(2)(h)] be met or the use mitigated for (see Recommended Mitigation Obligation in Section 7) prior to diversion of water.

Note: Mitigation may be also be recommended [Section 7, Part 3] for impacts identified in Section 3.3.

3) Reservoir Uses

Note: Specific mitigation for a reduction in biologically necessary flows [Section 7, Part 1 and 2] is not being recommended beyond the following condition, but mitigation may be recommended [Section 7, Part 3] for other impacts identified in Section 3.3.

- ☐ **"Bypass Flows"** (pass-through flows for reservoirs that directly divert from surface water)

- ☐ **plus a net benefit** (for reservoirs that directly divert from Habitat Category 2)

Other Ecological Functions

- ☐ **"Riparian"**

- ☐ Site-specific condition(s), including those related to **Other Ecological Functions Important to STE Fish** (Section 3.3): type here

Section 5: ODFW Findings Regarding Sensitive Fish Species (under OWRD's Division 33 Statewide Rules)

Overarching Question 1:

Will the proposed use result in no net loss of essential habitat of a sensitive fish species?

- ☐ Not applicable; sensitive fish are not present at the location of the proposed use nor will be impacted by the proposed use. **Skip to Section 6.**
- ☐ YES: ODFW did not identify impairment of biologically necessary flows (Page 2, Section 3.1, Question D), impacts to ecological functions essential to sensitive fish (Page 3, Section 3.3), or the impacts to essential fish habitat from the proposed reduction in flow are expected to be **inconsequential or de Minimis** based on best professional judgment.

- ☒ NO; ODFW has found impairment of biologically necessary flows (Page 2, Section 3.1, Question D) or impacts to ecological functions (Page 3, Section 3.3) essential to sensitive fish species during the period of impact.

Note: For impacts to habitat identified as non-essential (i.e., Habitat Categories 3B-6), impacts may be identified in Section 6.

Overarching Question 2:

Can the use be conditioned to result in no net loss of essential habitat of a sensitive fish species?

- ☐ NO; ODFW found the proposed use will impact irreplaceable, essential habitat for a sensitive fish species, population, or a unique assemblage of species that is limited on either a physiographic province or site-specific basis (i.e., **Category 1 Habitat**). ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided. Otherwise, the proposed use would harm the species.

Note: This finding may prohibit the application from moving forward as proposed, so consult with the Water Quality/Quantity Program Manager prior to making this recommendation. Check Box A on page 8 and sign the document on page 11 prior to submitting the review to WRD.

- ☒ YES:

- ☒ Same conditions and mitigation as outlined in Sections 3, 4, and 7.

- ☐ In addition to conditions identified in Section 3 (and 4) and mitigation outlined in Section 7, ODFW recommends the following:

Flow

- ☐ "Maintain Flow"
- ☐ "Restrictor"
- ☐ "Biologically Necessary Flows"
- ☐ "Bypass Flows"

☐ plus a net benefit

- ☐ Site-specific condition(s): type here

Passage and Screening

- ☐ "Passage"
- ☐ "Screen"
- ☐ "Future Protection"

Other Ecological Functions [Section 3.3]

☐ "Riparian"

- ☐ Site-specific condition(s): type here

Section 6: ODFW's Public Interest Findings (under OWRD's Division 310)**Overarching Question 1:**

Will the proposed use impair or be detrimental to the public interest, welfare, safety and health in regards to protection of commercial and game fishing, fish, wildlife, or recreation, or any other beneficial use to which the water may be applied for which it may have a special value to the public?

Note: Comment on STE wildlife species or other fish or wildlife species not already discussed.

☒ **YES:**

- ☒ Fish or wildlife not yet addressed in this review in Sections 1 – 5 are present during the period of impact.

Wildlife species present: type here

Additional fish species present: Coho Salmon

Additional comments: type here

- ☒ Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish or wildlife, and/or the proposed use will otherwise impact habitat, commercial and game fishing, or recreation. Without appropriate mitigation, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to fish, wildlife, and/or their habitat.

- ☐ There are other impacts to ecological functions important to fish or wildlife during the period of impact that have not been addressed (see Table 3 in the associated Excel file for supporting information).

Mitigation will be recommended in Section 7, Part 3.

- ☐ The proposed dam or reservoir will detrimentally inundate a wetland.
☐ Development of the point of diversion may reduce/degrade the riparian area.
☐ The proposed use will limit access to or directly impair cold-water refugia.
☐ Other impacts to STE fish: type here

- ☐ NO; Additional commercial and game fishing, fish, wildlife, or recreation will not be affected by the proposed use.

Overarching Question 2:

Can the proposed use be conditioned to overcome the impairment or detriment?

- ☐ NO; The proposed use will impact irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species that is limited on either a physiographic province or site-specific basis (i.e., **Category 1 Habitat**). ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.

Note: This finding may prohibit the application from moving forward as proposed, so consult with the Water Quality/Quantity Program Manager prior to making this recommendation. Check Box A on page 8 and sign the document on page 11 prior to submitting the review to WRD.

- ☒ YES; ODFW recommends the following:

☒ The next steps and recommended conditions provided in this review thus far (i.e., Findings under WRD's Division 33) compensate for habitat impacts for the fish and/or wildlife species present. Additional conditions are NOT necessary.

☐ In addition to conditions identified in Section 3 (and 4 and mitigation outlined in Section 7, ODFW recommends the following to protect commercial and game fishing, fish, wildlife, or recreation:

Flow

☐ "Maintain Flow"

☐ "Restrictor"

☐ "Biologically Necessary Flows"

☐ "Bypass Flows"

☐ plus a net benefit

☐ Site-specific condition(s): type here

Passage and Screening

☐ "Passage"

☐ "Screen"

☐ "Future Protection"

Other Ecological Functions [Section 3.3]

☐ "Riparian"

☐ Site-specific condition(s): type here

Section 7: ODFW Mitigation Recommendations

ODFW's Recommended Mitigation Obligation

Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish, wildlife, or habitats and/or the proposed use will otherwise impact habitat. The proposed use may diminish physical habitat and alter the flow regime to which fish and wildlife are naturally adapted, negatively impacting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to fish, wildlife, and/or their habitat without appropriate mitigation.

ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation outlined below (consistent with the goals and standards of OAR 635-415-0025; ODFW Habitat Mitigation Recommendations), as well as other conditions recommended in Sections 3-6. ODFW recommends the Proposal include an assessment of options using the following actions listed in order of priority:

- (1) avoiding the impact altogether,
- (2) minimizing the impact by limiting the degree or magnitude of the action,
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment,
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures, and
- (5) compensating for the impact by replacing or providing comparable substitute resources or environments.

ODFW recommends the applicant contact the caseworker to schedule a consultation with the local ODFW Fish Biologist concerning the recommended Mitigation Obligation if questions arise.

Choose A, B, or C:

- A) ☐ Mitigation is not an option. ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.
- B) ☐ Impacts to fish and/or wildlife habitat from the proposed use are expected to be inconsequential. Therefore, ODFW has determined that mitigation is not necessary.
- C) ☒ Based on ODFW's knowledge of applicable Subbasin Plans, Recovery Plans, Regional Restoration Plans, or other documents, the proposed use appears inconsistent with the Northwest Power and Conservation Council's Columbia River Basin Fish and Wildlife Program³ or would otherwise be detrimental to the protection and/or recovery of STE fish species, non-listed fish species, or wildlife. Therefore, ODFW recommends the mitigation obligation, consistent with OAR 635-415, outlined below. To meet the goals outlined in ODFW's Mitigation Policy, ODFW recommends the mitigation provided be available within the mitigation reach and legally protected and maintained for the life of the permit and subsequent certificate.

ODFW Representative's Signature:



Date: 5/30/19

Name: Monica Blanchard

Phone: 971-673-2040

Email: monica.r.blanchard@state.or.us

³ Water Resources Department's document number 94-2

Part 1: Flow Mitigation

☒ ODFW recommends the applicant provide water-for-water mitigation, as outlined below.

A) Water Quantity: 44 cfs (cfs or AF; equals amount requested or equivalent % PSI)

☒ plus a net benefit (for Habitat Category 2)

B) Months (when biologically-necessary flows are not met during the period of impact): October, November, and May

C) Location of Mitigation:

☐ within the watershed at or above the point of diversion

☒ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)

☐ within the watershed of the impacted population(s)

☐ benefitting the impacted population(s) and/or higher priority species: list species here

D) Additional comments: type here

Part 2: Habitat Restoration

Does the Mitigation Goal also allow habitat restoration as a mitigation option?

☐ YES; In lieu of providing "water-for-water", ODFW's Habitat Mitigation Policy allows the applicant the option of providing mitigation through a habitat restoration project that recreates similar habitat structure and function to that existing prior to the development action. If the applicant is interested in pursuing this option, please contact the local ODFW Fish Biologist for further information.

☒ NO; Skip to Part 3, if applicable.

Part 3: Other Ecological Functions Mitigation

☐ ODFW recommends the applicant provide the following mitigation, including, but not limited to, mitigation for "Other Impacts to Ecological Functions" or impacts to wildlife.

Concern 1

A) Habitat Structure and Function in Need of Replacement: type here

B) Describe the habitat quantity and quality to be replaced: type here

C) Months:

☐ In Perpetuity

☐ Other: type here

D) Location of Mitigation:

☐ within the watershed at or above the point of diversion

☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)

☐ within the watershed of the impacted population(s)

☐ within the home range of the impacted population(s): type here

☐ anywhere benefitting the impacted population(s) and/or higher priority species: list species here

E) Additional comments: type here

Section 8: ODFW's Recommended Condition Language

Biologically Necessary Flows

To protect beneficial uses [OAR 690-410-0070(2)(h)], the Oregon Department of Fish and Wildlife recommends the biologically necessary flows identified in Section 3.1 be met or the use mitigated for prior to diversion of water.

Bypass Flows (for reservoirs that directly divert from surface water)

The Oregon Department of Fish and Wildlife (ODFW) recommends 1) all live flow be passed downstream at a rate equal to the inflow anytime the biologically necessary flows identified in Section 3.1 are not available immediately upstream of the impacted area or 2) bypass (pass-through) flows be passed downstream at a minimum equal to the biologically necessary flows identified in Section 3.1 when live flow immediately upstream of the impacted area is greater than or equal to the biologically necessary flows identified in Section 3.1 [OAR 690-410-0070(2)(c)] **(plus a net benefit to the resource for Habitat Category 2, if identified)**. Once the facility has reached the permitted capacity, ODFW recommends all live flow be passed downstream at a rate equal to the inflow. If a water right with a senior priority date is purchased upstream and legally protected and maintained instream down to the reservoir to augment any portion of the biologically necessary flows identified in Section 3.1 not available, ODFW recommends the permittee store water at a rate equal to inflow minus the amount of water purchased. ODFW recommends the permittee submit a Bypass Proposal to the Oregon Water Resources Department for its approval prior to diversion of water, which describes the method by which the permittee will bypass the recommended flows and how the permittee will quantify and document inflow and outflow. ODFW also recommends the bypass flow data be available upon request by ODFW, WRD, DEQ, or ODA.

Future Protection

The Oregon Department of Fish and Wildlife (ODFW) has determined that fish screening is not necessary at the time of permit issuance, but the permittee may be required in the future to install, maintain, and operate fish screening per ORS 498.306 to prevent harm to fish from the proposed diversion. ODFW may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification from ODFW that a fish screen is required. Once installed, the water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Maintain Flow

To protect beneficial uses [see OAR 690-410-0070(2)(h)], the Oregon Department of Fish and Wildlife recommends the biologically necessary flows identified in Section 3.1 be maintained at the point of diversion or the use be regulated until the identified flows are available.

Mitigation

The Oregon Department of Fish and Wildlife (ODFW) recommends the permittee comply with terms of the associated Mitigation Proposal on file at the Water Resources Department to compensate for detrimental impacts to fish, wildlife, and/or their habitat. The Mitigation Proposal is fully incorporated into the requirements of this permit and may only be altered by written mutual agreement of all parties. ODFW recommends (1) the mitigation provided be legally protected and maintained for the life of the permit and subsequent certificate and (2) regulation of the use and/or cancellation of the permit or subsequent certificate(s) if the required mitigation is not maintained.

Passage

As required by ORS 509.585, the permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of this state that are inhabited, or were historically inhabited, by native migratory fish without obtaining approval from the Oregon Department of Fish and Wildlife (ODFW). The permittee shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish passage facility, waiver, or exemption must be obtained prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow, and the permittee shall submit proof to ODFW that fish passage has been implemented per the plan, waiver, or exemption prior to diversion of water. The permittee shall maintain adequate passage of native migratory fish at all times (ORS 509.601) as per the approved plan, waiver, or exemption. If ODFW determines adequate passage of native migratory fish is not being provided, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that adequate fish passage is being provided. The permittee is hereby directed to schedule a consultation with an ODFW Fish Passage Coordinator.

Restrictor

The permittee shall install, maintain, and operate a restrictor valve on the diversion system to limit use to the permitted amount. The valve shall be in place and functional, and approved by the local Watermaster, prior to diversion of water.

Riparian

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to diversion of water, the permittee shall submit a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to diverting water.

Screen

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary or is exempted. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screening Coordinator.

Section 9: ODFW's Review of the Mitigation Proposal

Because the mitigation is site- and species-specific, ODFW recommends written approval of the Proposal by ODFW prior to issuance of a Proposed Final Order. ODFW finds the following:

☐ ODFW **supports** the Mitigation Proposal with the following condition(s):

☐ "Mitigation"

☐ Site-specific condition(s): type here

Additional information:

☐ A Fish Passage Waiver or Exemption has been granted for the proposed POD that fulfills the fish passage requirements for this use.

☐ Comments: type here

☐ ODFW **cannot support** the Mitigation Proposal because it is not consistent with the criteria in OAR 635-415.

☐ The proposed mitigation will result in a net loss of essential habitat for: list species here

☐ Habitat goals and standards not met: type here and explain why not met

ODFW Representative's Signature: _____ Date: type here

Name: type here

Phone: type here

Email: type here

Application #: S-88506

Applicant: Joint Water Commission

DEQ Water Right Review

Basin & Subbasin: Willamette Basin, Tualatin Subbasin

What are the names of the surface water source and the nearest receiving waterbody? Tualatin River

Requested water amount: 44 CFS for municipal use

Requested time period: October 1 - May 31 allowed: Dec - April 30

The purpose of OAR Chapter 690, Division 33 is to aid the Oregon Water Resources Department (OWRD) in determining whether a proposed use will impair or be detrimental to the public interest with regard to listed sensitive, threatened, or endangered (ST&E) fish species. Oregon's stream temperature, dissolved oxygen, pH and several other standards are based on the life cycle needs of salmonids and other resident fish and aquatic life. Exceedances of the standards can disrupt the life cycle of a ST&E fish species and may even cause death. Refer to DEQ's Water Right Application Review Procedures document for additional information. In addition, OWRD must consider water quality impacts as part of a public interest review, OAR 690-310-0120. Note: Water quality impacts and conditions unrelated to ST&E species should be noted as "Division 310" in the recommendations to OWRD.

For Proposed Uses in the Columbia River Basin, reviews must determine whether a proposed use complies with existing state and federal water quality standards. Upper Columbia applications require applicants to provide evidence, when they apply, that the proposed use complies with existing state and federal water quality standards. Geographic scope: Columbia River Basin and any waterbody that ultimately drains into the Columbia River.

For Proposed Uses outside of the Columbia River Basin, reviews must determine whether a proposed use may affect ST&E fish species habitat. Geographic scope: all other areas outside the Columbia River Basin geographic scope where OWRD determines ST&E fish species are present.

Upper and Lower Columbia

Based on the review completed below, does the proposed use comply with existing state and federal water quality standards or may conditions be applied to bring the use into compliance? ☐ No ☒ Yes

List the conditions, mitigation or restrictions required for the proposed use to comply with existing state and federal water quality standards whenever possible; if no conditions can be recommended to meet the standards, write "none":

1. **Flow Mitigation.** DEQ recommends that the applicant mitigate anticipated impacts to water quality for the habitat of ST&E fish species by providing suitable replacement water. Additional mitigation may be required from other IRT members (example: OWRD may require mitigation for periods when water is not available).
2. **Mitigation obligation:** Prior to issuance of a permit, the applicant shall provide mitigation water that is of no less volume than the permitted use. Mitigation water shall be sourced upstream of the point of appropriation. If surface water is used for mitigation, it must be transferred instream year round and of similar water quality. The applicant should contact their OWRD caseworker to discuss flow mitigation options
3. **Water Quality:** 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 existing state or federal water-quality standards.

4. *Limit Withdrawal:*

- a. *No water shall be diverted under this right during which begins the earlier of: 1) the first day after April 30 when the seven-consecutive-day median of daily mean river flow at the Farmington gauge station (ID 14206500) is less than 250 cubic feet per second (cfs) or: 2) July 1.*
- b. *No water shall be diverted before the earlier of: 1) the first day after September 30 when the seven-consecutive-day-median of daily mean flow at the Farmington gauge is at least 350 cfs or 2) November 15.*

Statewide

Will the proposed use result in water quality impacts that will cause either "loss" or "net loss" of essential habitat of ST&E fish species? ☐ No ☐ Yes

What conditions are recommended so that the proposed use will not result in "loss" or "net loss" of essential habitat of ST&E fish species? If conditions cannot be recommended to protect water quality to meet the standards of either "loss" or "net loss", write "none".

