

Name S-86704
 By STEPHEN KEBBE
 Address CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD OR 97224

C12
10
 Priority 10-24-2006
 County _____ WM# _____

RELATED FILES

86703

DEVELOPMENT

Date

Completion 10-1-2012
 Extended to _____

 Final Proof received _____
 Proposed Cert. Mailed _____

Application No. 86704
 Permit No. 554476
 Certificate No. _____

Date

DENIED _____
 MISFILED _____
 WITHDRAWN _____
 CANCELLED _____

Volume Page

FEES PAID

Date	Amount	Receipt No.
10/15/06	1500.00	84852
6/17/08	300.00	92902
11/25/14	575.00	

Paid w/customer Account ←

Cert. Fee

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS _____

MAP LOCATION _____

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

CLEAN WATER SERVICES
16580 SW 85TH AVE
TIGARD, OR 97224 S-86704



9590 9402 1496 5329 9729 44

2. Article Number (Transfer from service label)

7016 0340 00009901 9872

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *T Pierce*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

T Pierce

C. Date of Delivery

9-2-16

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

SEP 06 2016

OWRD

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



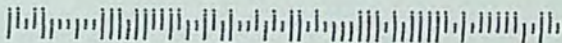
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 1496 5329 9729 44

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

Oregon Water Resources Department
725 Summer St NE, STE A
Salem, OR 97301





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at

www.oregon.gov/OWRD

August 30, 2016

Certified mail number 7016 0340 0000 9901 9872

Return receipt requested

CLEAN WATER SERVICES

16580 SW 85TH AVE

TIGARD, OR 97224

Reference: Application S-86704, Permit S-54476

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2012.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2012. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (October 28, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter

Water Rights Program Analyst

Enclosures (1)

cc: File S-86704

OWRD Watermaster District 18

*Ignore letter
Ext. FO issued 6/5/15
Cdate: 10/1/2025
cc 8/9/17*

PERMIT STATUS REVIEW BY Corey Courchane DATE 8-22-16 FILE # S-86704

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if :

update appropriate db

no Extension pending FO issued 6-5-15 C date = Oct. 1, 2025 cc

no Assignment is pending _____

no Cancellation has been requested _____

no Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time ? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check ? Y N date _____ successful ? Y N

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

No letter
8-22-16
cc

no Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received _____

2. IF NONE OF THE ABOVE APPLY

no Send **certified** "C" date notice packet to permit holder.

"C" DATE _____ BASIN NUMBER _____ WM # _____

CWRE or AGENT _____

3. AOI Yes _____ NO _____ If Yes, name of AOI _____

S:\groups\wr\PERMIT C jd\c-date-checklist.doc

Oregon Water Resources Department

Water Right Services Division

Water Rights Application
Number S-86704

FINAL ORDER

Extension of Time for Permit Number S-54476
Permit Holder: Clean Water Services

Permit Information

Application:	S-86704
Permit:	S-54476
Basin:	2 – Lower Willamette / Watermaster District 18
Date of Priority:	October 18, 2006
Source of Water:	Treated effluent from Rock Creek Advanced Wastewater Treatment Facility, discharged to Tualatin River
Purpose of Use:	Public instream use (Flow augmentation and pollution abatement)
Maximum Rate:	10.4 cubic feet per second (cfs)

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

Appeal Rights

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

Application History

Permit S-54476 was issued by the Department on July 3, 2008. The permit called for completion of construction by October 1, 2012 and complete application of water to beneficial use by October 1, 2012. On November 24, 2014, Clean Water Services submitted to the

Department an Application for Extension of Time for Permit S-54476. In accordance with OAR 690-315-0050(2), on April 7, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 2012 to October 1, 2025 and the time to apply water to full beneficial use from October 1, 2012 to October 1, 2025. The protest period closed May 22, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated April 7, 2015.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020**. *A form is enclosed with this Final Order.*

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

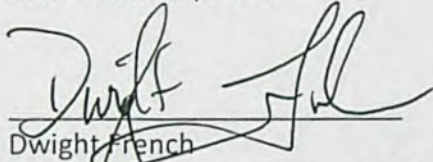
CONCLUSION OF LAW

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

ORDER

The extension of time for Application S-86704, Permit S-54476, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2012 to October 1, 2025. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2012 to October 1, 2025.

DATED: June 5, 2015



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

-
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

FO Date: June, 2015

Copies Mailed

Application: S-86704

By: KF

Permit: S-54476

On: 6/5/15

Original mailed to permit holder

Clean Water Services
16060 SW 85th Avenue
Tigard, OR 97224

Copies sent to:

1. WRD - App. File S-86704/ Permit S-54476
2. Martha Pagel, Schwabe, Williamson & Wyatt, 530 Center St NE, STE 400, Salem OR 97301

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 18, Jake Contans

If Progress Reports are included:
(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by CC Date 6-3-15

CASEWORKER: MAB

Final Order: Permit S-54476

Page 1 of 1

Oregon Water Resources Department
Water Right Services Division

PROPOSED FINAL ORDER

In the Matter of the Application for an Extension of Time for Permit S-54476, Water Right Application S-86704, in the name of Clean Water Services.

Permit Information

Application:	S-86704
Permit:	S-54476
Basin:	2 – Lower Willamette / Watermaster District 18
Date of Priority:	October 18, 2006
Source of Water:	Treated effluent from Rock Creek Advanced Wastewater Treatment Facility, discharged to Tualatin River
Purpose of Use:	Public instream use (Flow augmentation and pollution abatement)
Maximum Rate:	10.4 cubic feet per second (cfs)

*****Please read this Proposed Final Order in its entirety as it may contain additional conditions not included in the original permit*****

In summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2012 to October 1, 2025.
- Grant an extension of time to apply water to full beneficial use from October 1, 2012 to October 1, 2025.¹
- Make the extension subject to certain conditions set forth below.

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

¹ Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department
PFO – Proposed Final Order
cfs – cubic feet per second
gpm – gallons per minute
AF – acre-feet

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(3) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Application S-86704 was received October 18, 2006. The applicant requested use of only future increases in the quantity of treated effluent available for discharge and expressly exclude any quantities of effluent that are affected by storm water infiltration into the wastewater system. To reflect this intention, the quantities of effluent requested under the application year-round are based on projected increased discharges in the month of August 2005 as the baseline, when the system is least likely to experience storm water infiltration. The applicant proposed that the actual amount

of water to be protected would be verified and quantified at the time of final proof, based on the maximum August discharge for the time period minus the August 2005 baseline.

2. Permit S-54476 was granted by the Department on July 3, 2008. The permit authorizes public instream use (Flow augmentation and pollution abatement) of up to 10.4 cfs of treated effluent from Rock Creek Advanced Wastewater Treatment Facility to be discharged to Tualatin River. The permit specified construction of the water system was to be completed by October 1, 2012, and complete application of water was to be made on or before October 1, 2012.
3. The permit holder, Clean Water Services, submitted an "Application for Extension of Time" to the Department on November 24, 2014, requesting the time to complete construction of the water system extended from October 1, 2012 to October 1, 2025 and the time to apply water to full beneficial use under the terms of Permit S-54476 be extended from October 1, 2012 to October 1, 2025. This is the first permit extension requested for Permit S-54476.
4. Notification of the Application for Extension of Time for Permit S-54476 was published in the Department's Public Notice dated December 2, 2014. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230², 537.248³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On November 24, 2014, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Senate Bill 300 (1999 legislation) eliminated the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999, including this application.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

7. As of November 24, 2014, the remaining work to be completed consists of completing the Rock Creek Advanced Wastewater Treatment Facility additions and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2025, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit S-54476 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the water system began prior to October 1, 2012. Construction prior to permit issuance consisted of building the Rock Creek Advanced Wastewater Treatment facility, two Parshall flumes, outfalls to the Tualatin River, and a diffuser was on the outfall.
 - b. Work was completed during the original development time frame under Permit S-54476. The permit holder made improvements on the Rock Creek Wastewater Treatment facility.
 - c. Since October 1, 2012, the permit holder has made improvements on the Rock Creek Wastewater Treatment facility.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

10. According to the water user, based on August flow rates a maximum rate of 0.7 cfs of water for instream flow augmentation of treated effluent from the Rock Creek Advanced Wastewater Treatment facility was discharged.
11. Delay of full beneficial use of water under Permit G-54476 was due, in part, to the population and commercial and industrial wastewater flow rates have not increased as anticipated and water conservation efforts might have contributed to the lack of wastewater flow rate increases.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

12. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the permit holder has not yet obtained written documentation from the Oregon Department of Fish and Wildlife approved the installation of fish screening and by-pass device of water.
 - b. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments to appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

13. As of November 24, 2014, the permit holder invested approximately \$85,150,361, which is about 51 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$80,889,000 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

14. The Department has found good faith of the appropriator under Permit S-54476.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-54476; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The points of discharge are located on Tualatin River, and are not located within a Withdrawn Area. The Tualatin River

is not a state or federal scenic waterway, however, it is located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The points of discharge are not in a location listed by the Department of Environmental Quality as a water quality limited stream.