DEQ review prepared by: *Roxann Nayar*

Date prepared: *March 8, 2019*

ODA review requested: ☒ No ☐ Yes

Date review sent to ODA:

ODA reviewer:

ODA review date:

Comments:

THE SECTION BELOW IS FOR DEQ INTERNAL USE ONLY

1. DEQ's antidegradation policy (OAR 340-041-0004) is designed to protect water from further degradation from new or increased sources of pollution and protects, maintains, and enhances surface water quality to protect existing beneficial uses. Oregon's Antidegradation rule states that certain uses are allowed without an antidegradation review.

Is the proposed activity a temporary use in response to an emergency, a restoration activity that the Department of Environmental Quality has determined provides a net ecological benefit, or a temporary use to protect human health and welfare (less than six months), for which the applicant has demonstrated that they will minimize adverse effects to threatened and endangered species?

☒ No. ☐ Yes. Approve application and identify conditions necessary to protect the water quality for the habitat of ST&E fish species.

2. Will the proposed activity result in a permanent withdrawal directly from the **Outstanding Resource Water** with critical habitat for ST&E fish species?

☒ No. ☐ Yes. Describe how the use does or does not comply with existing state and federal water quality standards and how the use may affect ST&E fish species habitat. Consider if water quality can be protected by modifying the use volume, season of use, or other permit conditions. Select appropriate condition from the conditions list. Flow mitigation is likely needed to maintain ORW.

3. Is this source **Water Quality Limited** water or tributary to a water quality limited water (limit downstream review to 6th field HUC) for parameters that are commonly affected by flow (temperature, dissolved oxygen, pH, etc.)?

☐ No ☒ Yes. Describe how the use does or does not comply with existing state and federal water quality standards and how the use may affect ST&E fish species habitat. Consider if water quality can be protected by modifying the use volume, season of use, or other permit conditions. Select appropriate condition from the conditions list.

Note: the point of diversion is located approximately at river mile 58.

Stream temperature change is generally inversely related to flow volume. As flows decrease, stream temperature tends to increase, if energy processes remain unchanged (Boyd, 1996). Runoff in the Tualatin River subbasin is primarily derived from precipitation, with peaks typically occurring in the winter. Late summer low flows are common for many streams in the Tualatin River subbasin due to low summer precipitation combined with extensive irrigation withdrawals. Stream discharge within urbanized reaches may be reduced during the summer flow period due to a prevalence of impervious surface area impeding ground water recharge throughout the year. (Pg. A-37)

Temperature and dissolved oxygen are flow-related parameters. When streamflow is reduced, heat capacity is reduced. As a waterbody heats up, dissolved oxygen concentrations decline. By reducing streamflow, this use is likely to exacerbate the temperature and dissolved oxygen impairments. The assimilative capacity of a waterway is flow dependent. Reduced flows can increase the concentrations of bacteria, toxics, and affect biological life.

Consequently, flow mitigation is required to maintain water quality conditions during season of impairment.

Table 1: Integrated Report/ 303(d) listings

Water Body (Stream/Lake)	River Miles	Parameter	Season	Criteria	Beneficial Uses	Status
Tualatin River	0 to 80.7	Biological Criteria	Year Round	Biocriteria: Waters of the state must be of sufficient quality to support aquatic species without detrimental changes in the resident biological communities.	Aquatic life	Cat 5: Water quality limited, 303(d) list, TMDL needed
Tualatin River	0 to 44.7	Chlorophyll a	September 1-May 30 (Fall-Spring)	Reservoir, river, estuary, non-thermally stratified lake: 0.015 mg/l	Water contact recreation; Water supply; Aesthetics; Livestock watering; Fishing	Cat 4A: Water quality limited, TMDL approved

Tualatin River	0 to 44.7	Chlorophyll a	Summer	Reservoir, river, estuary, non-thermally stratified lake: 0.015 mg/l	Fishing; Livestock watering; Water contact recreation; Aesthetics; Water supply	Cat 4A: Water quality limited, TMDL approved
Tualatin River	44.7 to 69.9	Chlorophyll a	Summer	Reservoir, river, estuary, non-thermally stratified lake: 0.015 mg/l	Fishing; Livestock watering; Water contact recreation; Aesthetics; Water supply	Cat 4A: Water quality limited, TMDL approved
Tualatin River	0 to 80.7	Copper	Year Round	Table 20 Toxic Substances	Aquatic life; Human health	Cat 5: Water quality limited, 303(d) list, TMDL needed
Tualatin River	0 to 65.8	Dissolved Oxygen	Year Round (Non-spawning)	Cool water: Not less than 6.5 mg/l	Cool-water aquatic life	Cat 4A: Water quality limited, TMDL approved
Tualatin River	0 to 44.7	E. Coli	FallWinterSpring	30-day log mean of 126 E. coli organisms per 100 ml; no single sample > 406 organisms per 100 ml	Water contact recreation	Cat 4A: Water quality limited, TMDL approved
Tualatin River	0 to 44.7	E. Coli	Summer	30-day log mean of 126 E. coli organisms per 100 ml; no single sample > 406 organisms per 100 ml	Water contact recreation	Cat 4A: Water quality limited, TMDL approved
Tualatin River	0 to 80.7	Iron	Year Round	Table 20 Toxic Substances	Aquatic life	Cat 5: Water quality limited, 303(d) list, TMDL needed
Tualatin River	0 to 44.7	Lead	Year Round	Table 20 Toxic Substances	Aquatic life	Cat 5: Water quality limited, 303(d) list, TMDL needed
Tualatin River	55.9 to 80.7	Lead	Year Round	Table 20 Toxic Substances	Aquatic life	Cat 5: Water quality limited, 303(d) list, TMDL needed
Tualatin River	0 to 80.7	Mercury	Year Round	Table 40 Human Health Criteria for Toxic Pollutants	Human health	Cat 5: Water quality limited, 303(d) list, TMDL needed
Tualatin River	0 to 44.7	Phosphorus	June 1 - September 30	Biocriteria: Waters of the state must be of sufficient quality to support aquatic species without detrimental changes in the resident biological communities.	Aesthetics	Cat 4A: Water quality limited, TMDL approved
Tualatin River	44.7 to 69.9	Phosphorus	June 1 - September 30	Biocriteria: Waters of the state must be of sufficient quality to support aquatic species without detrimental changes in the resident biological communities.	Aesthetics	Cat 4A: Water quality limited, TMDL approved
Tualatin River	0 to 44.7	Temperature	Summer	Rearing: 17.8 C	Anadromous fish passage; Salmonid fish rearing	Cat 4A: Water quality limited, TMDL approved

Tualatin River	0 to 44.7	Zinc	Year Round	Table 20 Toxic Substances	Aquatic life; Human health	Cat 5: Water quality limited, 303(d) list, TMDL needed
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To determine, select the effective Integrated Report at: <http://www.oregon.gov/deq/wq/Pages/2012-Integrated-Report.aspx> and under Listing Status, select "Water Quality Limited – All (Categories 3B, 4, and 5)". May also document existing water quality data that may not be included in the integrated report.

4. Is a **Total Maximum Daily Load** established for parameters identified as being affected by hydromodification?

☐ No ☒ Yes. List TMDL and identify the load allocation and if hydromodification is a limiting factor.

Describe how the use does or does not comply with existing state and federal water quality standards and how the use may affect ST&E fish species habitat. Consider if water quality can be protected by modifying the use volume, season of use, or other permit conditions. Select appropriate condition from the conditions list. Flow mitigation is likely needed to maintain water quality conditions during season of impairment.

Per the 2001 Tualatin River Subbasin TMDL, parameters of concern affected by hydromodification include: Aquatic Weeds and Algae, Chlorophyll-a, Dissolved Oxygen, Phosphorous, Temperature

The temperature standard applicable to the Tualatin River Subbasin mandates that no measurable surface water increase resulting from anthropogenic activities is allowed. Meanwhile, actions to improve water quality identified in the TMDL include: increase effective shade through riparian restoration and protection; restore natural stream channel hydrology; increase stream flow. Trades that include flow augmentation must also occur within the Tualatin Subbasin watershed, but are not restricted to the mainstem Tualatin River. Details regarding trading credit for augmented tributary flow will be determined in a DEQ-approved Temperature Management Plan. (WQMP, pg. 119).

The assimilative capacity of a waterway is flow dependent. Reduced flows can increase the concentrations of bacteria and toxics, of which the Tualatin River experiences exceedances.

5. Is it likely that the cumulative withdrawals in the Water Availability Basins (WAB), including the proposed activity, will result in a lowering of water quality that will impair ST&E species habitat?

☐ No ☒ Yes. Describe how the use does or does not comply with existing state and federal water quality standards and how the use may affect ST&E fish species habitat. Consider if water quality can be protected by modifying the use volume, season of use, or other permit conditions. Select appropriate condition from the conditions list. Flow mitigation may be considered.

According to water availability data, the cumulative withdrawal in the Tualatin WAB is reaching critical allocation levels March-December that may cause impairment to aquatic life or water quality (refer to Table 2).

Consider the cumulative impact of consumptive withdrawals in the OWRD WAB.

- Open OWRD's Water Availability Reporting System.
- Search for the water availability basin of interest. Select 50% exceedance, this represents that the calculated mean monthly flow, "natural flow", will be available 50% of the time.
- After the water availability report is generated, select the highest nesting order WAB that contains the POD.
- Download to Excel. To calculate "percent of flow" divide the "consumptive use" by the "natural stream flow" and multiply by 100. You may choose to add the consumptive portion or storage amount of the proposed use.

Table 2. Percent of natural flow. Monthly flow in Cubic Feet per Second (CFS). Annual flow in Acre Feet (AF).

TUALATIN R > WILLAMETTE R - AT GAGE 14206500 - WILLAMETTE BASIN

Watershed ID	Exceedance Level	Month	Natural Stream Flow	Consumptive Use	Expected Stream Flow	Instream Requirement	Net Water Avail	Percent of flow
30201013	50	JAN	2460	509	1950	100	1850	21%
30201013	50	FEB	3040	572	2470	100	2370	19%
30201013	50	MAR	1980	433	1550	100	1450	22%
30201013	50	APR	1130	332	798	100	698	29%
30201013	50	MAY	460	218	242	100	142	47%
30201013	50	JUN	239	151	87.9	100	-12.1	63%
30201013	50	JUL	118	183	-65	100	-165	155%
30201013	50	AUG	78.9	141	-62.5	100	-163	179%
30201013	50	SEP	86	121	-35.1	94.5	-130	141%
30201013	50	OCT	106	102	3.88	100	-96.1	96%
30201013	50	NOV	480	268	212	100	112	56%
30201013	50	DEC	2370	492	1880	100	1780	21%
30201013	50	ANN	751000	212000	549000	72100	502000	28%

In making the determination, all water withdrawals in a water availability basin should be considered. Consider the percent of natural flow left instream in each month (see right-most column in Table 1). Based on best professional judgment, evaluate if the cumulative withdrawal is likely to cause impairment to aquatic life or water quality. Water quality standards are established to protect aquatic life.

Antidegradation rule applies, 340-041-0004: Withdrawals cannot cumulatively increase a waterbody's temperature by more than 0.5 degrees Fahrenheit or cause a 0.1 mg/l decrease in dissolved oxygen from the upstream end of a stream reach to the downstream end of the reach so long as it has no adverse effects on threatened and endangered species. See OAR 340-041-0004(3)-(5) for a description in rule of activities that do not result in lowering of water quality.

In scientific literature, researchers have identified ecological harm occurring when flows are reduced by >6-35% of daily flow¹. Consider the seasonality of any listings and season of withdrawal to determine impact for each month of the year.

Consider if hydromodification, due to cumulative withdrawals, is likely a limiting factor in the waterbody at certain times of the year. Temperature and dissolved oxygen are flow-related parameters. When streamflow is reduced, assimilative capacity is reduced. As a waterbody heats up, dissolved oxygen concentrations decline. By reducing stream flows (or groundwater recharge and resulting streamflow), it is likely to exacerbate the temperature and/or dissolved oxygen impairments.

Increases in temperature or a reduction in dissolved oxygen adversely impacts ST&E fish. Fish require different temperature and concentrations of dissolved oxygen based on species and life history stage. Oregon's temperature and dissolved oxygen limits are based on the most sensitive species and the life history stage of those species at the location and season of concern. Additional heat or reduction in dissolved oxygen concentrations will further impact these species habitat. Reduced flows can also increase the concentrations of phosphorous, bacteria, pesticides and metals.

Per the Tualatin Basin TMDL (2001), Scoggins reservoir augments the Tualatin River at river mile 62.8 via Scoggins Creek. Due to the limited storage capacity of Scoggins reservoir and the rather large withdrawals, low flows continue to pose a challenging problem in the Tualatin River Subbasin.

6. Is the use in compliance or can compliance with state and federal water quality standards be assured and ST&E habitat loss prevented by modifying the amount diverted, season of use, or by imposing permit condition(s)?

☐ No. ☒ Yes. Select appropriate condition from the conditions list. *Flow mitigation, Period of Use, Reduced Withdrawal, Water Quality*

If no, can flow mitigation be implemented to ensure compliance with state and federal water quality standards and prevent loss of ST&E habitat?

☐ No. ☒ Yes.

¹ Richter BD, Davis MM, Apse C, Konrad C. 2011. *Short Communication, A Presumptive Standard For Environmental Flow Protection*. River Research and Applications. Published online in Wiley Online Library (wileyonlinelibrary.com), DOI: 10.1002/rra.1551

7. ORS 468B.025 prohibits pollution of waters of the state. Is there potential that the post diversion use (handling or water management) will degrade surface water or groundwater quality? (Example: release of thermally degraded stored water.) Or are there additional water-quality impairments that would result from this proposed use?

☒ No ☐ Yes. Provide basis for conclusion and note if the impacts would impact fish habitat:

8. Can permit conditions be implemented to prevent water quality degradation?

☒ Yes. Select conditions from the conditions list. Send review to ODA if conditions are recommended for agricultural use. Flow mitigation, Reduced Withdrawal, Period of Use and Water Quality

☐ No. Provide basis for conclusion:

CONDITIONS

Reviewer may modify stock condition language to meet site and project needs.

Flow Mitigation. DEQ recommends that the applicant mitigate anticipated impacts to water quality for the habitat of ST&E fish species by providing suitable replacement water. Additional mitigation may be required from other IRT members (example: OWRD may require mitigation for periods when water is not available). Surface flow mitigation is unlikely to provide the same benefit groundwater provides to gaining stream reaches. However, if groundwater mitigation is unavailable within the same aquifer, surface water mitigation will provide suitable mitigation.

Mitigation obligation: Prior to issuance of a permit, the applicant shall provide mitigation water that is of no less volume than the permitted use. Mitigation water shall be sourced upstream of the point of appropriation, or the uppermost point on the stream at which Potential for Surface water Interference occurs. If surface water is used for mitigation, it shall be instream for the *month - month time period* and of similar water quality. The applicant should contact their OWRD caseworker to discuss flow mitigation options.

Reduced Withdrawal: Water withdrawal is limited to *Enter CFS or AF for the defined period, or a month by month rate or volume.*

Period of Use: Water withdrawal is limited to the period: *start date through end date.*

Limit Withdrawal: No water shall be diverted under this right unless the flow in the *waterbody name* is at or above *CFS* cubic foot per second, as determined at Gaging Station ID .

Riparian If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to diversion of water, the permittee shall submit a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to diverting water.

Pond releases: Permittee shall not release polluted off-channel stored water into waters of the state, unless under emergency situations. For routine maintenance, the Permittee shall land apply stored water or provide treatment prior to releasing it *include dates when releases are allowed.* Permittee shall comply with OAR 340-041 and ensure that water-quality standards are not violated by releases from storage.

Pond construction: Permittee must construct pond off channel, *identify waterbody and set back to prevent stream capture and justification for distance selected.*

Reservoir Flow Releases: To prevent pollution downstream the permittee shall not discharge water from the reservoir when the flow at Gaging Station ID _____ (*gage name*) is below Mean Daily Discharge of *CFS* (discharge which was equaled or exceeded for 90% percent of the time) except when release is directed by the State Engineer to prevent dam failure.

Lining: Permittee must line the pond with *include material or allowable infiltration rate* to minimize seepage and protect groundwater quality per OAR 340-040. The liner is to be in place and inspected and approved in writing by the DEQ prior to storage of water.* If the liner fails, it must be replaced within one calendar year.

Water Quality: 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 existing state or federal water-quality standards.

Prohibited Activities: Permittee may not cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1). If the Department of Environmental Quality determines that pollution of waters of the state is occurring, the permit holder is not in compliance with ORS 468B.025(1), DEQ shall notify OWRD of the violation.

Agricultural Water Quality Management Area Rules: Permittee must comply with basin-specific Agricultural Water Quality Management Area Rules in OAR 603-095. Livestock management and cropping must protect riparian areas on the property, allowing site capable vegetation along streams to establish and grow to provide the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff. Active management of livestock and/or a livestock exclusion fence is needed to protect riparian areas and provide the required functions.

Live Flow: Once the allocated volume has been stored, all live flow must be passed downstream at a rate equal to that of the inflow in a method that protects instream water quality.

Site-Specific Condition:

* OAR 690-410-0010(2)(a), OAR 690-310-0120, OAR 690-310-0140

Joint Water Commission



General Manager

Niki Iverson
150 E. Main Street
Hillsboro, OR 97123
503-615-6585

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November 6, 2019

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NOV 12 2019

OWRD

Elisabeth Graham
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Administrative Hold Request for Application S-88506, in the Name of the Joint Water Commission

Dear Ms. Graham:

On January 31, 2018, the Joint Water Commission (JWC), which includes the Cities of Beaverton, Forest Grove and Hillsboro, and the Tualatin Valley Water District, filed an Application for a Permit to Use Surface Water (Application S-88506). The JWC application requested to use up to 44.0 cfs from the Tualatin River for municipal use from October 1 through May 31. The application requested that the Oregon Water Resources Department (OWRD) limit the use of water under the requested permit, in combination with Permit S-54737, to 75 cfs. (Permit S-54737 authorizes the use of up to 75 cfs from Scoggins Creek for municipal purposes from October 1 through May 31.)