16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

19. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

20. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

21. Unforeseen events extended the length of time needed to fully develop and perfect Permit S-54476, in that water conservation efforts might have contributed to the lack of wastewater flow rate increases. Clean water Services anticipates that the wastewater flow rate will increase as the economy improves, new "wet" industry moves into the service area, and population grows.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant

to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2025⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 17, above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit S-54476.

Continued on the following page

⁵Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit S-54476 from October 1, 2012 to October 1, 2025.

Extend the time to apply water to beneficial use under Permit S-54476 from October 1, 2012 to October 1, 2025.

Subject to the following conditions:

CONDITIONS

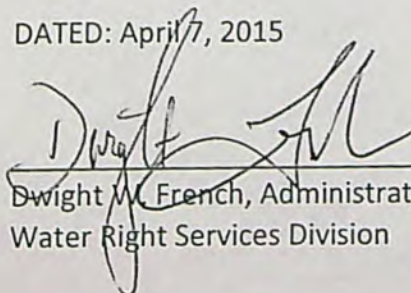
1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020**. *A form will be enclosed with your Final Order.*

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: April 7, 2015


Dwight W. French, Administrator
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than May 22, 2015, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active Duty servicemembers have a right to stay these proceedings under federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.of.mil>

Mailing List for Extension PFO Copies

PFO Date: April 7, 2015

Copies Mailed

Application: S-86704

By: KF

Permit: S-54476

On: 4/7/15

Original mailed to Applicant:

Clean Water Services
16060 SW 85th Avenue
Tigard, OR 97224

Copies sent to:

1. WRD - App. File S-86704/ Permit S-54476
2. Martha Pagel, Schwabe, Williamson & Wyatt, 530 Center St NE, STE 400, Salem OR 97301

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)

(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 18, Jake Contans

CASEWORKER: MAB

BAMBERGER Machele A

From: Pagel, Martha <MPagel@SCHWABE.com>
Sent: Monday, January 05, 2015 4:09 PM
To: 'BAMBERGER Machele A'
Cc: REECE Ann L
Subject: RE: Clean Water Services Permit S-54476

1-6-2015 2:40 PM
Martha says
NO to
affidavit
it is the
Dept. fault, they
should fix it.

Hi Machele,

In follow-up to the phone message I just left for you— please give me a call to talk about what's next for the permit extension. I have confirmed that CWS would like to proceed with the extension process, so I will want to clarify with you or Ann as to what is needed to request the voluntary "diminishment" of the permit to clarify that the discharge measurements should be based on data for the month of August.

Thank you,
Martha

MARTHA O. PAGEL | Attorney at Law
SCHWABE, WILLIAMSON & WYATT
Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com

- send in a request Aff. don't
- finding needed baseline
- conclusion
- order
condition
extension

From: BAMBERGER Machele A [<mailto:machele.a.bamberger@state.or.us>]
Sent: Wednesday, December 17, 2014 10:45 AM
To: 'BAMBERGER Machele A'; Pagel, Martha
Cc: REECE Ann L
Subject: RE: Clean Water Services Permit S-54476

Martha;

If you have some time tomorrow after your meeting with Dwight and Patricia here at the office, Ann and I would like to meet with you to discuss the extension.

Looking forward to meeting with you,

Machele

Machele A Bamberger | Extension Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0802 | Fax: 503 986-0901

Email: Machele.A.Bamberger@ wrd.state.or.us | Web: <http://www.wrd.state.or.us>



From: Pagel, Martha [<mailto:MPagel@SCHWABE.com>]
Sent: Wednesday, December 17, 2014 10:19 AM
To: 'BAMBERGER Machelles A'
Cc: REECE Ann L
Subject: RE: Clean Water Services Permit S-54476

Hi Machelles,

Nice to "meet" you by email!

I would be happy to set up a time to talk with you and Ann about the permit extension application.

I could do a call anytime between 1 and 4 tomorrow. Or, if it would be preferable to talk in person, I will be at the Department tomorrow morning for a meeting with Dwight and Patricia from 8:30 until about 9:00 or 9:30 – we could talk when I finish up with that meeting.

Let me know if either of those options work for you and Ann –

Thank you,
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Sent: Wednesday, December 17, 2014 9:49 AM
To: Pagel, Martha
Cc: REECE Ann L
Subject: Clean Water Services Permit S-54476

Good Morning Martha,

My name is Machelles and I am an Extension Specialist at the Water Resources Department. Ann Reece and I would like to discuss the extension request from Clean Water Services Permit S-54476 with you. Please let us know when it would be convenient for you to discuss this extension with you by a telephone conference.

Sincerely,
Machelles

Machelles A Bamberger | Extension Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0802 | Fax: 503 986-0901

Email: Machelles.A.Bamberger@ wrd.state.or.us | Web: <http://www.wrd.state.or.us>

BAMBERGER Machelles A

From: Pagel, Martha <MPagel@SCHWABE.com>
Sent: Wednesday, December 17, 2014 11:04 AM
To: 'BAMBERGER Machelles A'
Cc: REECE Ann L
Subject: RE: Clean Water Services Permit S-54476

Sounds good – I will let you know when we are finished with the other meeting.

Thanks.

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Water Resources Department | 725 Summer St. NE, Suite A | Salem, OR 97301
Ph: 503 986-0802 | Fax: 503 986-0901
Email: Machelles.A.Bamberger@wrdd.state.or.us | Web: <http://www.wrdd.state.or.us>

meeting 12-18-14 w/
Martha. She will contact her
client about:

Diminish cost to
• measure + report in Aug
• use 2005 ~~baseline~~ baseline

for make ~~the~~ 10/4/14
minimum date 10/4/14

I would like to



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Ph: 503 986-0802 | Fax: 503 986-0901

Email: Machelles.A.Bamberger@wrd.state.or.us | Web: <http://www.wrd.state.or.us>



To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

- ☒ 1. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
- ☒ 2. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____
If the permit has been cancelled, the Extension Application cannot be accepted.

- ☒ 3. Is the extension applicant's name and mailing address supplied? _____
If yes, is the applicant a permit holder of record (i.e., permit issued or assigned to them)? _____

If the extension applicant is **NOT** a permit holder of record, a "Request for Assignment" must be accepted and processed before the Extension Application can be processed.

If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.

*** NOTE:** The applicant may submit a complete "Request for Assignment," at the same time, which must include the statutory fee of \$85 for the assignment, required proof of ownership, or signature of previous permit holder, in addition to all necessary items required for the Extension of Time Application so that **both applications can be accepted**.

- ☒ 4. Is the appropriate Extension of Time Application used? _____

If the wrong application form is used, the Extension Application cannot be accepted.

- If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
- If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."

- ☒ 5. Are the requested date(s) for extension identified (Page 1)? _____

- Check the permit to see if it includes a "B-Date" and/or a "C-Date."

"B-Date" = date by which construction of the water delivery system for the permit is to be completed.

"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.

NOTE: For permits with both a "B-Date" and a "C-Date," the applicant will likely request an extension of both dates (i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use). Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" (i.e., to apply water to full beneficial use).

For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.

- ☒ 6. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____

(If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)

If not signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.

NOTE: If the permit covers land that has been subdivided and assigned to different, individual parties... we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

- ☒ 7. Are all questions on the application answered? _____
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

The tables below are informational only. No need to check off.

■ NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:

• Ques. #1 - Information provided on beginning of construction ("A" Date) under the permit.	• Ques. #5-C - Well location information provided <u>and</u> whether a permit amendment is necessary.
• Ques. #2 - Information provided on compliance with permit conditions.	• Ques. #6 - Information provided on number of acres irrigated, if applicable.
• Ques. #3 - Description provided of progress made in developing the permit.	• Ques. #7 - Description provided of remaining work left to be accomplished to perfect the permit.
• Ques. #4 - Monetary investment made in the project to date provided.	• Ques. #8 - Description provided of estimated cost to complete the project associated with the permit.
• Ques. #5-A - Max amount of water beneficially used to date for a SW permit indicated.	• Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
• Ques. #5-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	• Ques. #10 - Justification provided of why the requested time is necessary to complete project.

■ Municipal/Quasi-Municipal Permit Extension Applications:

• Ques. #2 - For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit.	• Ques. #8 - Estimate provided of current peak water demand of the population served <u>and</u> the methodology used to make the estimate.
• Ques. #3 - For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).	• Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
• Ques. #4 - Description provided of progress made in developing the permit <u>and</u> financial expenditures made in the project to date.	• Ques. #10-A - Estimate provided of demand projection for the permit, the methodology used to make the estimate <u>and</u> anticipated date for full beneficial use of the permit.
• Ques. #5-A & #5-B - Information provided on compliance (or non-compliance) with permit conditions.	• Ques. #10-B - For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.
• Ques. #6-A - Max amount of water beneficially used to date for a SW permit indicated.	• Ques. #11 - Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right.
• Ques. #6-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	• Ques. #12 - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.
• Ques. #6-C - Well location information provided <u>and</u> whether a permit amendment is necessary.	• Ques. #14-A - A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable.
• Ques. #7 - Estimate provided of current population served under the permit <u>and</u> the methodology used to make the estimate.	• Attachment A - A tabular inventory of the water supplier's water rights and any other water use authorizations.