On June 1, 2018, OWRD issued an Initial Review (IR) for Application S-88506. On June 10, 2019, the JWC requested to modify Application S-88506 to request the use of up to 44.0 cfs from the Tualatin River for municipal purposes from December 1 through April 30 of each year (i.e; to eliminate the months of October, November, and May from the requested season of use).

The Department of Environmental Quality (DEQ) completed its "Division 33 Review" for Application S-88506 on March 8, 2019. Accordingly, DEQ's review did not reflect the current requested season of use. Further, it is not clear whether DEQ's review considered that Application S-88506 did not request to increase the combined maximum authorized rate of the JWC's water rights, but only to increase the reliability of its non-peak season water supply.

On behalf of the JWC, I request that OWRD place Application S-88506 on administrative hold for 180 days. The requested hold will allow time for the JWC to work with OWRD and DEQ to ensure a shared understanding of what the application requests.

Thank you for your assistance and I look forward to hearing from you soon. Please contact me at 503-615-6770 if you have any questions.

Sincerely,

Niki Iverson
General Manager



Oregon

Kate Brown, 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

November 6, 2019

JOINT WATER COMMISSION
150 E MAIN STREET
HILLSBORO OR 97123

Reference: File S-88506

Dear Applicant:

On November 6, 2019, the Water Resources Department received a letter requesting a 180-day administrative hold on processing the above-referenced application to have additional time to allow for the JWC to work with OWRD and DEQ to ensure a shared understanding of what the application is requesting.

The Department will not take any action on this application until **May 4, 2020**, unless you request that we continue processing sooner. If you need to request additional time, you will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

Feel free to contact me at elisabeth.a.graham@oregon.gov or 503-986-0808 with questions.

Sincerely,

Lisa Graham
Water Right Application Specialist

cc: WM# 18
File

GRAHAM Elisabeth A * WRD

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Wednesday, November 06, 2019 2:02 PM
To: GRAHAM Elisabeth A * WRD
Cc: MUCKEN Alyssa M * WRD; Adam Sussman; Niki Iverson; Kristel Griffith; Jessica Dorsey; Laura Maffei
Subject: Administrative hold request for permit application S-88506
Attachments: Admin Hold Request S-88506.pdf

Lisa,

The Joint Water Commission is requesting that OWRD place its Application S-88506 on administrative hold to allow time for ongoing discussions with the Department of Environmental Quality. Please see their letter attached. A hard copy is being sent to you by mail.

Thank you,
Kim

Kimberly Grigsby
Principal Water Resources Consultant
direct: 541.257.9004 | mobile: 503.351.1912
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com



WATERMASTER APPLICATION REVIEW

Application #: S-88506

Applicant's Name: Joint Water Commission

- 1) Would the proposed allocation have the potential for injury to existing rights?
☒ Yes ☐ No
- 2) Have you spoken with persons from other state agencies about this application?
☐ Yes ☒ No If yes, whom and why?
- 3) Please select the appropriate measurement, recording and reporting condition for this application.
☐ **Small** < 0.1 CFS, < 9.2 AF
☐ **Medium** > 0.1 CFS but < 0.25 CFS, > 9.2 AF but < 100 AF
☒ **Large** > 0.25 CFS, > 100 AF
☐ Require a staff gage if source is runoff or if the reservoir is located in-channel.
- 4) Please provide any additional information or conditions that you believe are necessary for this application.

WAB analysis should be used at the POD for the live flow portion. I see no need for additional conditions for the stored water portion of the application besides standard conditions. Raw water pumps already have flow meters on them.

Watermaster Name: Jake Constans

Watermaster Signature: *Jake Constans*

Date: 10/12/2018

WRD Caseworker:

503-986-0900/ Fax 503-986-0901

GRAHAM Elisabeth A * WRD

From: Danette Faucera <Danette.L.Faucera@state.or.us>
Sent: Wednesday, August 21, 2019 12:43 PM
To: Kim Grigsby
Cc: GRAHAM Elisabeth A * WRD
Subject: RE: Modification to JWC Application S-88506

EEEE! Sorry I forgot!

ODFW recommends mitigation during the proposed period of use for times when instream water rights or other biologically necessary flows are not being met (generally based on WARS). For S-88506, the Initial Review states that diversion is allowable December 1 – April 30, so I'm assuming these are the revised months JWC is requesting water per your message below. If this is the case, applicable instream rights/biologically necessary flows are being met December 1 – April 30, so ODFW **does not** recommend mitigation for impacts to flow based on parameters assessed.

Fish screening will remain the same, as outlined in the review and our previous discussions.

Lisa...is this sufficient or would you like a revised review from ODFW?

Danette

Danette Faucera
Water Policy Coordinator
Oregon Department of Fish and Wildlife
(503) 947-6092
4034 Fairview Industrial Drive SE
Salem, OR 97302

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Wednesday, August 21, 2019 12:14 PM
To: Danette Faucera <Danette.L.Faucera@state.or.us>
Subject: RE: Modification to JWC Application S-88506

Hi Danette,

I hope you are doing well and having a fun summer.

I'm just checking back with you to see if you would have time to provide us with an "official" response related to the changed season of use for the JWC's Application S-88506?

Thank you,

Kim

Kimberly Grigsby
Principal Water Resources Consultant
direct: 541.257.9004 | mobile: 503.351.1912
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com

From: Danette Faucera [<mailto:Danette.L.Faucera@state.or.us>]
Sent: Wednesday, July 24, 2019 6:30 PM
To: Kim Grigsby <kgrigsby@gsiws.com>
Subject: RE: Modification to JWC Application S-88506

I'm out until Tuesday (flying to Ohio for a funeral), but can send you something then!

Danette

Danette Faucera
Water Policy Coordinator
Oregon Department of Fish and Wildlife
(503) 947-6092
4034 Fairview Industrial Drive SE
Salem, OR 97302

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Wednesday, July 24, 2019 5:02 PM
To: Danette Faucera <Danette.L.Faucera@state.or.us>
Subject: RE: Modification to JWC Application S-88506

Sorry I wasn't able to get back to you today. Tomorrow is looking fairly crazy also. Would you be able to review the changed season of use and give us an "official" response regarding the impact to the recommended mitigation obligation? We would like to be able to include it in the OWRD file so the caseworker knows how to interpret ODFW's advice.

Thank you,
Kim

Kimberly Grigsby
Principal Water Resources Consultant
direct: 541.257.9004 | mobile: 503.351.1912
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com

From: Danette Faucera [<mailto:Danette.L.Faucera@state.or.us>]
Sent: Wednesday, July 24, 2019 8:49 AM
To: Kim Grigsby <kgrigsby@gsiws.com>
Subject: RE: Modification to JWC Application S-88506

Certainly. I am available today at 503-706-7876, if you want to call. Otherwise, I'll be back in the office tomorrow. Off the top of my head and completely unofficial, it would remove ODFW's recommended mitigation obligation, but the remaining conditions would be the same. Happy to chat further.

Danette

Danette Faucera
Water Policy Coordinator
Oregon Department of Fish and Wildlife
(503) 947-6092

- 4034 Fairview Industrial Drive SE
Salem, OR 97302

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Wednesday, July 24, 2019 8:44 AM
To: Danette Faucera <Danette.L.Faucera@state.or.us>
Subject: Modification to JWC Application S-88506

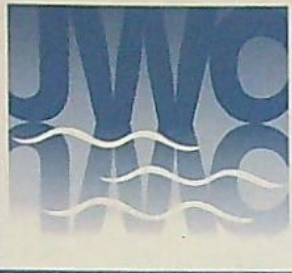
Hi Danette,

- I wanted to let you know that the JWC has changed the requested season of use in its pending Application S-88506. The change removes the months during which OWRD has indicated that water is not available. Would you have a couple of minutes sometime this week to discuss this change?

Thank you,
Kim

Kimberly Grigsby
Principal Water Resources Consultant
direct: 541.257.9004 | mobile: 503.351.1912
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com

Joint Water Commission



General Manager

Niki Iverson
150 E. Main Street
Hillsboro, OR 97123
503-615-6585

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City of Beaverton

Denny Doyle
Marc San Soucie
Mark Fagin

*Tualatin Valley Water
District*

Dick Schmidt
Jim Doane
Mark Knudson

June 10, 2019

Elisabeth Graham
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Modification of Application S-88506, in the Name of the Joint Water Commission

Dear Ms. Graham:

On January 31, 2018, the Joint Water Commission (JWC), which includes the Cities of Beaverton, Forest Grove and Hillsboro, and the Tualatin Valley Water District, filed an Application for a Permit to Use Surface Water (Application S-88506). The JWC application requested to use up to 44.0 cfs from the Tualatin River for municipal use from October 1 through May 31. The application requested that the Oregon Water Resources Department (OWRD) limit the use of water under the requested permit, in combination with Permit S-54737, to 75 cfs. (Permit S-54737 authorizes the use of up to 75 cfs from Scoggins Creek for municipal purposes from October 1 through May 31.)

On June 1, 2018, OWRD issued an Initial Review (IR) for Application S-88506. The IR indicated that municipal use is allowable November 1 through April 30 under the Willamette Basin Program. The IR also stated that surface water is available from December 1 through April 30 of each year.

Based on these determinations, the JWC requests to eliminate the months of October, November, and May from the proposed season of use. All other elements of the application remain the same. In other words, the JWC requests to modify Application S-88506 to request the use of up to 44.0 cfs from the Tualatin River for municipal purposes from December 1 through April 30 of each year. The proposed use would continue to be limited to a total of 75 cfs in combination with Permit S-54737.

Thank you for your assistance and I look forward to hearing from you soon. Please contact me at 503-615-6770 if you have any questions.

Sincerely,

Niki Iverson
General Manager

RECEIVED

JUN 13 2019

OWRD

From: NAYAR Roxy <Roxy.NAYAR@state.or.us>
Sent: Monday, November 19, 2018 9:23 AM
To: GRAHAM Elisabeth A * WRD
Cc: KOHANEK Ron C * WRD
Subject: Division 33 review for JWC (S-88506)

Good morning Elisabeth,

I'm reviewing the water rights request from the Joint Water Commission and am finding the application a little unclear. I have a handful of questions and I was wondering if you could answer the following:

- Is this project proposing to add a second Point of Diversion to expand their withdrawal capacity, but will still only withdraw a combined 75 CFS with their existing permit S-54737?
- Will this POD have a meter to monitor withdrawals? Can you remind me how compliance is monitored? Is there someone who will be verifying that between this POD and S-54737, that only 75 CFS is ever being withdrawn?
- The applicant stated that there is no net negative impact from the withdrawal but I'm not sure I understand how. Was the 44 CFS requested in this application already debited from the Water Availability Reporting System?
- Finally, the applicant used the 80 percent exceedance level for the WAB however, DEQ references the 50 percent exceedance. According to water availability data, with the 50 percent exceedance, the cumulative withdrawal in the Tualatin WAB is reaching critical allocation levels year-round that may cause impairment to aquatic life or water quality. This will be referenced in the Division 33 review form but I wanted to mention it because of the differences in water availability is worth noting.

Thanks for your help with this one.

Roxy

Roxann Nayar
Integrated Water Resource Specialist
Oregon Department of Environmental Quality, NWR
(503) 229-6414

GRAHAM Elisabeth A * WRD

From: FRENCH Dwight W * WRD
Sent: Tuesday, July 03, 2018 11:58 AM
To: GRAHAM Elisabeth A * WRD
Subject: File S-88506

Hi Lisa,

Kim Grigsby/GSI called.

Because the IR had some reservoir conditions they'd like to see the draft permit before the PFO comes out. Otherwise, they will be reviewing conditions that they didn't get a chance to see earlier. So, I think this is a good idea. We don't need to share the PFO – just the draft permit portion.

Please put a copy of this in the file or a note so you can remember to do this once you get to the PFO.

Thanks,

Dwight

Dwight French

Water Right Services Division Administrator

Oregon Water Resources Department

dwight.w.french@oregon.gov

503-986-0819



OREGON
WATER
RESOURCES
DEPARTMENT



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Water Right Application Initial Review

June 1, 2018

JOINT WATER COMMISSION
150 E MAIN STREET
HILLSBORO OR 97123

Reference: Application S-88506

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your options. In determining whether an 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 supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Preliminary Determinations (Oregon Administrative Rule (OAR) 690-310-0080)

1. The application proposes the diversion of 44.0 cubic feet per second (CFS) of water from Tualatin River, tributary to Willamette River, for municipal use October 1 through May 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Municipal use is allowable November 1 through April 30 under the Willamette Basin Program (OAR 690-502-0130(1)(b)).
4. An assessment of water availability at 80% exceedance for the proposed use was completed using the Department's Water Availability Reporting System. A copy of this assessment is in the application file. This review is done consistent with OAR 690-410-0070(2)(a). The assessment established surface water is available December 1 through April 30 of each year. Oregon Revised Statute ((ORS) 537.153(3)(b); OAR 690-310-0080(1)(b)).
5. The proposed use is not located within or above any state scenic waterway.
6. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright. ORS 537.621(3)(b); OAR 690-310-0150(2)(b)

Summary

The diversion of 44.0 CFS of water from Tualatin River, tributary to Willamette River for municipal use is allowable December 1 through April 30 of each year.

Because of the favorable determinations described herein, Application S-88506 can move to the next phase of the water-rights application review process, which includes a public interest review.

This initial review does not address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

At this time, you must decide whether to proceed or to withdraw the application.

Proceed

If you choose to proceed with the application you do not have to notify the Department. The application will 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.

Withdraw

You may withdraw the application and receive a refund (minus a \$260 processing fee per application). You must notify the Department in writing by **June 15, 2018**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If a Permit is Issued it will Likely Include the Following Conditions:

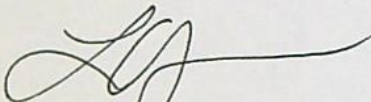
1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. A permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. Consistent with ORS 537.248(1), you are not required to submit engineering plans and specifications before a permit is issued, if one is issued. However, you may not begin construction of the reservoir until the Department approves the engineering plans and specifications.
3. **Measurement Devices and Recording/Reporting of Annual Water Storage Conditions:**
 - A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage shall be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The permittee shall keep a complete record of the volume of water stored each month, and shall submit a report which includes water-storage 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

If you have any questions:

Feel free to contact me at Elisabeth.A.Graham@oregon.gov or 503-986-0808 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Lisa Graham, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Lisa Graham
Water Right Application Specialist
Oregon Water Resources Department

Enclosures: Application Process Description and Stop Processing Request Form
S-88506
WAB: 30201013

APPLICATION FACT SHEET

Application File Number: S-88506

Applicant: JOINT WATER COMMISSION

County: WASHINGTON

Watermaster: JAKE CONSTANS, 18, NWR

Priority Date: JANUARY 31, 2018

Source: TUALATIN RIVER, TRIBUTARY TO WILLAMETTE RIVER

Purpose: MUNICIPAL USES

Rate: 44.0 CUBIC FEET PER SECOND

Basin Name & Number: WILLAMETTE, # 2

WAB: TUALATIN R > WILLAMETTE R - AT GAGE 14206500

Points of Diversion:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
SPRING HILL PUMPING PLANT	1 S	3 W	WM	8	SW SW	500 FEET NORTH AND 410 FEET EAST FROM SW CORNER, SECTION 8

Place of Use:

WITHIN TUALATIN VALLEY WATER DISTRICT SERVICE AREA, BEAVERTON CITY LIMITS, FOREST GROVE CITY LIMITS, AND HILLSBORO CITY LIMITS

PUBLIC NOTICE DATE: June 5, 2018

14 DAY STOP PROCESSING DEADLINE DATE: June 15, 2018

30 DAY COMMENT DEADLINE DATE: July 5, 2018

APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our web site at www.wrd.state.or.us

1. Pre-application considerations

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Customer Service Group at (503) 986-0801.

2. Application filing

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant.
- An incomplete application and fees are returned to the applicant.
- Only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

3. Initial Review (IR)

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Contact the Caseworker if you have questions about the IR.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.
- An administrative hold may be requested in writing by Applicant.

4. Proposed Final Order (PFO)

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

5. Final Order (FO)

- If no protest is filed, Final Order is issued.

The protest process

If one or more protests are filed, the process consists of:

- settlement discussion;
- contested case hearing;
- proposed Order;
- period of time to file exceptions; or
- Possible hearing by Water Resources Commission.
- Final Order is issued.

Permit holder responsibilities

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply

STOP PROCESSING REQUEST FORM
FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR
APPLICATIONS

- Stop processing deadline is within 14 days of Initial Review.
- Applicant notification to withdraw Water Right Application **S-88506**.
- After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$260 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application.
- Signature _____ Date _____
- Signature _____ Date _____
- Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$260 examination fee) be returned.
- This notice must be received at Water Resources Department by:

June 15, 2018

- Return the notice to:

OWRD, Water Right Services Division
STOP PROCESSING
725 Summer Street, NE - Suite A,
Salem OR, 97301-1271

Mailing List for IR Copies

Application S-88506

IR Date: June 1, 2018

Original and map mailed to applicant:

JOINT WATER COMMISSION
150 E MAIN STREET
HILLSBORO OR 97123

SENT VIA AUTO EMAIL:

1. WRD – Watermaster Jake Constans # 18
2. ODFW
3. DEQ
4. Agent – Adam Sussman: ASUSSMAN@GSIWS.COM

Copies sent to:

5. WRD – Hydrographics
6. WRD - File S-88506
7. Irrigation District: Tualatin Valley Irrigation District, 2330 Elm St, Forest Grove OR 97116

SPECIALIST: Lisa Graham

Copies Mailed

By: SP
(SUPPORT STAFF)

On: 6-1-18
(DATE)

GRAHAM Elisabeth A * WRD

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Tuesday, April 17, 2018 12:24 PM
To: GRAHAM Elisabeth A * WRD
Cc: FRENCH Dwight W * WRD; Adam Sussman
Subject: RE: JWC - Application S-88506

Hi Lisa,

The JWC would like to move ahead with the processing for Application S-88506, as is. (We will not be revising the application at this time.) We do not need to schedule a meeting for additional discussions before you issue the IR.

Thank you to you and Dwight for taking the time to meet with us, and for the additional information regarding water availability.

Regards,
Kim

Kimberly Grigsby

Supervising Water Resources Consultant
direct: 541.257.9004 | mobile: 503.351.1912
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com

From: FRENCH Dwight W * WRD [mailto:Dwight.W.French@oregon.gov]
Sent: Monday, March 19, 2018 11:01 AM
To: Adam Sussman <asussman@gsiws.com>; Kim Grigsby <kgrigsby@gsiws.com>
Cc: GRAHAM Elisabeth A * WRD <Elisabeth.A.Graham@oregon.gov>
Subject: FW: JWC - Application S-88506

Adam and Kim,
Here is some important info and follow-up to our conversation from last week. See email string below and the attachment.

I'm sure you will want to visit about this information.

Please take some time to digest it then let me know if you want to discuss.

My schedule is limited for the next couple of weeks.

Thank you,
Dwight

Dwight French

Water Right Services Division Administrator
Oregon Water Resources Department
dwight.w.french@oregon.gov
503-986-0819



OREGON
WATER
RESOURCES
DEPARTMENT

From: BEAMER Jordan P * WRD
Sent: Monday, March 19, 2018 10:06 AM
To: HOSKINSON Mellony D * WRD; STAHR Kenneth L * WRD; FRENCH Dwight W * WRD
Cc: GRAHAM Elisabeth A * WRD
Subject: RE: JWC - Application S-88506

Thanks Mellony for the check.

Removing the 75 cfs water right from Scoggins Creek makes a little bit more water available in the Tualatin River from Dec 1 to Apr 30, but there is still no WA @ 80% from May 1 to Nov 30 due to the downstream limiting watershed (175 - TUALATIN R> WILLAMETTE R- AT MOUTH).

Jordan

From: HOSKINSON Mellony D * WRD
Sent: Monday, March 19, 2018 9:51 AM
To: STAHR Kenneth L * WRD; FRENCH Dwight W * WRD
Cc: GRAHAM Elisabeth A * WRD; BEAMER Jordan P * WRD
Subject: RE: JWC - Application S-88506

Hi Dwight and Ken,

Attached is a power point with screen captures showing what water availability looks like currently with S-69637 accounted for in WARS (before snapshots) and what water availability looks like if we removed S-69637 (after snapshots). Water availability by month does not change. Please let me know if you have any questions.

Mellony

From: BEAMER Jordan P * WRD
Sent: Monday, March 19, 2018 9:10 AM
To: STAHR Kenneth L * WRD; FRENCH Dwight W * WRD
Cc: GRAHAM Elisabeth A * WRD; HOSKINSON Mellony D * WRD
Subject: RE: JWC - Application S-88506

Hi Dwight and Ken,

We can remove the 75 cfs right (S-69637) from Scoggins Creek to look at WA @ 80% for Scoggins Creek at mouth (WAB 30201005) and Tualatin River at gage 14206500 (WAB 30201013). We'll let you know what we find.

Jordan

From: STAHR Kenneth L * WRD
Sent: Monday, March 19, 2018 8:27 AM
To: FRENCH Dwight W * WRD; BEAMER Jordan P * WRD
Cc: GRAHAM Elisabeth A * WRD; HOSKINSON Mellony D * WRD
Subject: RE: JWC - Application S-88506

Dwight,
We will look into this and let you know how feasible it is.

Ken

From: FRENCH Dwight W * WRD
Sent: Friday, March 16, 2018 9:34 AM
To: STAHR Kenneth L * WRD; BEAMER Jordan P * WRD
Cc: GRAHAM Elisabeth A * WRD
Subject: Fwd: JWC - Application S-88506

Gentlemen,

Lisa and I had a short meeting with GSI regarding this application that they are working on for the JWC (Tualatin Valley muni's).

The application is for 44 CFS. They have an existing permit for 75 CFS where the original POD was on Scoggins Creek but they later did a permit amendment to move the POD down to the Spring Hill Pumping plant on the Tualatin. The 75 CFS right is still limited to that amount of water that is available on the much small Scoggins Creek.

The new 44 CFS application seeks no more water (they would not use more than 75 CFS in total from the existing permit and the new permit, if issued) but would provide better reliability since Scoggins Creek is a pretty small creek to provide up to 75 CFS of water.

Can you do an 80% WA analysis for the WAB at the Spring Hill Pumping Plant for 44 CFS that assumes the existing 75 CFS right does not exist? I believe WARS today tells us water is available Dec 1 - April 30. They also want, if they can get it, water in October, November and May.

It should be noted that this application will have other hurdles to navigate and this issue is just one - maybe the first one. The other issues that Lisa and I see are at least Div 33 and the Basin Plan.

Thanks for your help. I hope it is not a big ask.
Dwight

Sent from my iPad

Begin forwarded message:

From: Adam Sussman <asussman@gsiws.com>
Date: February 5, 2018 at 9:12:30 AM PST
To: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>, KOWITZ Chris C * WRD <Chris.C.Kowitz@oregon.gov>
Cc: Kim Grigsby <kgrigsby@gsiws.com>
Subject: JWC - Application S-88506

Dwight and Chris:

Thanks again for meeting with us before the holidays to go over the JWC's application for (non-peak season) use of the Tualatin River. The application has been submitted and it is S-88506. Let us know if you have questions as the application moves forward.

Chris, we noticed this morning that there is a "new" Form M. Not sure when this was put up for use, but we were unaware. The application we just submitted uses the old Form M since application development has been going on for some time.

Thanks,

Adam

Memo

Date: March 13, 2018
To: Lisa Graham, Water Rights Specialist
From: Chris Kowitz, Transfer and Conservation Section 
Re: Division 86/Rate Review for Application File # S - 88506

The Transfer and Conservation Section has reviewed the above referenced application for the following:

1) Shall a Water Management and Conservation Plan be required under Division 86?

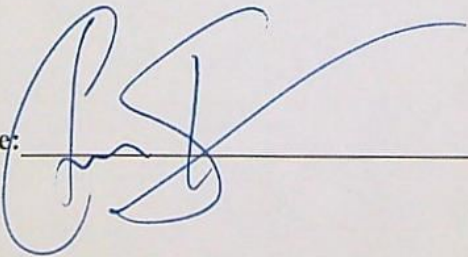
- ☒ No
- ☐ WMCP should be required within _____ years.
- ☐ WMCP will be required if incremental mitigation is proposed under OAR 690-505-0625(1)(c). The time frame should be for entities under 1,000 in population within five years or for entities over 1,000 within five years or before use of the second increment of water development which ever is sooner.

Remarks/basis of determination: JWC has a current and 'in-effect' WMCP (2010).

2) Is the proposed quantity of water reasonable based on information provided in Form M?

- ☒ Yes
- ☐ No. However, a reduced quantity of _____ will be reasonable based on information presented in Form M.
- ☐ No determination – insufficient information supplied.

Remarks/basis of determination: Application S-88506, as proposed by the applicant, does not increase the net volume of water treated at the WTF; however, if conditions implemented by the Department and/or revisions by the applicant significantly change the application as proposed, a new rate review will be necessary.

Signature: 

Date: March 13, 2018

Requested Water Use under Application File # _____					
Applicant:	_____				
Proposed Use:	_____				
Proposed Rate:	_____				
Proposed Season:	_____				
Current Water Use (Year _____): Based on information provided in Application File # _____ and Form M					
Service Area Population:	_____				
Per-capita Daily Consumption:	_____ gallons/capita/day (gpcd)				
Total Daily Consumption:	_____ gallons/day (gpd)				
<table border="1"> <tr> <td>Assuming 12 hours of diversion per day:</td> <td>Assuming 8 hours of diversion per day:</td> </tr> <tr> <td>_____ gpd ÷ 12 hrs = _____ gal/hr = _____ gpm = _____ cfs</td> <td>_____ gpd ÷ _____ hrs = _____ gal/hr = _____ gpm = _____ cfs</td> </tr> </table>		Assuming 12 hours of diversion per day:	Assuming 8 hours of diversion per day:	_____ gpd ÷ 12 hrs = _____ gal/hr = _____ gpm = _____ cfs	_____ gpd ÷ _____ hrs = _____ gal/hr = _____ gpm = _____ cfs
Assuming 12 hours of diversion per day:	Assuming 8 hours of diversion per day:				
_____ gpd ÷ 12 hrs = _____ gal/hr = _____ gpm = _____ cfs	_____ gpd ÷ _____ hrs = _____ gal/hr = _____ gpm = _____ cfs				
20-Year Projected Water Use (Year _____): Based on information provided in Application File # _____ and Form M					
Service Area Population:	_____				
Per-capita Daily Consumption:	_____ gpcd				
Total Daily Consumption:	_____ gpd				
<table border="1"> <tr> <td>Assuming 12 hours of diversion per day:</td> <td>Assuming 8 hours of diversion per day:</td> </tr> <tr> <td>_____ gpd ÷ 12 hrs = _____ gal/hr = _____ gpm = _____ cfs</td> <td>_____ gpd ÷ 8 hrs = _____ gal/hr = _____ gpm = _____ cfs</td> </tr> </table>		Assuming 12 hours of diversion per day:	Assuming 8 hours of diversion per day:	_____ gpd ÷ 12 hrs = _____ gal/hr = _____ gpm = _____ cfs	_____ gpd ÷ 8 hrs = _____ gal/hr = _____ gpm = _____ cfs
Assuming 12 hours of diversion per day:	Assuming 8 hours of diversion per day:				
_____ gpd ÷ 12 hrs = _____ gal/hr = _____ gpm = _____ cfs	_____ gpd ÷ 8 hrs = _____ gal/hr = _____ gpm = _____ cfs				
Assuming ½ acre of irrigation for each of the _____ homes (and _____ apartment complex, if applicable) at 1/80 cfs/ac					
_____ homes (x) 0.5 acre = _____ acres = _____ cfs					
Assuming ½ acre of irrigation for each of the _____ businesses at 1/80 cfs/ac					
_____ businesses (x) 0.5 acre = _____ acres = _____ cfs					
Maximum total projected water use including irrigation = _____ cfs + _____ cfs + _____ cfs = _____ cfs					

Joint Water Commission / BRJOC

Pre-Application Conference

December 19, 2017

1. Tualatin River Application (JWC)

a. 44 cfs from Tualatin River October 1 – May 31

b. No additional rate is being requested

i. Use in combination with JWC's Permit S-54737 not to exceed 75 cfs (rate under existing permit)

ii. Intended to provide more reliable supply

1. Bypass flow

2. Subordinate to fill schedule

c. Water availability

i. Water available (at 80%) December – April

ii. Water not available Oct., Nov. and May

iii. But application not requesting additional water

d. Basin Program

i. Tualatin R classified for municipal use November—April

ii. After IR, request basin program exception for Oct. and May

e. WMCP

i. Updated JWC WMCP due September 14, 2020.

2. Barney Reservoir Secondary

a. 30 cfs / 8,734 AF from Barney Reservoir year-round

b. No additional volume

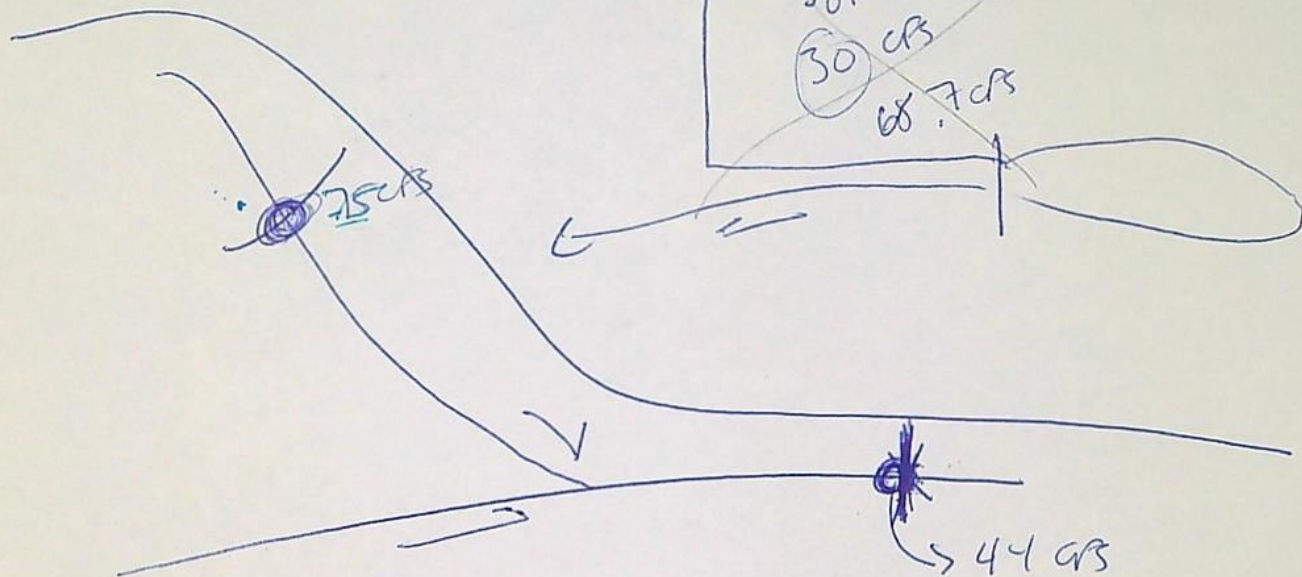
c. Allows release for MU use at rate of outlet capacity (68.7 cfs)

i. Existing MU secondary (Cert. 81020) has rate of 38.7 cfs

ii. Cert. 81021 has rate of 30 cfs but is for pollution abatement

1. Used by CWS at different time of year

d. Barney Res. stores 20,000 AF for MU use (Cert. 81024)



Joint Water Commission
Tualatin River Application S-88506
March 15, 2018

1. Applied for: 44 cfs from Tualatin River October 1 – May 31
 - a. Projected demand ADD for 2038 – natural flow water rights =44 cfs
2. No additional rate is being requested
 - a. Use in combination with JWC's Scoggins Creek Permit S-54737 not to exceed 75 cfs (rate under existing permit)
 - b. Intended to provide more reliable supply than S-54737
 - i. Bypass flow
 - ii. Subordinate to fill schedule
3. Water availability
 - a. Water available (at 80%) December – April
 - b. Water not available Oct., Nov. and May
 - c. But application will not result in net negative impact
 - i. Rate requested to be "tied together" with the 75 cfs
 - ii. In May, the mean daily flow in Scoggins Creek below the reservoir has exceeded 44 cfs over 80% of the time
4. Basin Program
 - a. Tualatin R classified for municipal use November—April
 - b. After IR, request basin program exception for Oct. and May
 - c. Will IR only report WARS results or will it consider totality of the water availability issue?
5. WMCP
 - a. Updated JWC WMCP due September 14, 2020.

Joint Water Commission



General Manager

Kevin Hanway
150 E. Main Street
Hillsboro, OR 97123
503-615-6585

Board of Commissioners

City of Hillsboro

John Godsey
David Judah
Deborah Raber

City of Forest Grove

Rod Fuiten
Carl Heisler
Peter Truax

City of Beaverton

Denny Doyle
Marc San Soucie
Mark Fagin

Tualatin Valley Water District

Jim Doane
Dick Schmidt
Bernice Bagnall

January 17, 2018

Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Application for a Permit to Use Surface Water, in the Name of the Joint Water Commission

Dear Dwight:

On behalf of the Joint Water Commission (JWC), which includes the Cities of Hillsboro, Forest Grove and Beaverton, and the Tualatin Valley Water District (TVWD), I am enclosing an Application for a Permit to Use Surface Water and a check in the amount of \$16,850 for the statutorily required application fee. The application fee was calculated as follows based on a request for 44 cfs from one point of diversion for municipal use:

Base fee.....	\$ 930
1 st cfs	\$ 350
Next 43 cfs or fraction thereof (43 x \$350).....	\$ 15,050
Permit recording fee.....	\$ 520
Total.....	\$16,850

The JWC is seeking a water use permit to increase the reliability of its water supply during the non-peak season (generally October 1 through May 31). It is not requesting to increase the combined maximum authorized rate for its water rights. As further described in the enclosed application, the JWC requests that the Oregon Water Resources Department limit the use of water under the requested permit, in combination with Permit S-54737, to 75 cfs. (Permit S-54737 authorizes the use of up to 75 cfs from Scoggins Creek from October 1 through May 31.)

Thank you for your assistance and I look forward to hearing from you soon. Please contact me at 503-615-6770 if you have any questions.