- ☐ 8. Has the \$575 fee been paid? _____
 *If applicable, has the \$85 fee for the Assignment been paid? _____
 (As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)

If the fee has NOT been paid, the application cannot be accepted.

****NOTE:** If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks).

- ☐ 9. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to **Extension Specialist**, or **Anne Reece** for municipal and quasi-municipal applications. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Machelle A. Bunker Date: 11-25-14

Extension PFO Checklist for
Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: S-86704 Permit: S-54476 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved
Permit Holder's Name: Clean Water Services 16060 SW 85th Avenue Tigard OR 97224
Permit Holder's Mailing Address: _____ email _____
Phone Number: 503-547-8198
POD Location: Township _____ Range _____ Section _____ 1/4 _____
Drainage Basin: 2 County: Washington Watermaster District: 18 Watermaster: Jake Contens

Date Permit was issued: July 3, 2008 Priority Date: Oct 18, 2006 Date of PN: 12-2-14
Source: Treated Effluent from Rock Creek Advanced Wastewater Treatment Facility,
Discharged to Tualatin River
Use: Public Instream Use (Flow augmentation & Pollution Abatement)
"Q": 10.4 cfs

Orig "A" Date: _____ Orig "B" Date: 10/1/ Orig "C" Date: 10/1/2012

Extension request rec'd: _____ Last Authorized "B" Date: 10/1/ Last Authorized "C" Date: 10/1/

Request Number (1, 2, 3...): _____ Proposed "B" Date: 10/1/ Proposed C Date: 10/1/10-30-2025

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	totalizing flow meter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	water usage report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	mitigation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	fish screen Bypass
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
☒ ☐ Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$55,150,361 Estimated Remaining Cost: \$20,889,000

- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 0.7 ☒ cfs ☐ gpm ☐ af of the total permitted quantity of water on NA acres

GW REVIEW: Y N

MITIGATION REVIEW: Y N

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☒ No ☐

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

☐ ☒ above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map

☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html

☒ ☐ within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"

☐ ☒ within a critical or limited Ground Water Area? Name of area _____

☐ ☒ within a Withdrawn Area? Name of area _____

☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____

☒ ☐ within an area ranking ☐ low / ☐ moderate / ☒ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. ☒ Approval of Extension Request

No ... "Good Cause" cannot be found. ☐ Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes ☒ No ☐

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☒ 5-year Progress Report Checkpoints (Years: _____)

☒ Other: Add 1 aug Aug flows & 2005 Baseline

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

☐ COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resource Department, or (2) Hire a water right examiner certified under ORS 537.625 to conduct a survey, the original to be submitted as required by the Water Resource Department."

☐ COBU Requirement

"Pursuant to the permit, the permit holder shall hire a certified water rights examiner to conduct a survey of the beneficial use (or by the date allowed for the complete claim of beneficial use.)"

Clean water

☐ COBU Requirement

"Pursuant to the permit, the permit holder shall hire a certified water rights examiner to conduct a survey of the beneficial use (or by the date allowed for the complete claim of beneficial use.)"

concern not capture rain water.

so Aug. effluent Baseline

no rain

NOTES:

Big Prob total. River Alga
blooms DeQ

2 treatment plants

credit Reforestation above
increase flow of
River

not

2005 Baseline population
add condition

measuring + reporting

• Aug flows proof

• 2005 Baseline

Extension "PFO" Dates _____

Mailing / Issuance Date: _____

Reviewer's Name: N

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

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☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html

☒ ☐ within a sensitive, threatened or endangered species area Source: "/>

Application # S-86704

Permit # S-54476

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ **WRIG...**

Money Received on: 11-25-14

♦ **Extension Specialist ...**

☒ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

♦ **Codi Holmes...**

☒ Publish on Public Notice (initial 30-day comment): Date of notice 12/2/14

☒ Update WRIS Database

☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

☒ In the "Ext Filed" field... Enter the date the Extension Application was received.

☒ Yes or ☐ No: Return file to Extension Specialist after PN Machelle Bamberg-er



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

RECEIVED BY OWRD

NOV 24 2014

SALEM, OR

Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

I, Clean Water Services

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

the holder of: Application Number S-86704 Permit Number S-54476 [OAR 690-315-0020(3)(b)]

****A separate application must be submitted for each permit as per OAR 690-315-0020(2). ****

16060 SW 85th Avenue
MAILING ADDRESS

97224
CITY, STATE, ZIP

503-547-8198
PHONE

kebbes@cleanwaterservices.org
E-MAIL ADDRESS

X **do hereby request that** the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on Month 10 Day 1 Year 2012, be extended to October 30, Year 2025.

Please Note. If the permit **does** specify a date when **construction** must be **completed**, you should request to extend both the time to apply water to full beneficial use **and** to complete construction. These dates are typically found on the permit above the signature of the Director.

and

☒ **do hereby request that** the time to complete construction of the water system, which now expires on Month 10 Day 1 Year 2012, be extended to October 30, Year 2025

Sign after completing the entire application, questions 1-11.

I am the permit holder, or have attached to this application written authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension. I have completed the entire application.

Steve Kebbe

Signature

November 17, 2014

Date

Printed Name/Title Steve Kebbe / Principal Engineer
Clean Water Services

MAIL COMPLETED and SIGNED APPLICATION with the \$575 STATUTORY FEE TO:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

Submit the following items with your Application for Extension of Time:

- The signed and completed Application for Extension of Time.
- \$575 check to OWRD or Oregon Water Resources Department
- All supporting documentation and/or evidence referenced in the application.

Reference materials needed to complete this Application:

- **Water right permit.** A copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (using the link to the Water Rights Information System (WRIS)). A copy of the permit may be requested from the Water Rights Division at 503-986-0801 (copy fees will apply).
- **Documentation** which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Helpful information for completing this Application:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form.** The form *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits* is at the following link: <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the permit terms & conditions.
- The attached *Instructions for Completing an Application for Extension of Time for a Water Right Permit* will help you answer each question on the application. If, after reading the instructions, you need assistance, please call the Extensions Specialist at 503-986-0900.
- Permit extensions are evaluated under OAR Chapter 690, Division 315, which may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>. Please note that OWRD may require additional information, if necessary, to evaluate the application per OAR 315-0020(3)(n).
- OWRD will review applications received for completeness and will return incomplete or deficient applications per OAR 690-315-0040(1)(a) to the applicant.

Questions to Complete this Application for Extension of Time

Please see the instruction sheet to help you answers these questions.

[OAR 690-315-0020(3)(d)]

1. Did the "actual construction" of the water system/well drilling begin within the time specified in the permit? ☒ Yes ☐ No ☐ N/A, if not specified in this permit

Date "actual construction" began is: July 5, 2008

Describe details of construction: Clean Water Services constructs improvements and additions to its wastewater treatment facilities "just in time" (i. e., in time to meet ever-changing water quantity and quality requirements).

RECEIVED BY OWRD

NOV 24 2014

SALEM, OR

[OAR 690-315-0020(3)(e)(A)]

- 2-A. Please Describe how you have complied with each standard and special condition in the original permit [and, if applicable, conditions contained in any order approving a permit amendment and/or order approving a prior extension of time].

TIP: The instruction sheet explains which typical conditions must be addressed here.

Condition Number: Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit.

CHART-A

Condition Number	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	1/1/1978	Two Parshall flumes in combination monitor all effluent from the Rock Creek Advanced Wastewater Treatment Facility. The watermaster is allowed access to the monitoring devices.
2	7/4/2008	The effluent is discharged to the Tualatin River.
3	7/4/2008	The outfalls to the Tualatin River were constructed in 1977, prior to the permit application.
4	1/1/1978	A diffuser was installed on the outfalls when the Facility was built in 1977 and has been maintained since that time.
5	11/7/2014	No dam or artificial obstruction has been constructed.

- 2-B. If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition Number	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
6	10/30/2025	Clean Water Services projected residential, commercial, and industrial growth in terms of wastewater flow rates for the permit. The flow rates have not increased as anticipated and appear to have remained relatively the same. See attached Table 1. The month of August was used for the comparison because the wastewater flow rate is generally not influenced by wet storm events during that month. The probable reasons that the rates have not increased are that growth has not occurred as projected, and water conservation efforts have been effective.

3-A. Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the original permitted time period.

CHART-C

* If exact cost is not known, please provide your best estimate.

IF this is your first Application for an Extension of Time, write NA in Chart D below and proceed to question 4 at the bottom of this page.

- 3-B) Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the most recent extension period.