Sincerely,

Niki Iverson
Water Resources Manager
Joint Water Commission

RECEIVED

JAN 31 2018

OWRD

Enclosure: Application for Permit to Use Surface Water
Check totaling \$16,850 for the application fee

5-88506

City of Hillsboro, OR 97123					
Invoice Date	Invoice Number	GL Account Number	Invoice Description	Net Invoice Amount	
12/12/2017	12/12/17	80054220 7036	APP SUPPLE TUALATIN RIVER RIGH	16,850.00	
RECEIVED FEB 01 2018 FEB 17 2018 OWRD OWRD 01/31/18					
Vendor No.	Vendor Name		Check No.	Check Date	Check Amount
11101	OREGON WATER RESOURCES DEPARTMENT		00271074	12/14/2017	16,850.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **125794**

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

INVOICE # _____

RECEIVED FROM: <u>CITY OF Hillsboro</u>	APPLICATION <u>5-88500</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH: ☐ CHECK: # 271074 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 16,850.90

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	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY) _____	\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$ _____
0240 EXTENSION OF TIME	\$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ <u>16,330.90</u>	0202 RECORD FEE \$ <u>520.00</u>
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ _____	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
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: **125794**

DATED: 1/31/18 BY: [Signature]

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Water-Use Permit Application Processing

1. Completeness Determination

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

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

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

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JAN 31 2018

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Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

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

Organization Information

NAME		PHONE		FAX
JOINT WATER COMMISSION		503-615-6770		
ADDRESS				CELL
150 E. MAIN STREET				
CITY	STATE	ZIP	E-MAIL *	
HILLSBORO	OR	97123	NIKI.IVERSON@HILLSBORO-OREGON.GOV	

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

AGENT / BUSINESS NAME		PHONE		FAX
ADAM SUSSMAN, GSI WATER SOLUTIONS		541-257-9001		
ADDRESS				CELL
1600 WESTERN BLDV, SUITE 240				
CITY	STATE	ZIP	E-MAIL *	
CORVALLIS	OR	97333	ASUSSMAN@GSIWS.COM	

Note: Attach multiple copies as needed

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

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.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.
- I have not provided my social security number in any of the materials submitted to the Department.

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

Applicant Signature

Applicant Signature

Kevin Hanway, General Manager
Print Name and title if applicable

Niki Iverson, Water Resources Manager
Print Name and title if applicable

1/19/2018
Date

1/18/18
Date

App. No. <u>S-88506</u>	For Department Use	Date <u>JAN 18 2018</u>
Permit No. _____		Date _____

SECTION 2: PROPERTY OWNERSHIP

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

☐ Yes

☐ There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☒ No This application is being filed by a public corporation pursuant to ORS 537.211(6). The U.S. Bureau of Reclamation owns the Spring Hill Intake and Pump Station facilities and property.

☒ I have a recorded easement or written authorization permitting access. See Attachment D.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

N/A – Applicant is a public corporation.

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3 Any property on which the water is to be used as depicted on the map. See Attachment B for the legal description of the property where water is to be diverted. Applicant is a public corporation and is filing this application pursuant to ORS 537.211(6).

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Tualatin River

Tributary to: Willamette River

Source 2: _____

Tributary to: _____

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water N/A – Applicant is not requesting a permit to use stored water.

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Do you, or will you, own the reservoir(s) described in item 3A above?

JAN 31 2013

☐ Yes.

☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information. N/A

☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Tualatin River	Municipal	October 1 – May 31	44 ☒ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only: N/A – Application does not request the use of water for irrigation use

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres

If supplemental Acres is listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

- If the use is **municipal or quasi-municipal**, attach Form M See Attachment E.
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☒ Pump (give horsepower and type):

Raw Water 1: 350 HP, Floway turbine pump
Raw Water 2: 300 HP, Floway turbine pump
Raw Water 3: 350HP, Floway turbine pump
Raw Water 4: 350HP, Floway turbine pump

☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

The JWC Spring Hill Pumping Plant (POD) has four line-shaft turbine raw water pumps that draw water through traveling fish screens and feed two raw water transmission lines that convey the water to the JWC water treatment plant (WTP). Each of the two raw water transmission lines are equipped with flow meters for measuring and recording the rate and volume of water diverted. Finished water from the WTP is conveyed to a 1.5 million gallon clearwell at the WTP and then conveyed to the JWC's municipal water distribution system by nine line-shaft turbine finished water pumps.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

N/A – Application is for municipal purposes.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

This water right application requests the use of up to 44 cfs from the Tualatin River during the non-peak season (October 1 – May 31). The JWC anticipates that access to 44 cfs from the Tualatin River, in combination with its existing water supply, will be necessary to provide a reliable non-peak season water supply through 2038. The JWC requests that OWRD limit this rate, in combination with the JWC's Permit S-54737, to not exceed 75 cfs (the rate authorized by Permit S-54737). The methodology used to determine the JWC's need for this water supply is described in more detail in Section 9.

The JWC's water withdrawals are measured at two raw water meters in the raw water pipelines between the intake facility at the Spring Hill Pump Station and the JWC Water Treatment Plant. The amount of water diverted will be measured using flow meters on the two raw water transmission lines. The JWC partners have a variety of programs and measures in place to conserve water, which are described in detail in the approved 2010 JWC WMCP, as well as the 2014 TVWD WMCP, 2015 JWC WMCP Progress Report, and the 2017 Hillsboro WMCP. Public uses of the Tualatin River during the non-peak season are not anticipated to be affected by this surface water right, because this water right will be junior in priority to existing instream water rights.

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SECTION 9: REMARKS

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

The Joint Water Commission (JWC) is submitting this water right application to request a permit to use water from the Tualatin River for municipal purposes during the non-peak period of October 1 through May 31. The requested permit is intended to increase the reliability of the JWC's non-peak season water supply, but not to increase the combined maximum authorized rate of the JWC's water rights, as further described below.

The JWC projects its non-peak season water demand, excluding demands for aquifer storage and recovery (ASR), to be generally equivalent to its average day demands (ADD). (An analysis of the JWC partners' non-peak season average day demands from 2008 to 2014 shows that these demands are 80 percent to 110 percent of its annual ADDs.) The JWC's projects its ADD in 2038 will be 126 cfs. In addition, development of the JWC's ASR project (under ASR limited license 019) and Beaverton and TVWD's ASR project (under ASR limited license 002) will require a maximum combined rate of 37.38 cfs. Thus, the JWC is anticipated to have a non-peak season demand of approximately 163 cfs by 2038. The JWC's natural flow water rights during the non-peak season authorize the use of up to 119.46 cfs. The JWC's secondary water rights for the use of stored water are excluded from this total supply because, during the majority of the non-peak season, water is being stored, and stored water is not being used. This total also excludes the JWC's Permit S-54737 for the use of water from Scoggins Creek because the requested permit is intended as a redundant source of supply for Permit S-54737, as described below. Thus, the JWC's projected non-peak season supply deficit in 2038 is estimated to be 44 cfs. (163 cfs – 119 cfs = 44 cfs.)

The JWC's Permit S-54737 allows the use of water from Scoggins Creek during the non-peak period of October 1 through May 31. Permit S-54737 is, however, not consistently reliable because it is subject to a bypass flow on Scoggins Creek, and is subordinate to the fill schedule for Scoggins Reservoir. For these reasons, the JWC is submitting this permit application to request water from the Tualatin River to increase the certainty of the JWC's supply during the non-peak season.

The JWC understands that according to OWRD's Water Availability Reporting System, water is not available in the Tualatin River in October, November and May at the 80 percent exceedance level. However, as proposed the use of 44 cfs will result in no net negative impact to water availability. As stated above, the JWC requests that the proposed 44 cfs be "tied together" with its existing permit S-54737, such that the combined rate cannot exceed 75 cfs (the rate authorized under Permit S-54737). In addition, in May, the mean daily flow in Scoggins Creek below Scoggins Reservoir/Henry Hagg Lake has exceeded 44 cfs over 80 percent of the time during the period of 2008--2017 (see Gage 14202980 for the period 1/1/2008 – 12/31/2017). Therefore, the requested permit would cause no net increase in authorized consumptive use and no net negative impact on water availability because the proposed 44 cfs will be used in combination with the JWC's existing Permit S-54737.

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SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- ☒ Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: The JWC's point of diversion has a fish screen that prevents uptake of fish and other aquatic life. If needed, the JWC will work with the Oregon Department of Fish and Wildlife on any fish screening conditions.
- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Any excavation or clearing of banks will be kept to a minimum. Any necessary removal/fill permits or other state or federal authorizations will be obtained. Use of water under this permit will not require excavation or clearing of banks.
- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: Any in-water work will be conducted in compliance with the applicable in-water work periods. Use of water under this permit will not require operating equipment in a water body.
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Water quality will be protected by preventing erosion and run-off. Use of water under this permit will not cause erosion or run-off of waste or chemical products.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Within 20 years from the date on which the permit is issued.

Date construction will be completed: Within 20 years from the date on which the permit is issued.

Date beneficial water use will begin: Within 20 years from the date on which the permit is issued.

SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

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SECTION 9: REMARKS

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

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Attachment A

Land Use Information Forms

Application for a Permit to Use Surface Water – Joint Water Commission

5-88576

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

NOTE TO APPLICANTS

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

This form is NOT required if:

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

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NOTE TO LOCAL GOVERNMENTS

JAN 31 2018

OWRD

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Joint Water Commission
First Last

Mailing Address: 150 E. Main Street

Hillsboro OR 97123 Daytime Phone: 503-615-6585
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
See attached maps				101		☒ Diverted ☐ Conveyed ☐ Used	Municipal
						☐ Diverted ☒ Conveyed ☒ Used	Municipal
						☐ Diverted ☐ Conveyed ☐ Used	

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

Washington County
Cities of Hillsboro, Forest Grove, Beaverton, and Tigard.

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Tualatin River

Estimated quantity of water needed: 44 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

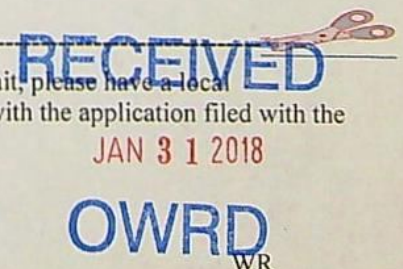
Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☒ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The Joint Water Commission is seeking a new water right to use water from the Tualatin River for municipal purposes during the period of October 1 through May 31. Diversion of water under this new water use permit, in combination with the JWC's Permit S-54737, will not exceed the maximum authorized rate of Permit S-54737.

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

See bottom of Page 3. →



For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CDC 201-2.4
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ 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
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Genny Bond Title: Senior Planner

Signature: [Signature] Phone: 503-846-3846 Date: 12-8-17

Government Entity: WASHINGTON COUNTY

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

NOTE TO APPLICANTS

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

This form is NOT required if:

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

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NOTE TO LOCAL GOVERNMENTS

JAN 31 2018

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The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Joint Water Commission
First Last

Mailing Address: 150 E. Main Street

Hillsboro OR 97123 Daytime Phone: 503-615-6595
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
See attached map						☐ Diverted ☒ Conveyed ☒ Used	Municipal
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Cities of Hillsboro, Forest Grove, Beaverton, and Tigard.
Washington County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Tualatin River

Estimated quantity of water needed: 44 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

The Joint Water Commission is seeking a new water right to use water from the Tualatin River for municipal purposes during the period of October 1 through May 31. Diversion of water under this new water use permit, in combination with the JWC's Permit S-54737, will not exceed the maximum authorized rate of Permit S-54737.

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OWRD

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

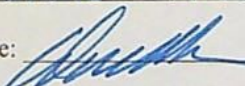
- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ORD 2009-01, 2014-01, 2014-02.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ 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
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

The land uses associated with the proposed use of water within the Forest Grove city limits are compatible with the Forest Grove Comprehensive Plan policies and map. Individual development applications will be reviewed in conformance with the Forest Grove Development Code including site development approval criteria, subdivision approval criteria and general development standards.

Name: DANIEL RIORDAN Title: SENIOR PLANNER

Signature:  Phone: (503) 992-3224 Date: 12/14/17

Government Entity: CITY OF FOREST GROVE

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

Receipt for Request for Land Use Information

Applicant name: _____ JAN 31 2018

City or County: _____ Staff contact: _____ OWRD

Signature: _____ Phone: _____ Date: _____

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Joint Water Commission
First Last

Mailing Address: 150 E. Main Street

Hillsboro OR 97123 Daytime Phone: 503-615-6595
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
See attached map						☐ Diverted ☒ Conveyed ☒ Used	Municipal
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Cities of Hillsboro, Forest Grove, Beaverton, and Tigard.
Washington County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Tualatin River

Estimated quantity of water needed: 44 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

The Joint Water Commission is seeking a new water right to use water from the Tualatin River for municipal purposes during the period of October 1 through May 31. Diversion of water under this new water use permit, in combination with the JWC's Permit S-54737, will not exceed the maximum authorized rate of Permit S-54737.

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

See bottom of Page 3. →

588506

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
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		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

No infrastructure work conducted in Beaverton recognized in review of this form.

Name: Scott Whyte Title: Senior Planner
 Signature: [Signature] Phone: (503) 526-265 Date: 12-18-17
 Government Entity: City of Beaverton

RECEIVED
 DEC 18 2017
 City of Beaverton
 Planning Services

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

Receipt for Request for Land Use Information

RECEIVED

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

JAN 31 2018

OWRD

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Joint Water Commission
First Last

Mailing Address: 150 E. Main Street

Hillsboro OR 97123 Daytime Phone: 503-615-6595
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
See attached map						☐ Diverted	☒ Conveyed	☒ Used	Municipal
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

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Washington County

B. Description of Proposed Use

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

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Briefly describe:

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Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): City Ordinance No. 6249.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

none

Name: Sarah A. Bruce Title: Senior Planner

Signature: Sarah A. Bruce Phone: 503-681-6214 Date: 12/11/17

Government Entity: City of Hillsboro Planning Department

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



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Joint Water Commission
First Last

Mailing Address: 150 E. Main Street

Hillsboro OR 97123 Daytime Phone: 503-615-6585
City State Zip

A. Land and Location

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See attached map						☐ Diverted ☒ Conveyed ☒ Used	Municipal
						☐ Diverted ☐ Conveyed ☐ Used	
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Washington County

B. Description of Proposed Use

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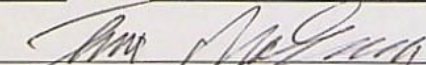
Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Tigard Community Development Code (Title 18)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

Name: Tom McGuire Title: Assistant Community Development Director

Signature:  Phone: (503) 718-2490 Date: 12/11/17

Government Entity: City of Tigard

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Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Attachment B
Legal Description

Application for a Permit to Use Surface Water – Joint Water Commission

S-88506

84028282

WARRANTY DEED

The grantors Robert R. Cook and Helen M. Cook, husband and wife, for in consideration of the sum of two thousand one hundred fifty dollars (\$2,150), in hand paid, receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey to the United States of America and its assigns, the following described tracts or parcels of land in the County of Washington in the State of Oregon to wit:

SH-68-2
Parcel No. 1

That portion of Sections seven and eight (7 and 8), Township one (1) South, Range three (3) West, Willamette Meridian, in Washington County, State of Oregon, and more specifically described as follows:

Beginning at a point N20°14'02"E 384.79 feet from the southwest corner of said Section eight;

Thence N75°06'59"W 80.00 feet;
Thence N14°53'01"E 128.24 feet;
Thence N69°06'17"W 36.34 feet;
Thence N62°44'09"W 149.80 feet;
Thence N58°43'31"W 189.84 feet;
Thence N78°37'28"W 91.38 feet;
Thence S84°03'36"W 195.49 feet;

Thence N17°03'29"E 65.06 feet to a point on the thread of the Tualatin River which lies N34°08'22"W 900.91 feet from the southwest corner of said Section eight; thence downstream along the thread of the Tualatin River to a point which lies N18°29'35"E 569.91 feet from the southwest corner of said Section eight; thence S14°53'01"W 185.67 feet to the point of beginning.

This parcel contains plus or minus 1.3 acres.

Bearings are based on property line described "S14°55'21"W 250 feet" on the Warranty Deed Instrument No. 9140, Book 977; Page 611.

SH-68-2
Parcel No. 2
Temporary Construction Easement

That portion of Sections seven and eight (7 and 8), Township one (1) South, Range three (3) West, Willamette Meridian, in Washington County, State of Oregon, and more specifically described as follows:

Beginning at a point N8°18'49"E 385.64 feet from the southwest corner of said Section eight;

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JAN 31 2018

OWRD

1-3

TA 23-6466

CORRECT AS TO ENGINEERING
DATE 11-1-2018

S-88576

Thence N75°06'59"W 20.00 feet;
Thence N14°53'00"E 120.30 feet;
Thence N69°06'17"W 17.00 feet;
Thence N62°46'28"W 150.89 feet;
Thence N58°43'31"W 189.87 feet;
Thence N78°39'23"W 86.63 feet;
Thence S84°16'59"W 198.67 feet;
Thence N17°03'29"E 10.00 feet;
Thence N84°03'36"E 195.49 feet;
Thence S78°37'28"E 91.38 feet;
Thence S58°43'31"E 189.84 feet;
Thence S62°44'09"E 149.80 feet;
Thence S69°06'17"E 36.34 feet;
Thence S14°53'01"W 128.24 feet to the point of beginning.

This parcel contains plus or minus .2 acre.

Bearings are based on property line described "S14°55'21"W 250 feet on the Warranty Deed Instrument No. 9140, Book 977, Page 611.

Said easement terminates December 31, 1985.

To Have and to Hold the said tract or parcel of land, with appurtenances thereof, to the United States of America and its assigns forever.

The grantors covenant to and with the United States of America that grantors are lawfully seized in fee simple of the above granted premises; have a good and lawful right and power to sell and convey the same; that the same is free and clear of all encumbrances, except as above shown, and that grantors will forever warrant and defend the title thereto and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

The above described property is being acquired by the Department of the Interior, Bureau of Reclamation.

This conveyance is made pursuant to the provisions of Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto.

Dated this 25th day of May , 1984.