If this **is not** your 1st Application for Extension of Time request, fill out CHART-D below in addition to CHART-C above. *Use chronological order.*

CHART-D

DATE	LIST AND DESCRIBE WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	NA	
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	LIST AND DESCRIBE WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXPIRED EXTENSION PERIOD UP TO NOW	COST*
Total Cost of Chart-D		

* If exact cost is not known, please provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. **Cost of project to date:** _____
(The total combined cost from CHART-C and CHART-D)

[OAR 690-315-0020(3)(e)(B)]

5. Provide evidence of the maximum rate (or duty, if applicable) of water actually diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: Report the rate used to date in the same units of measurement as specified in the permit. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

- 5-A) For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

Maximum measured rate used to date = 0.7 cfs (cubic feet per second) -

or

Maximum measured rate used to date = _____ gpm (gallons per minute)

or

Acre-feet stored to date = _____ AF

46.2
- 45.5

0.7 cfs
August
flow
rate (sk)

- 5-B) For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit including wells not currently being used.

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum measured rate used from this well - - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total measured rate from all wells utilized under this permit								

- 5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a Permit Amendment Application been/be filed? Yes ☐ No ☐

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # _____: Actual location: _____

Well # _____: Actual location: _____

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- [OAR 690-315-0020(3)(e)(C)]
6. Provide the total number of acres actually irrigated to date under this permit (if any).

Surface Water Permits: I have applied water to _____ acres for irrigation to date.

Ground Water Permits: I have applied water to _____ acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

- [OAR 690-315-0020(3)(j)]
7. Provide a summary of future plans and a schedule to complete construction of the water system, and/or apply water to full beneficial use under the permit terms and conditions.

CHART-F

APPROXIMATE DATE RANGE (projected)	LIST & DESCRIBE WORK TO BE ACCOMPLISHED TO COMPLETE WATER DEVELOPMENT (projected)	ESTIMATED COST (projected)
10/30/2025	Rock Creek Advanced Wastewater Treatment Facility additions. All costs are based on Clean Water Services' Capital Improvements Plan.	80,889,000
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
8.	Estimated remaining total cost to complete the water development: [OAR 690-315-0020(3)(g)]	80,889,000

- [OAR 690-315-0020(3)(h)]
9. Describe the reasons why the water development was not constructed, and/or water was not beneficially used within permit time limits. *Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).*

9-A) Is the project of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit? If yes, describe.

Yes. Population and commercial and industrial wastewater flow rates have not increased as anticipated.

[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres actually irrigated to date under this permit (if any).

Surface Water Permits: I have applied water to _____ acres for irrigation to date.

Ground Water Permits: I have applied water to _____ acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

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[OAR 690-315-0020(3)(j)]

7. Provide a summary of future plans and a schedule to complete construction of the water system, and/or apply water to full beneficial use under the permit terms and conditions.

CHART-F

APPROXIMATE DATE RANGE (projected)	LIST & DESCRIBE WORK TO BE ACCOMPLISHED TO COMPLETE WATER DEVELOPMENT (projected)	ESTIMATED COST (projected)
10/30/2025	Rock Creek Advanced Wastewater Treatment Facility additions. All costs are based on Clean Water Services' Capital Improvements Plan.	80,889,000
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
8.	Estimated remaining total cost to complete the water development: [OAR 690-315-0020(3)(g)]	80,889,000

[OAR 690-315-0020(3)(h)]

9. Describe the reasons why the water development was not constructed, and/or water was not beneficially used within permit time limits. *Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).*

9-A) Is the project of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit? If yes, describe.

Yes. Population and commercial and industrial wastewater flow rates have not increased as anticipated.

- 9-B) Did the financial resources needed to develop the project preclude completion of the project within authorized time frames? If yes, describe.

No.

- 9-C) Did good faith attempts to comply with other agency permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delay completion of the project? If yes, describe.

No.

- 9-D) Have other unforeseen events delayed full development of the water system and use of water within the authorized time frames? If yes, describe.

Yes. It appears that water conservation efforts might have contributed to the lack of wastewater flow rate increase.

[OAR 690-315-0020(3)(k)]

10. **Justify the time requested to complete the project and/or apply the water to full beneficial use.** Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time. Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Clean Water Services anticipates that the wastewater flow rate will increase as the economy improves, new "wet" industry moves into the service area, and population grows.

11. **Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.**

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SALEM, OR

Thank you for submitting a complete and accurate application. Remember to sign the front page.

Table 1												
Rock Creek Facility Historical Effluent Flow Rates 2005 - 2014												
Year	Monthly Average Effluent Flow Rate (cfs)											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2005	57.3	51.1	56.1	62.6	67.4	48.5	46.3	45.5	46.4	49.4	62.9	89.2
2010 (projected in 2005)	70.4	62.8	69.0	76.9	82.9	59.7	57.0	55.9	57.0	60.7	77.3	109.6
2006	132.5	79.8	67.8	60.6	50.1	45.7	46.1	45.3	42.0	42.5	84.7	148.3
2007	81.1	71.8	69.1	59.1	51.4	44.7	45.8	46.2	43.0	49.4	54.4	98.8
2008	93.5	76.5	64.4	57.4	46.8	48.0	43.5	44.4	44.1	43.3	53.3	59.5
2009	79.1	52.2	60.4	52.3	57.2	45.9	41.7	43.0	43.3	45.6	63.4	62.3
2010	89.1	71.5	69.9	69.1	58.1	67.7	45.0	42.0	44.1	47.6	65.3	102.6
2011	85.2	68.6	98.7	71.7	55.6	46.6	42.1	39.8	39.9	42.6	56.5	51.9
2012	88.1	65.3	94.0	70.1	57.7	54.0	48.0	45.4	45.0	51.6	75.2	103.5
2013	58.3	54.7	56.1	53.7	54.2	49.9	44.3	46.2	56.1	53.8	55.1	50.6
2014	54.1	82.5	84.0	68.4	54.7	46.2	42.8	41.0	41.6			
2006 - 2010 Average	84.6	69.2	73.8	62.5	54.0	49.9	44.4	43.7	44.4	47.1	63.5	84.7

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SALEM, OR

STATE OF OREGON

CLACKAMAS AND WASHINGTON COUNTIES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

RECEIVED BY OWRD

THIS PERMIT IS HEREBY ISSUED TO

NOV 24 2014

CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD, OR 97224

SALEM, OR

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

APPLICATION FILE NUMBER: S-86704

SOURCE OF WATER: TREATED EFFLUENT FROM ROCK CREEK ADVANCED WASTEWATER TREATMENT FACILITY, DISCHARGED TO TUALATIN RIVER

PURPOSE OR USE: PUBLIC INSTREAM USE (FLOW AUGMENTATION AND POLLUTION ABATEMENT)

MAXIMUM RATE: 10.4 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 2006

DISCHARGE LOCATIONS:

60 INCH PIPE: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T1S, R2W, W.M.; 45 FEET SOUTH AND 1057 FEET EAST FROM NW CORNER, SECTION 16

96 INCH PIPE: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T1S, R2W, W.M.; 41 FEET SOUTH AND 1094 FEET EAST FROM NW CORNER, SECTION 16

THE PLACE OF USE IS LOCATED AS FOLLOWS:

FROM THE DISCHARGE LOCATIONS IN THE TUALATIN RIVER DOWNSTREAM TO THE CONFLUENCE WITH THE WILLAMETTE RIVER LOCATED WITHIN THE SW $\frac{1}{4}$, SECTION 2, T3S, R1E, W.M.

Measurement, recording and reporting conditions:

- ① A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at the discharge points. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by

the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

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

② The character of water use authorized under this permit is for instream, non-consumptive use. As such, any proposed future change in the character of use to an out-of-stream consumptive use is not allowed.

③ If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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 The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

⑤ The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

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.

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.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

⑥ Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued July 3, 2008

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

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NOV 24 2014

SALEM, OR



Oregon

Theodore R. Kulongoski, Governor

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

NOTICE TO PERMITTEE

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Carefully review the appeal rights included on the first page of your final order. In some cases, if OWRD receives a request for reconsideration or petition for judicial review within 60 days of the date the final order was served, OWRD may take action to withdraw or modify the final order, or issue a final order denying your application.