Robert R. Cook
Robert R. Cook

Helen M. Cook
Helen M. Cook

STATE of Oregon)
: ss
County of Washington)

On this 15th day of June, 1984, before me,
Lynn A. Shearer, notary public, personally appeared
Robert R. and Helen M. Cook, known to me to be the individuals whose
names are subscribed to the within instrument, and acknowledged to me
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year first above written.



Lynn A. Shearer
Notary Public in and for the
State of Oregon
Residing at Forest Grove, Oregon
My commission expires: 11-8-87

STATE OF OREGON }
County of Washington } ss

I, Donald W. Mason, Director of Assessment
and Taxation and Ex-Officio Recorder of Con-
veyances for said county, do hereby certify that
the within instrument of writing was received
and recorded in book of records of said county.

Donald W. Mason, Director of
Assessment and Taxation, Ex-
Officio Chief Deputy Clerk

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JAN 31 2018

OWRD

13⁰⁰
TA

1984 JUL 20 AM 9:23

3

S-88506

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JAN 31 2018

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Attachment C
Application Maps

Application for a Permit to Use Surface Water – Joint Water Commission

S-88576

Kim Grigsby

From: SAUTER Jerry K * WRD <Jerry.K.Sauter@oregon.gov>
Sent: Thursday, December 7, 2017 2:04 PM
To: Kim Grigsby
Subject: RE: Request for map scale waiver

Kim,
Your request is reasonable and granted. Thank you for keeping the Department in the loop.
Sincerely,
JK

JERRY (JK) SAUTER - WATER RIGHTS PROGRAM ANALYST
WATER RESOURCES DEPARTMENT – 725 SUMMER STREET NE, SUITE A – SALEM OREGON 97301
PH. 503-986-0817 FAX 503-986-0901
EMAIL: JERRY.K.SAUTER@OREGON.GOV WEB: HTTP://WWW.OREGON.GOV

From: Kim Grigsby [mailto:kgrigsby@gsiws.com]
Sent: Wednesday, December 06, 2017 11:10 AM
To: SAUTER Jerry K * WRD
Subject: Request for map scale waiver

Hi Jerry,

GSI is assisting the Joint Water Commission with a permit application. Because of the size of the service area of the JWC partners, we are requesting a map scale waiver for the proposed place of use map. (See attached.) The point of diversion map is also attached and is at a standard scale.

Thank you for your assistance,

Kim

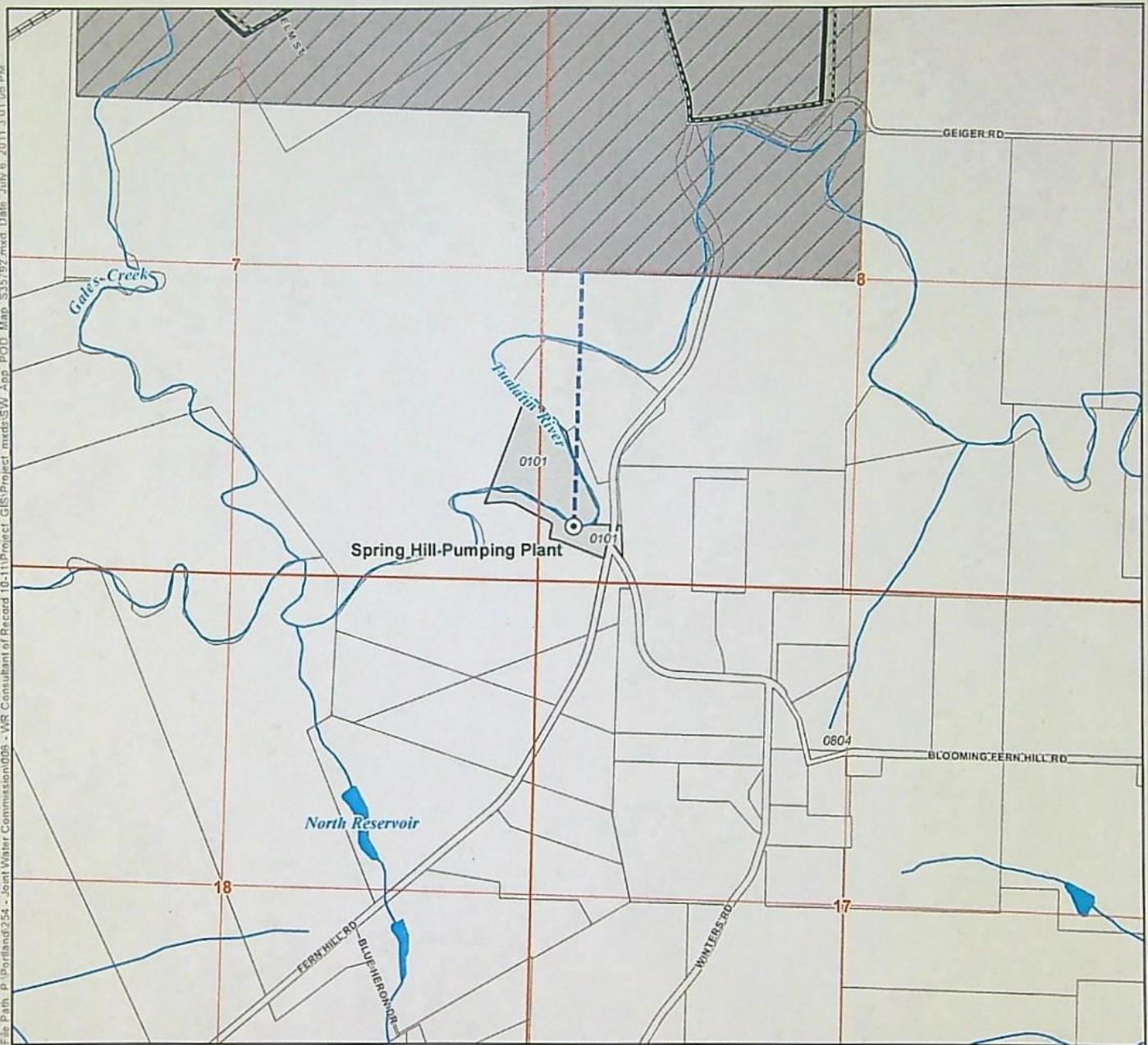
Kimberly Grigsby
Senior Water Resources Consultant | GSI Water Solutions, Inc.
direct: 541-257-9004 | cell: 503-351-1912
1600 SW Western Boulevard, Suite 240 | Corvallis, OR 97333
www.gsiws.com | kgrigsby@gsiws.com

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JAN 31 2018
OWRD

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Application for a Surface Water Permit, Point of Diversion Map Water Right in the Name of: Joint Water Commission

Township 1 South, Range 3 West (W.M.)



LEGEND

- Point of Diversion (POD)
- Pipeline
- JWC Participating Water Districts
- Forest Grove City Limits
- Tax Lots Owned by the US Bureau of Reclamation
- All Other Tax Lots
- Railroad
- ~ Watercourse
- Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: November 30, 2017
Data Sources: OWRD, METRO RLIS, OGIC

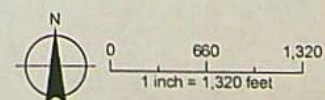
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POD LOCATION DESCRIPTION

Spring Hill Pumping Plant
Located 500 feet North and 410 feet East from the SW corner of Section 8, Township 1 South, Range 3 West (W.M.)



5-88526

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Attachment D

Authorization Granting Access

Application for a Permit to Use Surface Water – Joint Water Commission

S-88506

Field Solicitor
Draft
10/26/73
Rev. 11/6/73

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Tualatin Federal Reclamation Project, Oregon

Contract No.
14-06-100-8069

SUPPLEMENTAL CONTRACT BETWEEN THE
UNITED STATES OF AMERICA AND THE CITY OF HILLSBORO

<u>Contents</u>		
<u>Article No.</u>	<u>Title</u>	<u>Page No.</u>
1	Preamble	1
2-5	Explanatory Recitals	1-2
6	Contract Term and Scope	2
7	Work to be Accomplished with Contractor's Advanced Funds; Costs Incurred by the United States	3-4
8	Advance of Funds by the Contractor for "Part A" of the Work	4-5
9	Advance of Funds by the Contractor for "Part B" of the Work	5-6
10	Records and Reports	6
11	Credit to the Contractor for Advance Project Work	6-7
12	Use, Title, Operation and Maintenance of Spring Hill Pumping Plant	7-9
13	United States Not Liable for Water Shortage or Interruptions	9
14	Quality of Water; Water and Air Pollution Control	9-10
15	Rules, Regulations, and Determinations	10-11
16	Penalty for Delinquent Payments	11
17	Contingent on Appropriation or Allotment of Funds	11
18	Title VI, Civil Rights Act of 1964	12-13
19	Assignment Limited--Successors and Assigns Obligated	13
20	Officials Not to Benefit	13-14
21	Notices	14
	Signatures	
	Acknowledgments	

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JAN 31 2018

OWRD

5-88576

Field Solicitor
Draft
10/26/73
Rev. 11/6/73

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Tualatin Federal Reclamation Project, Oregon

Contract No.
14-06-100-8069

SUPPLEMENTAL CONTRACT BETWEEN THE
UNITED STATES OF AMERICA AND THE CITY OF HILLSBORO

1 THIS SUPPLEMENTAL CONTRACT, made this 8th day of
2 March, 1974, by and between the UNITED STATES OF AMERICA,
3 acting through the Secretary of the Interior by his duly authorized
4 representative, hereinafter referred to as the Contracting Officer,
5 pursuant to the Act of Congress of June 17, 1902 (32 Stat. 388),
6 and acts amendatory thereof and supplementary thereto, particularly
7 the Acts of March 4, 1921 (41 Stat. 1404), and September 20, 1966
8 (80 Stat. 822), and the CITY OF HILLSBORO, hereinafter referred to
9 as the Contractor, a municipal corporation duly organized and exist-
10 ing under the laws of the State of Oregon,

11 WITNESSETH, THAT:

12 Explanatory Recitals

13 2. WHEREAS, the United States is presently constructing,
14 pursuant to the Act of September 20, 1966, the Tualatin Federal
15 Reclamation Project and proposes to construct as a part of the
16 project works the Spring Hill Pumping Plant for the diversion and
17 pumping of irrigation water; and

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Art. 2

5-88596

1 3. WHEREAS, the Contractor and the United States entered into
2 a contract on November 11, 1971, hereinafter referred to as the
3 Repayment Contract, for a water supply from the project and the
4 repayment of the associated costs; and

5 4. WHEREAS, the Contractor desires to participate with the
6 United States in the construction of a cooperative pumping plant
7 structure at the Spring Hill Pumping Plant site to be used by the
8 two parties to their mutual benefit and to be known as the Spring
9 Hill Pumping Plant; and

10 5. WHEREAS, the Contractor desires to advance funds to the
11 United States pursuant to the Act of March 4, 1921, and article 21
12 of the Repayment Contract, to accomplish the construction of the
13 Spring Hill Pumping Plant so that it can be operational in the spring
14 of 1975;

15 NOW, THEREFORE, in consideration of the mutual covenants
16 and stipulations herein contained, it is mutually agreed by and
17 between the parties hereto as follows:

18 Contract Term and Scope

19 6. This contract shall become effective upon its execution
20 by the United States and shall remain in effect until specifically
21 terminated by mutual agreement of the parties hereto. The Con-
22 tractor's obligations under this contract are in addition to its
23 obligations under the Repayment Contract.

1 under article 7 except that portion of the work done exclusively for
2 the Contractor's pumping facility such as traveling water screens
3 and pump discharge lines and such other work as the Contractor shall
4 request for its pumping facility, which costs shall not be credited.
5 The Contractor will be provided a written notice of the amount of
6 the credit as determined by the Contracting Officer. In the event
7 the Contractor determines that prior to the completion of the work
8 contemplated by this agreement it does not desire to make any further
9 advance of funds to complete the work, the Contracting Officer shall
10 complete the work to the extent the advance funds permit and provide
11 an amount of credit proportional to the value of the then completed
12 work, as determined by the Contracting Officer, to the project.

13 Use, Title, Operation and Maintenance
of Spring Hill Pumping Plant

14 12. (a) Title to Spring Hill Pumping Plant, together with the
15 lands and interests acquired therefor, shall be in and remain in
16 the United States until otherwise provided by the Congress. Title
17 to the pumping machinery, discharge pipes, and other equipment to
18 be installed in the plant by the Contractor shall remain in the
19 Contractor.

20 (b) Upon completion of the pumping plant, the Contractor
21 shall have the right to use the area of the pumping plant so desig-
22 nated on the attached drawing, labeled exhibit A, together with the

Contractor
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Art. 12(a)(b)

1 right to install its pumping facilities and discharge pipes as shown
2 on exhibit A.

3 (c) The United States will care for, operate, and main-
4 tain the Spring Hill Pumping Plant facility. The United States may,
5 however, transfer to an operating organization, care, operation, and
6 maintenance of the facility or any portion thereof. Beginning with
7 January 1 of the calendar year after the Contracting Officer announces
8 the Spring Hill Pumping Plant facility is substantially completed,
9 the Contractor shall pay to the United States in advance the Contrac-
10 tor's share of operating and maintaining the facility. Of the total
11 annual costs incurred in such operation and maintenance by the United
12 States, 40 percent of the costs common to the pumping plant building,
13 grounds, and intake structures, shall be allocated to the Contractor.
14 The Contractor's share of other costs of operation and maintenance
15 shall be in the proportion that such costs are incurred for the use
16 of labor and materials in connection with work to be done on the
17 specific pumping facilities of the Contractor. The Contracting
18 Officer shall notify the Contractor of its share of the estimated
19 cost of operating and maintaining the Spring Hill Pumping Plant
20 facility for the succeeding year and payment shall be made by the
21 Contractor one-half on or before January of the year for which it is
22 due and one-half on or before June 30 of that year. Whenever, in
23 the opinion of the Contracting Officer, funds advanced will be

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HLS
Feb. 26, 1974

1 inadequate to operate and maintain the facility, he may give a
2 supplemental notice stating therein the amount of the Contractor's
3 share, and the Contractor shall advance such additional amount on
4 or before the date or dates specified in the supplemental notice.

5 United States Not Liable for Water
Shortage or Interruptions

6 13. No liability shall accrue against the United States or
7 any of its officers, agents, or employees for damage, direct or
8 indirect, arising by reason of shortages in the quantity of water
9 available or interruptions in water deliveries to the Contractor
10 resulting from drought, inaccuracy in distribution, hostile diver-
11 sion, prior or superior claims, accident to or failure of facil-
12 ities whether or not attributable to negligence of officers, agents,
13 or employees of the United States, or other causes of whatsoever
14 kind. Nor shall the Contractor's obligations to the United States
15 under this contract be reduced by reason of such shortages or
16 interruptions.

17 Quality of Water; Water and Air Pollution Control

18 14. (a) The operation and maintenance of project facilities
19 shall be performed in such manner as is practicable to maintain the
20 quality of raw water made available through such facilities at the
21 highest level reasonably attainable as determined by the Contracting
22 Officer. The United States does not warrant the quality of water

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1 (b) No official of the Contractor shall receive any
2 benefit that may arise by reason of this contract other than as a
3 landowner within the project and in the same manner as other land-
4 owners within the project.

5 Notices

6 21. Any notice, demand, or request authorized or required by
7 this contract shall be deemed to have been given when mailed,
8 postage prepaid, or delivered to the Regional Director, Pacific
9 Northwest Region, Bureau of Reclamation, Box 043, Boise, Idaho 83724,
10 on behalf of the United States, and to the City Manager of the City
11 of Hillsboro, Oregon, on behalf of the Contractor. The designation
12 of the addressee or the address may be changed by notice given in
13 the same manner as provided in this article for other notices.

14 IN WITNESS WHEREOF, the parties hereto have signed their
15 names as of the day and year first above written.

UNITED STATES OF AMERICA

Acting /s/ Norman H. Moore
Regional Director
Pacific Northwest Regional Office
Bureau of Reclamation
Box 043, Boise, Idaho 83724

(SEAL)

CITY OF HILLSBORO

Attest:

/s/ J. W. Davies
Secretary

/s/ Herbert L. Schneider
Chairman, City of Hillsboro
Public Utilities Commission

Attachment
Exhibit A

/s/ Miller M. Duris
Mayor

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JAN 31 2018

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of March , 1974 , personally appeared
before me Norman H. Moore , to me known to be the
official of the United States of America that executed the within and
foregoing instrument and acknowledged said instrument to be the free
and voluntary act and deed of said United States, for the uses and
purposes therein mentioned, and on oath stated that he was authorized
to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal as of the day and year first above written.

(SEAL)

/s/ John H. Welch
Notary Public in and for the
State of Idaho
Residing at Boise
My commission expires: 6-10-75

STATE OF OREGON)
) ss.
County of)

On this 20th day of December, 1973, before me, a
Notary Public in and for the State of Oregon, personally appeared
Herbert L. Schneider, Chairman of the City of Hillsboro
Public Utilities Commission, Miller M. Duris,
Mayor, and J. W. Davies, Secretary, of the
City of Hillsboro, Oregon, known to me to be the persons described
in the foregoing instrument, and acknowledged that they executed the
same in the capacity therein stated and for the purposes therein
contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal as of the day and year first above written.

(SEAL)

/s/ Bernice E. Barinaga
Notary Public in and for the
State of Oregon
Residing at:
My commission expires:
January 20, 1977

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Attachment E
Forms M

Application for a Permit to Use Surface Water – Joint Water Commission

S-085706



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: City of Hillsboro

Name and size of area to be served: City of Hillsboro Water Service Area - approximately 26.25 square miles
(in square miles)

Present population of service area: 100,328 in 2015 (Approved 2017 WMCP)
(Contact county planning staff, if needed.)

Projected population in 20 years: 132,746 in 2038 (Following approach of 2017 WMCP, with future demands reprojected for 2038).
(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:
<u>See attached tables</u>			

Water Use

Average yearly demand: 20945 AFY Year: 2015

Per-capita daily consumption (in gallons): 174.7 gpcd

(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 6/1 to 9/30 Total peak season demand: 9,258 Acre-feet

Peak season per-capita daily consumption: 246.5 gpcd

(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

Produced: 6,825 MG

(diverted or pumped)

Delivered: 6,399 MG

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: Increasing tiered rate based on volume and customer class.

(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

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5-88556

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):

See Section 9 Remarks in the permit application form. The application is intended to increase the reliability of the JWC's non-peak season water supply. The JWC's existing non-peak season permit, S-54737, authorizes the use of water from Scoggins Creek but is not consistently reliable. The combined maximum rate of diversion under Permit S-54737 and the present application would not exceed 75 cfs, the maximum authorized rate under Permit S-54737.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) Until the year 2038.

C. Briefly discuss operation of water system and the most constraining component of the system:

Water is diverted from the Tualatin River at the Spring Hill Pumping Plant and is treated at the JWC water treatment plant. From the water treatment plant, water is conveyed to the JWC member agencies' service areas. During the non-peak season, the most constraining component of the JWC's water system is the capacity of the water treatment plant, which will be increased over time commensurate with development of the JWC's non-peak season permits.

D. Percentage of water use by type:

Residential: <u>31.8%</u>	Commercial: <u>6.5%</u>
Public Authority: <u>2.6%</u>	Agricultural: <u>4.4% (irrigation)</u>
Unaccounted for use: <u>6.2%</u>	Industrial: <u>46.4%</u>
Other (specify use): <u>8.2% (wholesale)</u>	

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.)

There are no costs specific to the JWC's development of the proposed permit. The need to increase the capacity of the JWC water system is anticipated to be triggered by the need to meet peak season demands. JWC member agencies have implemented numerous conservation efforts, as described in JWC WMCP and progress report, and the WMCPs of its member agencies. Although these efforts assist in maximizing the efficient use of existing sources, they do not address the need for a more reliable non-peak season water supply.

F. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

The JWC's approved 2010 WMCP used a conservation savings goal of 0.8% for demonstration purposes. Conservation efforts are an important part of JWC members' water management planning. However, conservation can't fully replace the water right JWC members are seeking, which will provide a redundant water supply and improve the reliability of JWC's non-peak season water supply from the Tualatin Basin.



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: City of Beaverton

Name and size of area to be served: 18.73 square miles
(in square miles)

Present population of service area: 68,862 in 2014 (Portland State University - Regional Water Providers' Consortium)
(Contact county planning staff, if needed.)

Projected population in 20 years: 81,386 in 2038 (2014 Portland State University - Regional Water Providers' Consortium)
(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 tables			

Water Use

Average yearly demand: 7,821 AFY Year: 2014

Per-capita daily consumption (in gallons): 94.3 gpcd

(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 6/1 to 9/30 Total peak season demand: 3,705 Acre-feet

Peak season per-capita daily consumption: 143.7 gpcd

(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

Produced: 2,548 MG

(diverted or pumped)

Delivered: 2,370 MG

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: Increasing base charge based on meter size plus charge based on volume used.

(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

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5-88276

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):

See Section 9 Remarks in the permit application form. The application is intended to increase the reliability of the JWC's non-peak season water supply. The JWC's existing non-peak season permit, S-54737, authorizes the use of water from Scoggins Creek but is not consistently reliable. The combined maximum rate of diversion under Permit S-54737 and the present application would not exceed 75 cfs, the maximum authorized rate under Permit S-54737.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) Until the year 2038.

C. Briefly discuss operation of water system and the most constraining component of the system:

Water is diverted from the Tualatin River at the Spring Hill Pumping Plant and is treated at the JWC water treatment plant. From the water treatment plant, water is conveyed to the JWC member agencies' service areas. During the non-peak season, the most constraining component of the JWC's water system is the capacity of the water treatment plant, which will be increased over time commensurate with development of the JWC's non-peak season permits.

D. Percentage of water use by type:

Residential: 70.4%

Commercial: 20.5% (includes industrial)

Public Authority: 1% (fire only)

Agricultural: 8.1% (irrigation)

Unaccounted for use: 7.0%

Industrial: _____

Other (specify use): _____

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.)

There are no costs specific to the JWC's development of the proposed permit. The need to increase the capacity of the JWC water system is anticipated to be triggered by the need to meet peak season demands. JWC member agencies have implemented numerous conservation efforts, as described in JWC WMCP and progress report, and the WMCPs of its member agencies. Although these efforts assist in maximizing the efficient use of existing sources, they do not address the need for a more reliable non-peak season water supply.

F. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

The JWC's approved 2010 WMCP used a conservation savings goal of 0.8% for demonstration purposes. Conservation efforts are an important part of JWC members' water management planning. However, conservation can't fully replace the water right JWC members are seeking, which will provide a redundant water supply and improve the reliability of JWC's non-peak season water supply from the Tualatin Basin.



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: Tualatin Valley Water District

Name and size of area to be served: Approximately 45 square miles (Approved 2015 WMCP)
(in square miles)

Present population of service area: 213,756 in 2014 (2014 Portland State University - Regional Water Providers' Consortium)
(Contact county planning staff, if needed.)

Projected population in 20 years: 289,189 in 2038 (Approved 2015 WMCP)
(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:
<u>See attached tables</u>			

Water Use

Average yearly demand: 22,992 AFY Year: 2014

Per-capita daily consumption (in gallons): 99.8 gpcd

(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 6/1 to 9/30 Total peak season demand: 10,547 Acre-feet

Peak season per-capita daily consumption: 131.8 gpcd

(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

Produced: 7,492 MG

(diverted or pumped)

Delivered: 7,784 MG

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: Increasing base charge based on meter size plus two-tiered inclining block volume charge.
(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

*As described in the 2015 WMCP, deliveries exceed production due to a malfunctioning Portland Water Bureau supply meter at the Wolf Creek WTP. TVWD estimates unaccounted for use is <10%

5-88526

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):

See Section 9 Remarks in the permit application form. The application is intended to increase the reliability of the JWC's non-peak season water supply. The JWC's existing non-peak season permit, S-54737, authorizes the use of water from Scoggins Creek but is not consistently reliable. The combined maximum rate of diversion under Permit S-54737 and the present application would not exceed 75 cfs, the maximum authorized rate under Permit S-54737.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) Until the year 2038.

C. Briefly discuss operation of water system and the most constraining component of the system:

Water is diverted from the Tualatin River at the Spring Hill Pumping Plant and is treated at the JWC water treatment plant. From the water treatment plant, water is conveyed to the JWC member agencies' service areas. During the non-peak season, the most constraining component of the JWC's water system is the capacity of the water treatment plant, which will be increased over time commensurate with development of the JWC's non-peak season permits.

D. Percentage of water use by type:

Residential: <u>68.5%</u>	Commercial: <u>16.2% (includes industrial)</u>
Public Authority: <u><1% (fire only)</u>	Agricultural: <u>5.6% (irrigation)</u>
Unaccounted for use: <u>-3.9% (see note on prev. page)</u>	Industrial: <u>9.0%</u>
Other (specify use): <u>0.7% (wholesale)</u>	

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.)

There are no costs specific to the JWC's development of the proposed permit. The need to increase the capacity of the JWC water system is anticipated to be triggered by the need to meet peak season demands. JWC member agencies have implemented numerous conservation efforts, as described in JWC WMCP and progress report, and the WMCPs of its member agencies. Although these efforts assist in maximizing the efficient use of existing sources, they do not address the need for a more reliable non-peak season water supply.

F. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

The JWC's approved 2010 WMCP used a conservation savings goal of 0.8% for demonstration purposes. Conservation efforts are an important part of JWC members' water management planning. However, conservation can't fully replace the water right JWC members are seeking, which will provide a redundant water supply and improve the reliability of JWC's non-peak season water supply from the Tualatin Basin.



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: City of Forest Grove

Name and size of area to be served: Approximately 6 square miles
(in square miles)

Present population of service area: 22,824 in 2013 (2014 Portland State University - Regional Water Providers' Consortium)
(Contact county planning staff, if needed.)

Projected population in 20 years: 28,542 in 2038 (2014 Portland State University - Regional Water Providers' Consortium)
(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 tables			

Water Use

Average yearly demand: 3,434 AFY Year: 2014

Per-capita daily consumption (in gallons): 116.2

(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 6/1 to 9/30 Total peak season demand: 1,557 Acre-feet

Peak season per-capita daily consumption: 182.3

(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

Produced: 1,119 MG

(diverted or pumped)

Delivered: 968 MG

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: Volumetric and tiered block rate based on customer class.

(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

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S-88506

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):

See Section 9 Remarks in the permit application form. The application is intended to increase the reliability of the JWC's non-peak season water supply. The JWC's existing non-peak season permit, S-54737, authorizes the use of water from Scoggins Creek but is not consistently reliable. The combined maximum rate of diversion under Permit S-54737 and the present application would not exceed 75 cfs, the maximum authorized rate under Permit S-54737.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) Until the year 2038.

C. Briefly discuss operation of water system and the most constraining component of the system:

Water is diverted from the Tualatin River at the Spring Hill Pumping Plant and is treated at the JWC water treatment plant. From the water treatment plant, water is conveyed to the JWC member agencies' service areas. During the non-peak season, the most constraining component of the JWC's water system is the capacity of the water treatment plant, which will be increased over time commensurate with development of the JWC's non-peak season permits.

D. Percentage of water use by type:

Residential: 60.8%

Commercial: 15.7%

Public Authority: 9.1%

Agricultural: N/A

Unaccounted for use: 13.5%

Industrial: 14.4%

Other (specify use): _____

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.)

There are no costs specific to the JWC's development of the proposed permit. The need to increase the capacity of the JWC water system is anticipated to be triggered by the need to meet peak season demands. JWC member agencies have implemented numerous conservation efforts, as described in JWC WMCP and progress report, and the WMCPs of its member agencies. Although these efforts assist in maximizing the efficient use of existing sources, they do not address the need for a more reliable non-peak season water supply.

F. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

The JWC's approved 2010 WMCP used a conservation savings goal of 0.8% for demonstration purposes. Conservation efforts are an important part of JWC members' water management planning. However, conservation can't fully replace the water right JWC members are seeking, which will provide a redundant water supply and improve the reliability of JWC's non-peak season water supply from the Tualatin Basin.



Oregon Water Resources Department
Apply for a Permit to Appropriate Surface Water

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[Return](#) [Contact Us](#)

Today's Date: Wednesday, January 31, 2018

Base Application Fee for use of Surface and optionally Stored Water.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	44	\$15,400.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$16,850.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

S-88506

Minimum Requirements Checklist

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

Include this checklist with the application

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

- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: source of water requested
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☒ SECTION 6: resource protection
- ☒ SECTION 7: project schedule
- ☒ SECTION 8: within a district
- ☒ SECTION 9: remarks

Attachments:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. See Attachment A.
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. See Attachment B for the legal description of the property where water is to be diverted.
- ☒ Fees - Amount enclosed: \$ \$16,850
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included: See Attachment C.

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☐ N/A Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- ☒ Indicate the area of use by Quarter/Quarter and tax lot clearly identified (tax lot requirement – N/A)
- ☐ N/A Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☐ Other:

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Application for a Surface Water Permit
in the Name of the Joint Water Commission

Place of Use Map
Washington County, Oregon
Township 1 North & Townships 1 & 2 South,
Ranges 1, 2, 3, & 4 West & Range 1 East (W.M.)

LEGEND

- Place of Use (POU)
- Point of Diversion
- Counties
- Cities
- Tualatin Valley Water District
- Major Roads
- Rivers
- Major Waterbodies

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POINT OF DIVERSION LOCATION
DESCRIPTION

Spring Hill Pumping Plant
Located 500 feet North and 410 feet East from the SW
corner of Section 8, Township 1 South, Range 3 West
(W.M.).

DISCLAIMER

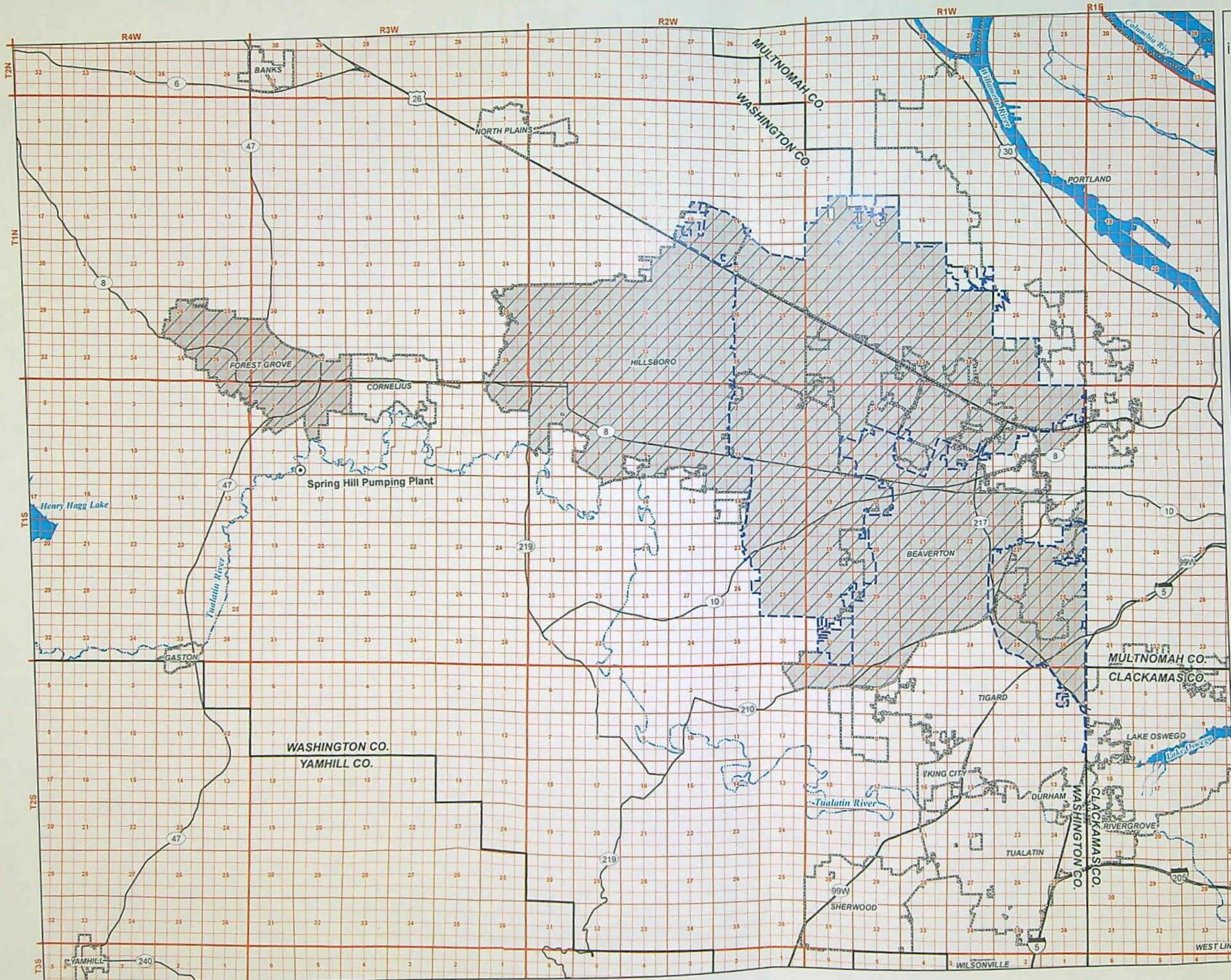
This map was prepared for the purpose of identifying
the location of a water right only and it is not intended
to provide legal dimensions or location of property
ownership lines.