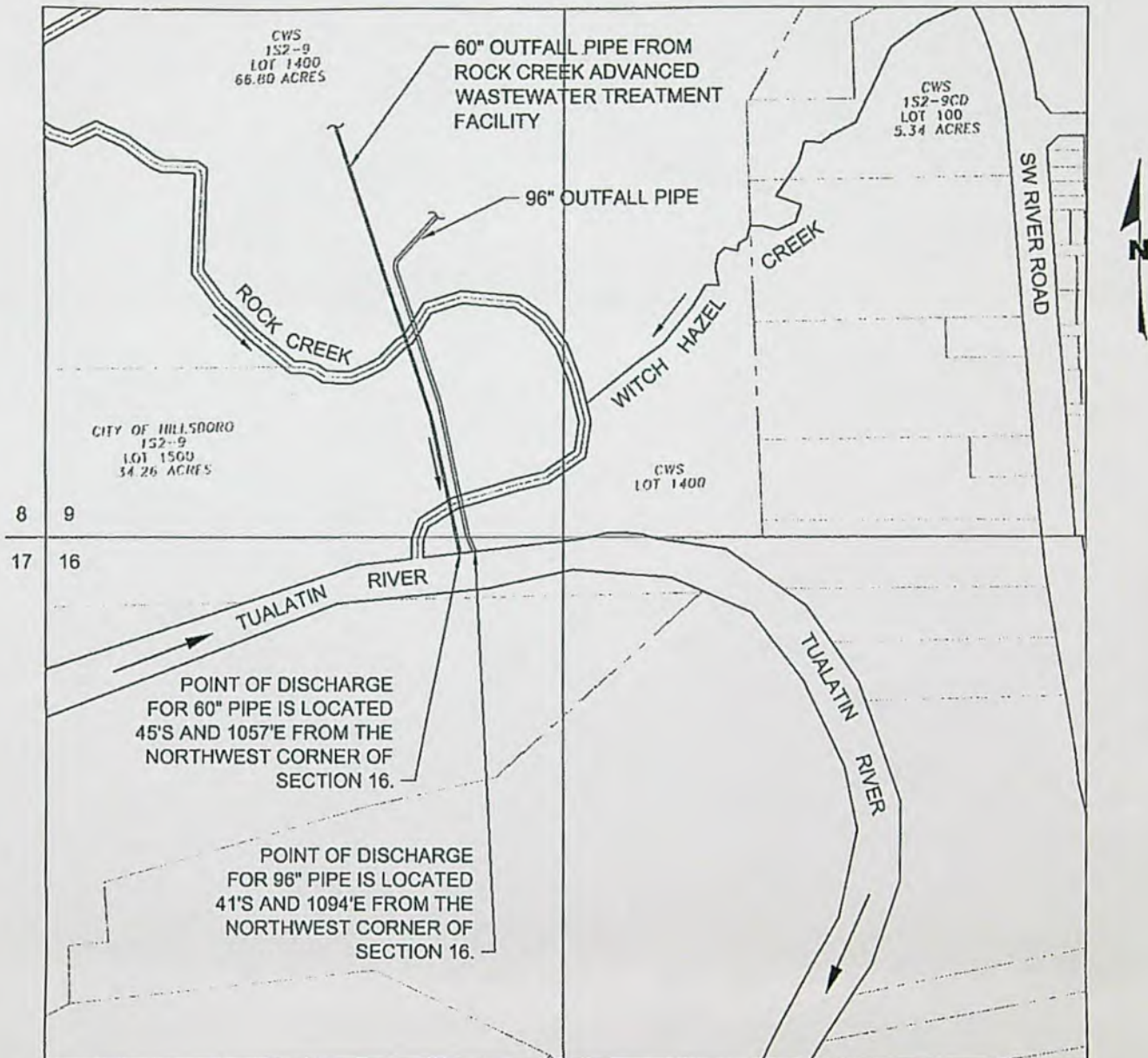
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PERMIT APPLICATION MAP

IN THE NAME OF: CLEAN WATER SERVICES
T1S, R2W, WM

SALEM, OR



PLACE OF USE IS AS FOLLOWS: FROM THE POINT OF DISCHARGE, DOWNSTREAM IN
THE TUALATIN RIVER TO THE CONFLUENCE WITH THE WILLAMETTE RIVER
LOCATED WITHIN THE SW 1/4, SECTION 2, T3S, R2E, WM.

SCALE: 1" = 400'

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL
DIMENSIONS OR LOCATIONS OF PROPERTY
OWNERSHIP LINES.

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OCT 18 2005

WATER RESOURCES DEPT
SALEM, OREGON

app no 5 86704 Permit No 5-54476

MARTHA O. PAGEL

Admitted in Oregon and Washington

Direct Line: Salem 503-540-4260; Portland 503-796-2872

E-Mail: mpagel@schwabe.com

RECEIVED BY OWRD

NOV 24 2014

November 21, 2014

SALEM, OR

BY HAND DELIVERY

Tim Wallin
Manager, Water Rights Section
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301-1271

Re: Application for Extension of Time – Permit S-54476, Clean Water Services
Our File No.: 091418-140785

Dear Tim:

The enclosed Application for Extension of Time for Permit S-54476 is submitted on behalf of our client, Clean Water Services. Please deduct the application fee of \$575 from our firm account. I will serve as the contact person for the application.

The permit proposed for extension authorizes use and protection for instream flow augmentation of up to 10.4 cfs of treated effluent from the Clean Water Services Rock Creek Treatment Plant. As you may recall from discussions when the permit was first issued, the permit is somewhat unique in quantifying and protecting treated effluent as the source of water. In order to ensure no injury to existing water rights that may have been relying on historical effluent discharges prior to the permit issuance, Clean Water Services proposed using only future increases in treated effluent as the designated source for this permit and for a similar application approved for the Durham Treatment Plant (Permit S-54475). In order to implement this intention, and to guard against inclusion of effluent increases affected by storm water infiltration into the wastewater system, the application record describes a plan to measure and quantify such increases based on an August baseline. Although use of the August baseline was not included as a permit condition, Clean Water Services understands that it was intended to be used for purposes of demonstrating development of the system and complete application of water to beneficial use.

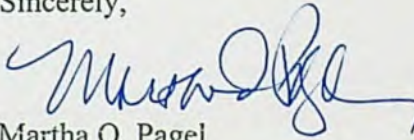
Using the August baseline, Clean Water Services has not yet seen the level of increased effluent discharge at the Rock Creek Plant that was expected based on growth projections at the

Tim Wallin
November 21, 2014
Page 2

time the permit application was approved. The requested extension would provide additional time for that growth to occur. In the meantime, as demonstrated in the application, Clean Water Services has been diligent in maintaining and improving the system capacity to be ready to process and utilize the increased effluent for flow augmentation as growth occurs.

We trust you will find the application materials to be in order. If you have questions or need additional information, please let me know.

Sincerely,



Martha O. Pagel

MOP:kdo
Enclosure
cc: Steve Kebbe (w/encl.)

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NOV 24 2014

SALEM, OR

SW
&W



Oregon

John A. Kitzhaber, MD, 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 25, 2014

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: S-86704 (Permit S-54476)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Machele Bamberger at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

STATE OF OREGON

CLACKAMAS AND WASHINGTON COUNTIES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD, OR 97224

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

APPLICATION FILE NUMBER: S-86704

SOURCE OF WATER: TREATED EFFLUENT FROM ROCK CREEK ADVANCED WASTEWATER TREATMENT FACILITY, DISCHARGED TO TUALATIN RIVER

PURPOSE OR USE: PUBLIC INSTREAM USE (FLOW AUGMENTATION AND POLLUTION ABATEMENT)

MAXIMUM RATE: 10.4 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 2006

DISCHARGE LOCATIONS:

60 INCH PIPE: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T1S, R2W, W.M.; 45 FEET SOUTH AND 1057 FEET EAST FROM NW CORNER, SECTION 16

96 INCH PIPE: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T1S, R2W, W.M.; 41 FEET SOUTH AND 1094 FEET EAST FROM NW CORNER, SECTION 16

THE PLACE OF USE IS LOCATED AS FOLLOWS:

FROM THE DISCHARGE LOCATIONS IN THE TUALATIN RIVER DOWNSTREAM TO THE CONFLUENCE WITH THE WILLAMETTE RIVER LOCATED WITHIN THE SW $\frac{1}{4}$, SECTION 2, T3S, R1E, W.M.

Measurement, recording and reporting conditions:

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

the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

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

The character of water use authorized under this permit is for instream, non-consumptive use. As such, any proposed future change in the character of use to an out-of-stream consumptive use is not allowed.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

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

STANDARD CONDITIONS

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.