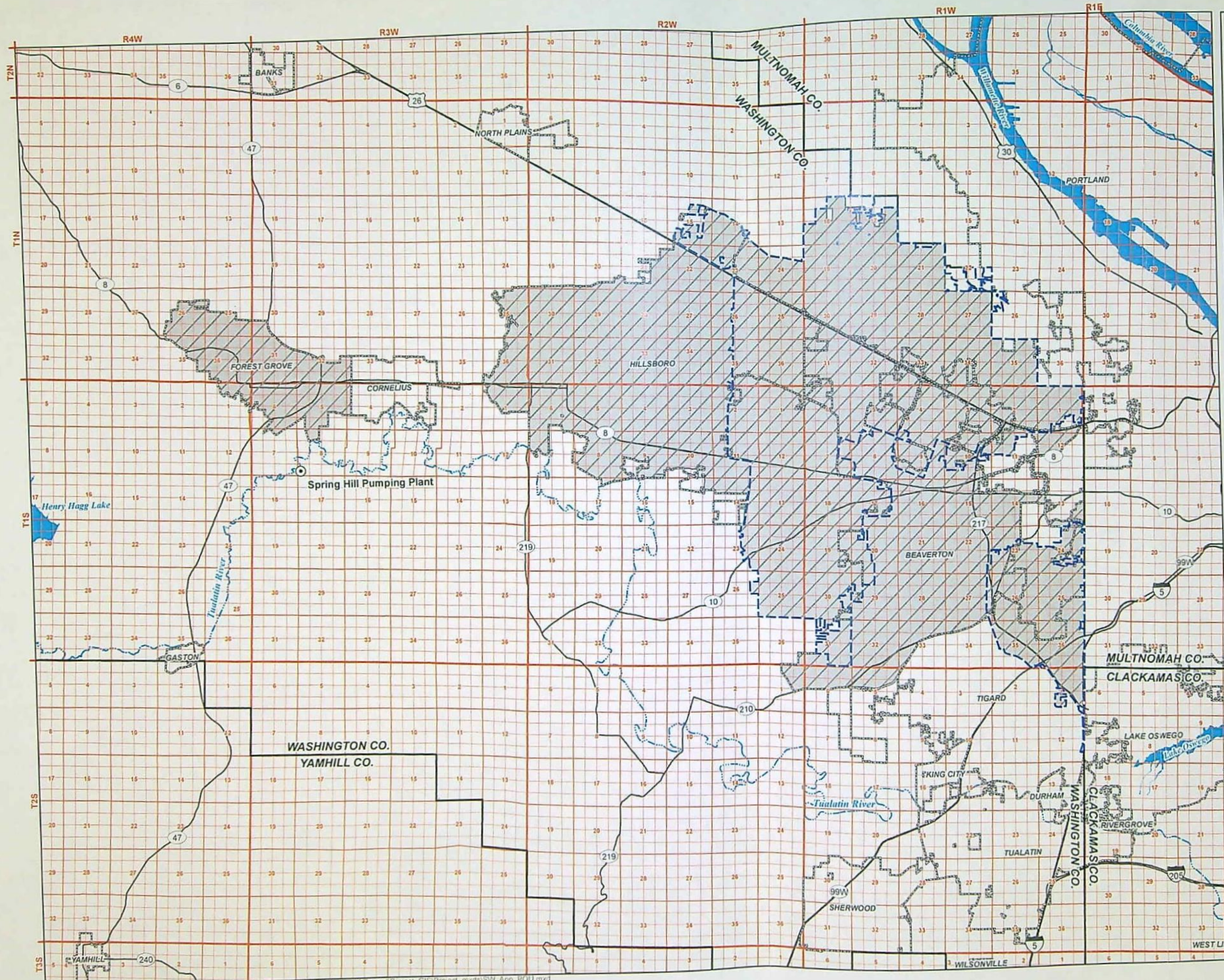


0 1 2 3
1 inch equals 2 miles



Date: November 30, 2017
Data Sources: METRO RLIS, US BLM, USGS





Application for a Surface Water Permit in the Name of the Joint Water Commission

Place of Use Map
Washington County, Oregon
Township 1 North & Townships 1 & 2 South,
Ranges 1, 2, 3, & 4 West & Range 1 East (W.M.)

LEGEND

- Place of Use (POU)
- Point of Diversion
- Counties
- Cities
- Tualatin Valley Water District
- Major Roads
- Rivers
- Major Waterbodies

POINT OF DIVERSION LOCATION DESCRIPTION

Spring Hill Pumping Plant
Located 500 feet North and 410 feet East from the SW
corner of Section 8, Township 1 South, Range 3 West
(W.M.).

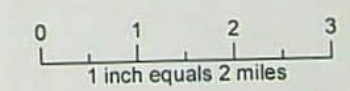
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DISCLAIMER

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ownership lines.

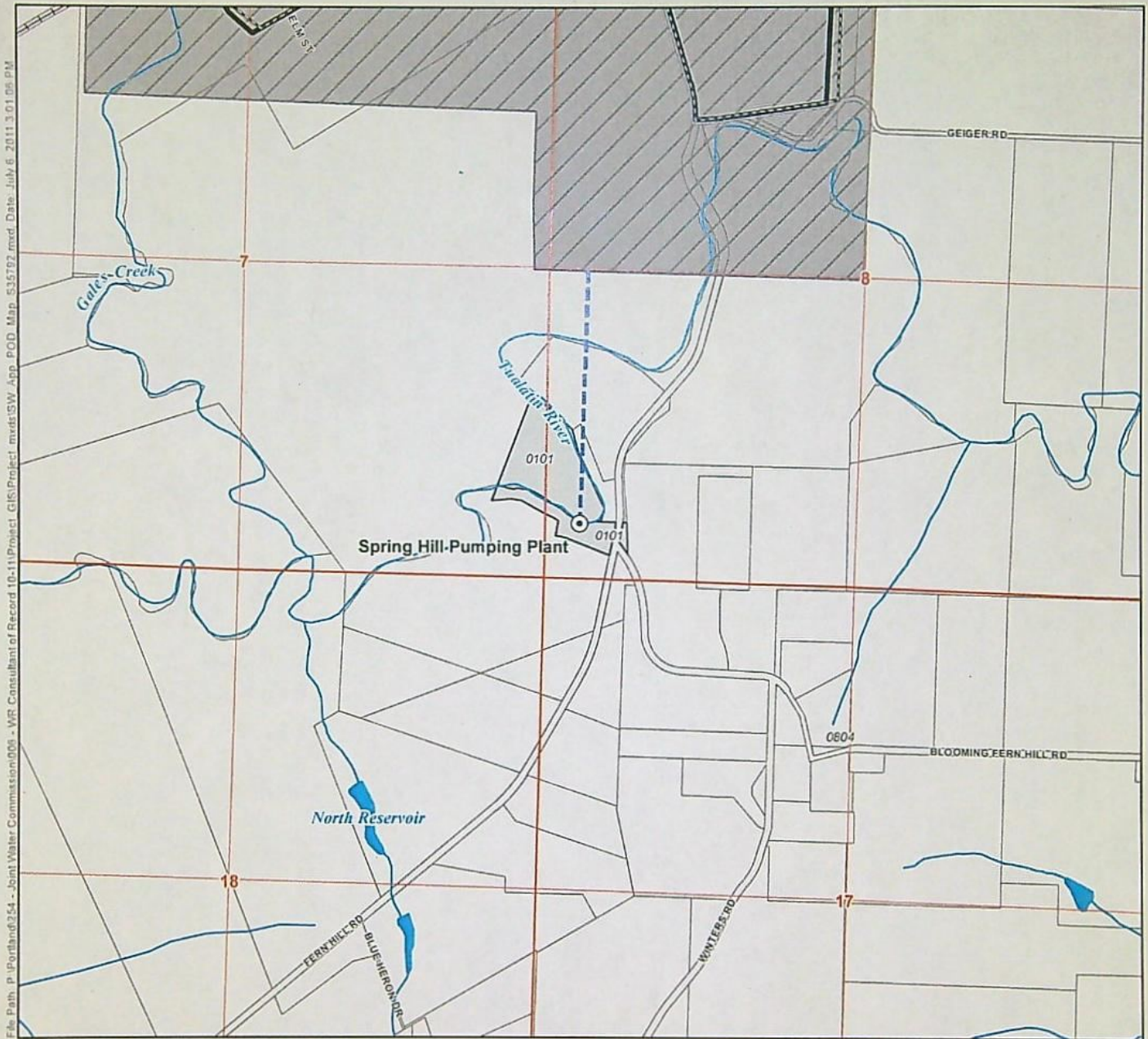


Date: November 30, 2017
Data Sources: METRO RLIS, US BLM, USGS

S-88576

Application for a Surface Water Permit, Point of Diversion Map Water Right in the Name of: Joint Water Commission

Township 1 South, Range 3 West (W.M.)



LEGEND

- Point of Diversion (POD)
- Pipeline
- ⊞ JWC Participating Water Districts
- ⊞ Forest Grove City Limits
- ⊞ Tax Lots Owned by the US Bureau of Reclamation
- ⊞ All Other Tax Lots
- +++ Railroad
- ~ Watercourse
- ⊞ Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

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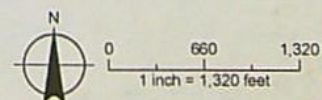
OWRD

MAP NOTES

Date: November 30, 2017
Data Sources: OWRD, METRO RLIS, OGIC

POD LOCATION DESCRIPTION

Spring Hill Pumping Plant
Located 500 feet North and 410 feet East from the SW corner of Section 8, Township 1 South, Range 3 West (W.M.)



S-88506

City of Beaverton

City of Beaverton Average Daily and Average Monthly Diversions by Water Right, 2008-2014.

Source	Priority Date	Application and Permit	Certificate, Claim or Transfer, or Registration	Entity name on water right	Type of Beneficial Use	Authorized Rate (cfs)	Authorized Volume	Average Daily Diversion (mgd) ¹							Average Monthly Diversion (MG) ²						
								2008	2009	2010	2011	2012	2013	2014	2008	2009	2010	2011	2012	2013	2014
ground water, tributary to Sylvan and Unnamed Creeks	Well #1:1932, Well #2:1945, ASR 2, ASR 3, ASR 4, ASR 5, Dernbach (ASR 6), ASR 7	N/A	GR-343, modified by T-10990	City of Beaverton	MU	3.06	n/a	0	0	0	0.32	0.28	0.61	0.02	0	0	0	9.6	8.5	18.4	0.6
Bull Run and Tualatin River		ASR LL 002		City of Beaverton and TVWD	ASR	Recovery: up to 14.4 mgd total (Limited to 1.5 or 3.0 mgd of each of 14 wells)	1.5 billion gallons	1.29	1.13	0.79	0.80	1.05	0.00	1.34	32.8	15.8	6.1	7.4	4.7	0.0	21.2
Willamette River	3/11/2014	A: S-87964 P: S-54940		City of Beaverton	MU	33.7	n/a	0	0	0	0	0	0	0	0	0	0	0	0	0	0

¹ Average daily diversion for ASR is calculated by dividing the volume recovered during the year by the number of days that recovery occurred.
² Average monthly diversion for ASR is calculated by dividing the volume recovered during the year by the number of months that recovery occurred.

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Tualatin Valley Water District (TVWD)

TVWD Average Daily and Average Monthly Diversions by Water Right, 2008-2014.

Source	Priority Date	Application and Permit	Certificate, Claim or Transfer, or Registration	Entity name on water right	Type of Beneficial Use	Authorized Rate (cfs)	Authorized Volume	Average Daily Diversion (mgd) ^{2,4}							Average Monthly Diversion (MG) ^{3,4}						
								2008	2009	2010	2011	2012	2013	2014	2008	2009	2010	2011	2012	2013	2014
ground water, a tributary to Beaverdam Creek	1/21/1959	A: G-1351 P: G-1229	c. 86081, Application T-11612 pending	TVWD and Aloha Huber Water District	MU	0.58 ¹	116 AF	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ground water, a tributary to Beaverton Creek	5/2/1957	A: G-637 P: G-588	c. 36440, Application T-11612 pending	Aloha Huber Water District	MU	1.1	n/a	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ground water, a tributary to Butternut Creek	2/23/1962	A: G-2242 P: G-2064	c. 36441, Application T-11612 pending	Aloha Huber Water District	MU	2.2	n/a	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bull Run and Tualatin River		ASR LL 002		City of Beaverton and TVWD	ASR	Recovery: up to 14.4 mgd total (Limited to 1.5 or 3.0 mgd of each of 14 wells)	1.5 billion gallons	1.72	2.12	1.90	1.19	2.26	1.56	1.93	16.0	48.7	26.7	26.1	52.5	40.1	37.9
Willamette River	6/19/1973	A: S-50693 P: S-49240		Willamette River Water Coalition	I/M & MU	202	n/a	0	0	0	0	0	0	0	0	0	0	0	0	0	0

¹ Total diversion, in combination with the remaining irrigation right (Certificate 44119), is limited to 1.31 cfs.

² Average daily diversion for ASR is calculated by dividing the volume recovered during the year by the number of days that recovery occurred.

³ Average monthly diversion for ASR is calculated by dividing the volume recovered during the year by the number of months that recovery occurred.

⁴ Although the City of Sherwood has used water under the WRWC permit S-49240, TVWD has not diverted any water under this permit to date.

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City of Forest Grove

City of Forest Grove Average Daily and Average Monthly Diversions by Water Right, 2008-2014.

Source	Priority Date	Application and Permit	Certificate, Claim or Transfer, or Registration	Entity name on water right	Type of Beneficial Use	Authorized Rate (cfs)	Authorized Volume	Average Daily Diversion (mgd)							Average Monthly Diversion (MG)						
								2008	2009	2010	2011	2012	2013	2014	2008	2009	2010	2011	2012	2013	2014
Branches of Clear Creek	3/29/1917	A: S-5460 P: S-3318	c. 2194	City of Forest Grove	MU	0.8	n/a	1.79	1.91	1.76	1.98	1.85	2.03	0.96	54.5	58.2	53.5	60.1	56.4	61.6	29.1
Four Branches of Clear Creek	4/16/1935	A: S-15790 P: S-12034	c. 13471	City of Forest Grove	MU	1	n/a														
Branches of Clear Creek	7/27/1939	A: S-18298 P: S-13944	c. 13797	City of Forest Grove	MU	1	n/a														
Roaring and Clear Creeks and Tualatin River	4/28/1976	A: S-54203 P: S-40615		City of Forest Grove	MU	38.26 (Forest Grove's portion of this right: 2.43 cfs from Roaring Creek and 2.83 from Clear Creek)	n/a														

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JWC Average Daily and Average Monthly Diversions by Water Right, 2008-2014, cont.

Source	Priority Date	Application and Permit	Certificate, Claim or Transfer, or Registration	Entity name on water right	Type of Beneficial Use	Authorized Rate (cfs)	Authorized Volume	Average Daily Diversion (mgd)							Average Monthly Diversion (MG)						
								2008	2009	2010	2011	2012	2013	2014	2008	2009	2010	2011	2012	2013	2014
Sain Creek, Tualatin River, Scoggins Creek and tributaries, Bull Run River, Willamette River, Tualatin River, Sandy River		ASR LL 019		Joint Water Commission ¹	ASR	Recovery: up to 28,000 gpm (40.3 mgd) total (2000 gpm (2.9 mgd) from each of 14 wells)	2.1 billion gallons	0	0	0	0	0	0	0	0	0	0	0	0	0	0

¹Currently, TVWD is the only JWC Member Agency accessing ASR LL 019, which is authorized in an intergovernmental agreement with the JWC.

City of Hillsboro

Source	Priority Date	Application and Permit	Certificate, Claim or Transfer, or Registration	Entity name on water right	Type of Beneficial Use	Authorized Rate (cfs)	Authorized Volume	Average Daily Diversion (mgd)							Average Monthly Diversion (MG)						
								2008	2009	2010	2011	2012	2013	2014	2008	2009	2010	2011	2012	2013	2014
Willamette River	12/6/1976	A: S-55010 P: S-55045	Permit Amendment (T-12512)	City of Salem, City of Hillsboro	Municipal	200 (56 cfs of which is the City of Hillsboro's portion)	n/a	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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Joint Water Commission (JWC)

JWC Average Daily and Average Monthly Diversions by Water Right, 2008-2014.

Source	Priority Date	Application and Permit	Certificate, Claim or Transfer, or Registration	Entity name on water right	Type of Beneficial Use	Authorized Rate (cfs)	Authorized Volume	Average Daily Diversion (mgd)							Average Monthly Diversion (MG)						
								2008	2009	2010	2011	2012	2013	2014	2008	2009	2010	2011	2012	2013	2014
Sain Creek	1/22/1912	A: S-2016 P: S-1136	c. 81026	City of Hillsboro	MU	3	n/a	30.1	29.7	26.8	27.0	29.1	29.2	32.4	919.2	903.1	814.9	821.2	888.1	886.9	984.2
Sain Creek	5/1/1915	A: S-4250 P: S-2443	c. 81027	City of Hillsboro	MU	2	n/a														
Gales Creek	2/14/1947	A: S-22251	T-1167	City of Forest Grove	MU	4.46	n/a														
Tualatin River	8/15/1930	A: S-13681 P: S-10408	c. 67891	City of Hillsboro	MU	9	n/a														
Tualatin River	2/6/1974	A: S-51643 P: S-46423	c. 85913	City of Hillsboro	MU	43	n/a														
Tualatin River	7/15/1980	A: S-60357 P: S-45455	c. 85914	City of Beaverton	MU	25	n/a														
Roaring and Clear Creeks and Tualatin River	4/28/1976	A: S-54203 P: S-40615	c.85916	City of Forest Grove	MU	38.26 (JWC portion of this WR is 33 cfs from Tualatin River)	n/a														
Scoggins Creek	6/9/1988	A: S-69637 P: S-54737	T-11155 (permit amendment)	Joint Water Commission	MU	75	n/a														
Middle Fork of the North Fork Trask River (Barney Reservoir)	6/26/1958 & 12/10/1965	A: R-32420 P: R-4890	c. 81024	City of Hillsboro	MU	n/a	12,600 AF & 7,400 AF														
Middle Fork of the North Fork Trask River and Barney Reservoir	6/26/1958	A: S-32421 P: S-32139	c. 81020	City of Hillsboro	MU	38.7	n/a														
Barney Reservoir	6/24/1971	A: S-48359 P: S-37837	c. 81022	City of Forest Grove	MU	n/a	500 AF														
Middle Fork of the North Fork Trask River (Barney Reservoir)	12/23/1971	A: R-49807 P: R-5773	c. 81023	City of Hillsboro	PA	n/a	2,000 AF														
Barney Reservoir	7/8/1971	A: S-48420 P: S-35782	c. 81021	City of Hillsboro	PA	30	n/a														
Scoggins Creek	2/20/1963	A: R-38449	c. 81149	Bureau of Reclamation	IR, MU, WQ, FI & RC	n/a	total of 60,000 AF (13,500 AF for MU by JWC agencies)														
Scoggins Creek and Reservoir, Carpenter, Gales, Dairy and McKay Creeks and Tualatin River	2/20/1963	A: S-38447 P: S-35792		Bureau of Reclamation	IR, RC, MU, FI, & WQ	366.8 total	n/a														

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Waterwatch of Oregon, INC213 SW Ash, Suite 208 Portland, OR 97204 - 2720Transaction Type: ProtestFees Received: \$ 810.00☐ Cash☒ Check:Check No. 1004Name(s) on Check: SAMEAddress on Check:

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: C. M. Jones
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.