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.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued July 3, 2008

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

Mailing List for Permit Copies

Application #S-86704

Original mailed to applicant with claim of beneficial use form:

STEPHEN KEBBE
CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD OR 97224

Copies sent to:

1. WRD - File # S-86704
2. WRD - Ken Stahr

Copies Mailed	
By:	<u>JS</u> (SUPPORT STAFF)
on:	<u>7/3/08</u> (DATE)

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

3. WRD - Watermaster District #: 18

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

4. Martha Pagel, Schwabe, Williamson & Wyatt, 530 Center St. NE, STE 400, Salem OR 97301
5. Dennis Ades, DEQ, Tualatin Basin Coordinator, NW Region,
2020 SW Fourth Avenue, Suite 400, Portland OR 97201-4987
6. WaterWatch, Lisa Brown, 213 SW Ash St, Suite 208, Portland OR 97202

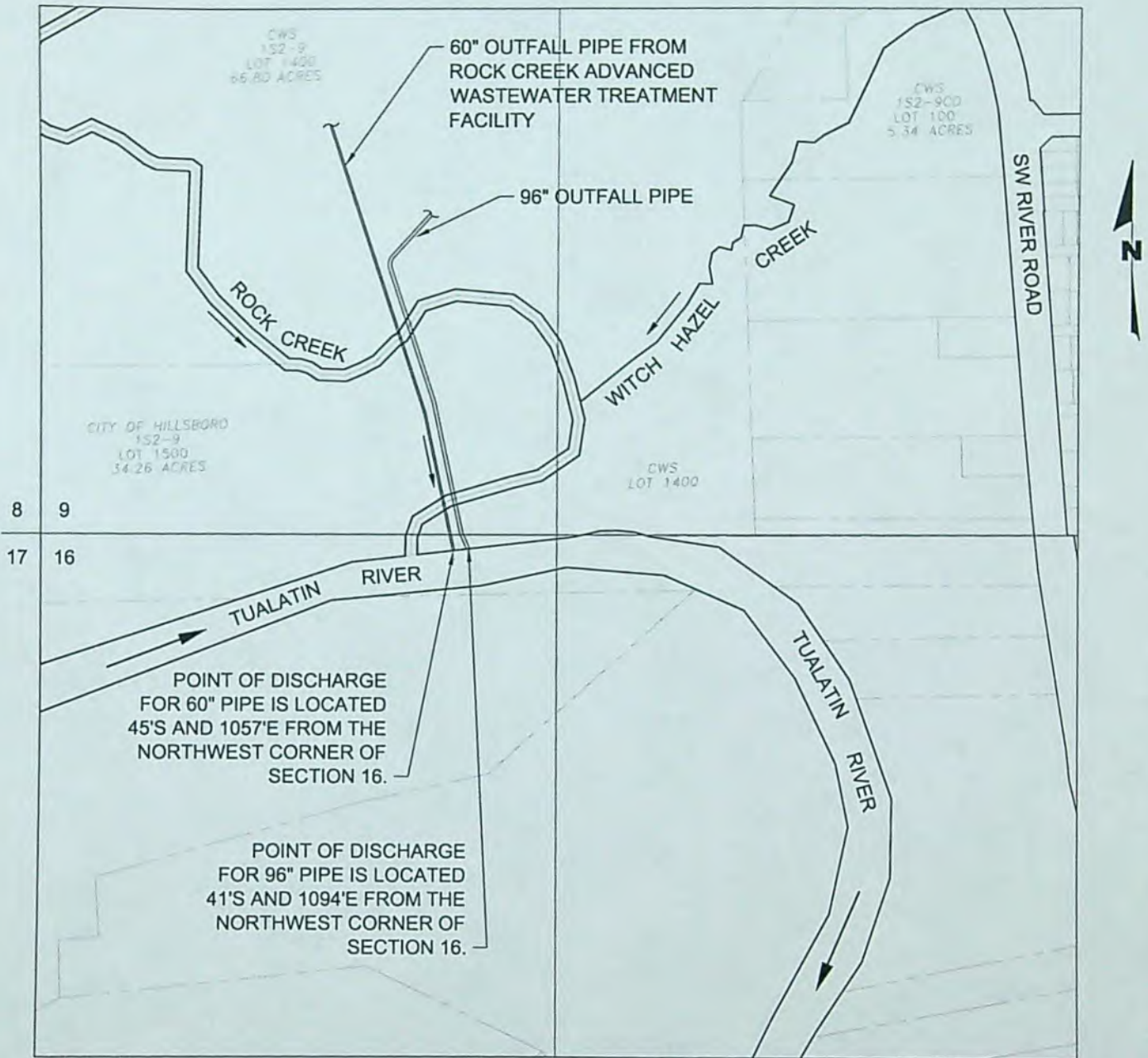
CASEWORKER : Jeana Eastman

Clean Water Services S-86704
16060 SW 85th Ave.
Tigard, OR 97224

Clean Water Services S-86704
16060 SW 85th Ave.
Tigard, OR 97224

PERMIT APPLICATION MAP

IN THE NAME OF: CLEAN WATER SERVICES
T1S, R2W, WM



PLACE OF USE IS AS FOLLOWS: FROM THE POINT OF DISCHARGE, DOWNSTREAM IN
THE TUALATIN RIVER TO THE CONFLUENCE WITH THE WILLAMETTE RIVER
LOCATED WITHIN THE SW 1/4, SECTION 2, T3S, R2E, WM.

SCALE: 1" = 400'

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL
DIMENSIONS OR LOCATIONS OF PROPERTY
OWNERSHIP LINES.

RECEIVED

OCT 18 2006

WATER RESOURCES DEPT
SALEM OREGON

app no 586704 Permit No 5-54476

FO CHECKLIST

Application S-86704

- ☒ Name and/or address has changed or been assigned ☐ Yes ☒ No
- ☒ Respond to ^{after protest deadline, comments from NW} significant comments, issues, or disputes related to the proposed use of water. ☐ N/A
- ☒ Affected landowner(s) have been notified ☐ N/A ☒ Yes ☐ No, send a letter to landowners before FO issuance.
- ☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee. ☐ N/A
- ☒ Include fish screen form if ODFW requested screening condition and rate ≤ 0.5 CFS ☒ N/A ☐ Yes ☐ No
- ☒ PFO conclusions require modification due to typos, errors or omission of conditions ☒ Yes ☐ No
- If so: include cond. addressing non-annuities & no ext. of st. xfer
- ☒ Within North Umpqua settlement reach and issuing permit, spreadsheet has been updated ☒ N/A ☐ Yes

Fees

Base Fee

\$100 / \$150
\$250 / \$300

Water Amount (Q)

1st CFS/AF

_____ Addl @ _____ + _____

_____ Addl @ _____ + _____

_____ +
(base)

_____ =
(Q)

_____ =
(total exam fee)

EXAM FEE REQUIRED	<u>1500</u>	RECORDING FEE REQUIRED	\$175 / \$250 / \$300
EXAM FEE PAID	<u>1500</u>	RECORDING FEE PAID	<u>0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>300</u>

*Print \$200
4/17/08*

- ☒ FO w/ draft permit; still needed: ☒ FO w/ permit # S-544780 ☐ FO to deny
- ☒ fees
- ☐ easement
- ☐ st water contract
- ☐ approved dam plans & specs
- ☐ land use approval

Name: Jeana Eastman

Date: 4/21/08

Peer Reviewer: brook

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.

PFO Checklist

Application #: S-86704 Applicant: CLEAN WATER SERVICES

Shortcomings preventing PFO? Y / ☒ Should process continue? ☒ / N

IR Date 9/20/2007 Public Notice Date 4/29/2007 Comments received? Y / ☒

Was additional information requested in the IR? Y / ☒ If so, do we now have enough info to do the PFO? Y / N

Was the application filed after 10/23/99? ☒ / N (If not, add A date requirement)

B.O.R. or Doug Co. project Y / ☒ Contract in file? N contract # _____

IR identifies as DEQ 303d? ☒ / N / NA Comments received? ☒ / N NPDES permits required.

Is second gw review necessary? Y / N / ☒ Complete? Y / N

Water Availability OK / REDONE / ☒

Have conflicts been addressed? Y / N / ☒

Changes from IR determinations own recommended fishkill

Copy to marina pagel
Dennis
adds DEQ

Fees	Base Fee	Water Amount (Q) (10.4 cfs)
	\$150 / \$250	1 st CFS/AF
	\$300 / \$500	<u>200</u>
		<u>10</u> Addl @ <u>100</u> + <u>1000</u>
	<u>300</u> (base)	<u>1200</u> (Q)
		= <u>1500</u> (total exam fee)

EXAM FEE REQUIRED	<u>1500</u>	RECORDING FEE REQUIRED	\$175 / \$250 / \$300
EXAM FEE PAID	<u>- 1500</u>	RECORDING FEE PAID	<u>- 2000</u>
STILL OWED	<u>0</u>	STILL OWED	<u>300</u>

Name: Alyssa Date: 10/2/2007 Peer Reviewer: [Signature]

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.

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

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

Date: 4/20/07 Please return to WRAD before 5/24/07 . Application #: S-86704

Applicant's Name: CLEAN WATER SERVICES

Source: TREATED EFFLUENT-DURHAM ADVANCED WASTE WATER TREATMENT FACILITY, CITY OF DURHAM

1) If from surface water, does the water at the proposed diversion location flow above ground in a defined channel into another water body?

☐ YES ☒ NO ☐ SOMETIMES

If sometimes, describe the time period, Between: _____ and _____.

2) Does the source ever go dry in the area of the proposed diversion?

☐ YES ☒ NO

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

☐ YES ☒ NO

If YES, please explain: _____

4) Do you agree with the water availability recommended period of use?

☒ YES ☐ NO ☐ I DON'T KNOW

If NO, why do you disagree with the recommended period of use and what period do you recommend? _____

5) Did you meet with staff from another agency to discuss this application?

☐ YES ☒ NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

☐ YES ☒ NO

If YES, please explain: _____

7) What conditions do you recommend? Source is from effluent only.

8) Your recommendation under OAR 690-033-0330 (2):
☐ Approval with conditions
☒ Approval without conditions
☐ Denial

Watermaster Signature: [Signature] Date: 5/2/07

WRD Contact: Caseworker: Anita Huffman, Water Rights Division
 503-986-0815/ Fax: 503-986-0901 / e-mail: Anita.M.HUFFMAN@wrdr.state.or.us

RECEIVED

APR 26 2007

WATER RESOURCES DEPT
SALEM, OREGON

MAY 08 2007

Current as of November 2, 2006

WATER RESOURCES DEPT
SALEM, OREGON

The following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted:

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

fishself The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33 If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.

futile call The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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 ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

wq 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.

fence The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

ODFW DIVISION 33 APPLICATION REVIEW SHEET

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

Date: 4/20/07 Please return to WRD before 5/24/07 Application #: S-86704

Applicant's Name: CLEAN WATER SERVICES

Source: TREATED EFFLUENT-DURHAM ADVANCED WASTE WATER TREATMENT FACILITY, CITY OF DURHAM

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

NO / YES Species: winter steelhead Status: Sensitive Threatened Endangered

If so, continue to question (2) below. If not, you may comment by completing the public interest review sheet on the back of this page.

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

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

NO / YES

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

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

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

NO / YES If so, skip to question 7.

Which conditions are recommended? _____

BSN div 33

(Try to select conditions from the Menu of Conditions)

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

NO / YES [690-33-330(4)]

If YES, please explain: _____

6) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what fish screening, bypass or other conditions should be included in the permit?

ODFW is supportive of CWS's efforts to improve the Tualatin River through flow augmentation.

7) Your recommendation under OAR 690-033-0330 (2): ☒ Approval with conditions
☐ Approval without conditions
☐ Denial

ODFW Representative signature: Danette Ehlers Date: 9-12-07

WRD Contact: Caseworker: Anita Huffman Water Rights Division
503-986-0815 / Fax: 503-986-0901 / e-mail: Anita.M.HUFFMAN@wrdd.state.or.us

Anita Huffman

Alyssa

From: ADES Dennis R [ADES.Dennis@deq.state.or.us]
Sent: Monday, May 21, 2007 2:25 PM
To: Anita Huffman
Subject: RE: s-86704 and s- 86703

Somehow I used an electronic Division 33 Application review sheet that did include item 7), my recommendation under OAR 690-033-0330(2). I can recommend approval of ISWR applications without conditions.

Dennis Ades
Tualatin Basin Coordinator
DEQ Northwest Region
2020 SW Fourth Avenue, Suite 400
Portland, Oregon 97201-4987
503.229.6351

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

From: ADES Dennis R
Sent: Monday, May 21, 2007 1:42 PM
To: 'anita.m.huffman@wrd.state.or.us'
Subject: s-86704 Rock Creek AWTF ISWR

Anita, here is the second of two reviews of CWS ISWR applications.

Dennis

5/21/2007

Anita Huffman

From: ADES Dennis R [ADES.Dennis@deq.state.or.us]
Sent: Monday, May 21, 2007 1:42 PM
To: Anita Huffman
Subject: s-86704 Rock Creek AWTF ISWR
Attachments: s-86704.doc

Anita, here is the second of two reviews of CWS ISWR applications.

Dennis

DIVISION 33 APPLICATION REVIEW SHEET FOR USE BY DEQ

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

Date: 4/20/2007

Please return to WRD by May 24, 2007

Application # S-86704

Applicant's Name: Clean Water Services

Source: Treated Effluent -Rock Creek Advanced Waste Water Treatment Facility, Hillsboro

1) Is there a connection to a 303(d) listed water quality limited waterbody? NO ☒ YES

Explain: Tualatin River is impaired for several parameters including bacteria, dissolved oxygen, pH and chlorophyll and temperature. TMDLs for these parameters have been established; however, full attainment of water quality criteria has not been realized.

2) What is the potential for this use to impact a water quality limited waterbody: HIGH ☒ MEDIUM LOW

Explain: Augmentation of instream flow during summer low-flow period with highly treated wastewater will likely benefit water quality through improvement in 303(d) parameters such as pH and temperature. Possible water quality impacts from late summer discharge of effluent will be offset through separate measures required in NPDES permits issued by DEQ.

3) If the answer to question (2) is HIGH or MEDIUM, will the proposed use still result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species? ☒ NO ☐ YES

4) Can conditions be applied to mitigate the impact of the use? NO ☒ YES

Which conditions are recommended? (Try to select conditions from the Menu of Conditions)

Mitigation measures included in NPDES permits apply regardless of application of ISWR.

5) If conditions cannot be identified to offset impacts, would the proposed use affect the Habitat of Sensitive, Threatened, or Endangered Fish Species? ☒ NO ☐ YES

If YES, please explain:

6) If a permit is issued, are there any conditions you would like to see included in the permit?

DEQ Representative signature: Dennis Ades

Date: 18 May 2007

WRD Contact: Caseworker: Anita Huffman

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG
(Developed 6/27/97 - revised 2/26/02)

- fish** The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.
- odfw** The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.
- B54b** The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
- b54c** The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.
- b54m** The permittee may be required in the future to install, maintain, and operate fish screening devices to prevent fish from entering the proposed diversion.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to _____ through _____.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.
- no id yet** (futile call) The use of water allowed herein may be made only at times when waters from the (SPRING OR WHATEVER) would not otherwise flow into a tributary of the (WHATEVER) River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- 4a** This use of water shall be limited when it reduces the flow of water in (Gribble Creek).
- pispce** 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.
- 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.
- The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
- no id yet** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

IR CHECKLIST

Application S-86704 Applicant(s) Clarin Watersheds - Stephen Kresche

Use(s) flow augmentation Priority Date 10/18/06

☒ If municipal or quasi-municipal ☐ reviewed by Bill Fujii Y / N / ☒ NA ☐ Construction will be completed within 20 years.

☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

☐ Storage Contract ☒ NA ☐ USBOR ☐ Douglas County ☐ Army Corps of Engineers
☐ still needed ☐ obtained contract # _____

☒ Applicant specified an authorized agent ☐ NA ☐ needed ☐ Yes _____

☒ Requested Use/Rate/Season 10.2 cfs - 4/12

Allowed Use/Rate/Season 10.2 cfs 4/12 Rate N/A Duty N/A

☒ DIVISION 9 ☒ NA ☐ will likely be available... ☐ will not likely be available... ☐ will, if properly conditioned...

☐ classify as surface water well _____ has PSI with _____

well _____ is within ☐ 1N 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____
(If any of the above boxes are checked, attach a basin map w/ POD)

GW conditions _____

☒ Conditions None

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 1.5 CFS, > 9.2 AF but < 100 AF ☒ Large ≥ 1.5 CFS, ≥ 100 AF

Use at least Medium for: Siltcoos Lake, and stored water contract.

Use Large for: GW condition 7I, Tenmile Lake, NU or other temp control, gov. entities, and HC above SWW

Use "Large with totalizing flow meter" for IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

☒ Prohibited by ORS 538? Y / ☒ N If so, do not do an IR; return the application & fees to the applicant.

☒ Use is ☒ Allowed ☐ Not allowed ☐ Limited ☐ OAR ☐ Compact _____

☒ Stream is withdrawn ☒ NA ☐ No ☐ Yes, allows use/season _____

☒ SW Availability ☒ NA ☐ 80% live ☐ 50% storage treated effluent WID: _____

☐ Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoeg Creek (including Mission & Case Creeks)

☒ DIVISION 33 ☐ NA ☐ No ☐ Above Bonneville, and ☐ not allowed 4/15 - 9/30
(If so, attach basin map w/ POD) ☒ Below Bonneville
☒ Statewide

☒ SWW ☒ NA ☐ Above ☐ Within _____ (If above or within, notify Parks.)

☒ Use is within a high priority area for streamflow restoration ☒ NA ☐ No ☐ Yes

☒ Basin Maps have been checked ☒ NA ☐ Yes limits _____

Application S-86704 Applicant(s) Clean Water Sves.

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

☐ Yes stream flow augmentation - non consumptive

☒ Use is supplemental, checked for primary rights ☒ NA ☐ Yes limits _____

☒ Prior to permit, applicant must submit ☐ storage contract ☐ easement ☐ plans/specs ☐ evidence of well repair ☒ NA

☒ WM Dist (NWR - 1 2 16 18 20) (NCR - 3 4 5 21) (ER - 6 8 9 10) (SCR - 11 12 17) (SWR - 13 14 15 19)

☒ 303D ☒ NA but has NPDES permit ☒ IN GEOGRAPHIC UMATILLA ☒ Y / ☒ BOTTLED WATER ☒ Y / ☒
(cc: DEQ Regional Manager) (cc: CTUIR) (cc: DOA Food Safety Division)

☒ Copy to CWRE, representative, etc. Martha Pangel

☒ Forms ☐ NA ☒ DIV 33 ☐ basin map ☐ HC except ☐ spring description other _____

☒ Application and map meet min. requirements ☒ Yes ☐ No
(If not, send IR certified)

☒ If in North Umpqua settlement reach, were the spreadsheet(s) updated? ☒ NA ☐ Yes ☐ No

☒ Letter format ☒ Good ☐ Limited ☐ Bad ☐ Bad w/ HC Opportunity

☒ E-mailed Tim, including note if negative? ☐ Yes ☒ No N/A

☒ Fees

Base Fee	Water Amount (Q)
\$100 / \$150	1 st CFS/AF
\$250 / <u>\$300</u>	<u>10</u> Addl CFS/AF @ <u>100</u> + <u>1000</u>
<u>300</u> +	<u>1200</u> = <u>1500</u>
(base)	(Q) (total exam fee)

see S-86703 for addl IR docs - plat cards, basin plan	EXAM FEE REQUIRED <u>\$1500-</u>
	EXAM FEE PAID <u>1500-</u>
	STILL OWED <u>0</u>

Name: [Signature] Date: 4/16/07 Peer Reviewer: _____

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NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING

POST CARD SENT

DATA CENTER



~~9-23-2004~~ HZM



GROUND WATER YES ☒ NO ☐

ENFORCEMENT YES ☐ NO ☐

WATER RIGHTS SUPPORT ☐

ANITA HUFFMAN 503-986-0815 ☐

CORY ENGEL 503-986-0813 ☐

JERRY GAINEY 503-986-0812 ☒

KERRY LEFEVER 503-986-0816 ☐

JEANA EASTMAN 503-986-0859 ☐

A "Standard Reservoir" storing 9.2 acre-feet or more of
Water & has a dam height of 10.0 feet or greater needs to
have a copy of the application & supplemental forms routed to "JOHN FALK"

GW
Files

ATTN: WATER RIGHTS
SUPPORT....>>>>> Mark contents of Application File;
Update Powerbuilder with caseworker, etc.;
Route to filing cabinet.

S & R
Files

5-86704

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING ☒

POST CARD SENT ☒

10-19-2006 MFR

DATA CENTER ☒

10-27-06 MFR

GROUND WATER YES ☐

NO ☒

ENFORCEMENT YES ☐

NO ☐

WATER RIGHTS SUPPORT ☒

MS

Alyssa Mucken

503-986-0853

☐

Anita Huffman

503-986-0815

☒

Cory Engel

503-986-0813

☐

Jeana Eastman

503-986-0859

☐

Kerry Kavanagh

503-986-0816

☐

A "Standard Reservoir" storing 9.2 acre-feet or more of
Water & has a dam height of 10.0 feet or greater needs to
have a copy of the application & supplemental forms routed to "JOHN FALK"



ATTN: WATER RIGHTS

SUPPORT....>>>> Mark contents of Application File;

Update Powerbuilder with caseworker, etc.;

Route to filing cabinet.



0.2

Source	Type of use
Treated Effluent	Public Instream Use (Flow Augmentation/Pollution Abatement)

Standard Application Completeness Checklist

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

SIGNATURE
CLARIFIED

Application <u>86704</u>	Township <u>1 S</u>
Priority Date <u>10-24-2006</u>	Range <u>2 W</u>
Use(s) <u>←</u>	Section <u>9 & 16</u>
Rate <u>10.4 CFS</u>	POD Loc. <u>SEE MAP</u>
County <u>WASH.</u>	POU Loc. <u>SEE MAP</u>

☒ Applicant/Organization Name, Mailing Address and Telephone Number, application signed in ink.

☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400)

☒ Property ownership indicated.

☒ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

☒ If applicant does not own all the land, a 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.

☐ Groundwater development section (Page 2, Section 3 and/or Page 3, Section 2) or a well log report.

☒ Proposed use of water. If supplemental, list primary water right acreage if applicable.

☐ Enclosed Supplemental Form for each proposed use.

☐ Form I (Irrigation)

☐ Form M (Municipal or Quasi-Municipal)

☐ Form R (Mining)

☐ Form Q (Commercial or Industrial)

☐ Spring Description Sheet

☒ Amount of water from each source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

☒ Period of use

N/R

☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (Page 6, Section 5).

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

☐ For reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.

☐ If the above statement is checked, the map must be prepared by a CWRE.

1A-24-
2006

☒ All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink.

WHO SIGNED & UNDER
WHAT AUTHORIZATION.

☒ You must include a Legal description of the property involved that 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 you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

REVIEWED WITH
MARTHA PABER
NO LANDS
ONLY DISCHARGE

☒ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Date of signature must be within the past 6 months.*

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

☒ Township, Range, Section

☒ Location of main canals, ditches, pipelines or flumes

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

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

4.00 FT

☒ Location of each diversion point well or dam by reference to a recognized public land survey corner

☒ North Directional Symbol

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

☐ Other _____

☒ Reference corner on map

☒ Each point of diversion coordinate

☒ Fees: Amount of water requested 10.4 CFS

Base Fee \$ _____

Total Exam Fee \$ 1500

1st CFS/AF _____

Total Paid \$ 1500

_____ Addn'l @ _____ = _____

Amount Due \$ 0

Reviewed by HJM

Date 10-19-2006

GIVE CHECK
\$ 1500

11 CFS

500 1
1000 10
1500

Herb Mosgar

From: Pagel, Martha [MPagel@SCHWABE.com]
Sent: Tuesday, October 24, 2006 9:04 AM
To: herbert.l.mosgar@wrdd.state.or.us
Cc: Steve Kebbe
Subject: Clean Water Services Applications: 86703 and 86704

Hi Herb:

This e-mail will confirm our phone conversation yesterday regarding the authority of Bill Gaffi to sign the two above-reference water right applications that we recently filed on behalf of Clean Water Services. Bill Gaffi is the General Manager of CWS, and is therefore fully authorized to sign the applications. Steve Kebbe is listed as a contact person for CWS on the applications. As noted on the forms, Steve is Principal Engineer for CWS and worked with me to complete the forms on behalf of the district. As indicated in the cover letter, I will serve as the contact person for the application process. I hope this helps clarify who is doing what!

As always, thanks for your assistance.

Martha

Martha O. Pagel
Schwabe Williamson & Wyatt
530 Center Street NE, Suite 400
Salem, OR 97301
Salem: 503.540.4260 (ph)
Portland: 503.796.2872
503.796.2900 (fax)

To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

NOTICE: This communication (including any attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Thank you.

Hab,

If there are
main filing
requirement problems
let me know
before referring

Thanks
Dykh



6179.15
June 13, 2008

Water Rights Section
Oregon Water Resources Department
725 Summer Street NE,
Suite A
Salem, Oregon 97301-1266

RECEIVED

JUN 17 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Subject: Fee for Final Orders for Water Rights Application Numbers S-86703 and S-86704

Enclosed is a check for \$600.00 to cover fees associated with the Final Orders for Water Rights Application Numbers S-86703 and S-86704. Please contact me if you have comments or questions.

Sincerely,

A handwritten signature in blue ink that reads "Steve Kebbe".

Steve Kebbe

Enclosure

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86704

Final Order

Hearing and Appeal Rights

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

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

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

Application History

On October 18, 2006, Clean Water Services submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 5, 2008. The protest period closed March 21, 2008, and no protest was filed.

On March 24, 2008, the Department received comments from WaterWatch requesting that the Department consider including a condition which prohibits transferring the use out-of-stream and/or to a consumptive type of use.

The applicant recognizes the unusual nature of the source and the permit, and in response to WaterWatch's request, proposed a condition to address WaterWatch's comment. The Department has further modified the proposed condition, which is included in the attached draft permit.

The proposed use would not impair or be detrimental to the public interest, but the Proposed Final Order requires modification to include the following condition:

The character of water use authorized under this permit is for instream, non-consumptive use. As such, any proposed future change in the character of use to an out-of-stream consumptive use is not allowed.

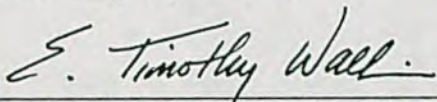
Order

Application S-86704 is therefore approved with these modifications to the Proposed Final Order. Upon payment of outstanding fees in the amount of \$300.00, a permit shall be issued authorizing the proposed water use.

Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.

DATED May 19, 2008



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

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

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

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

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

CLACKAMAS AND WASHINGTON COUNTIES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD, OR 97224

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

APPLICATION FILE NUMBER: S-86704

SOURCE OF WATER: TREATED EFFLUENT FROM ROCK CREEK ADVANCED WASTEWATER TREATMENT FACILITY, DISCHARGED TO TUALATIN RIVER

PURPOSE OR USE: PUBLIC INSTREAM USE (FLOW AUGMENTATION AND POLLUTION ABATEMENT)

MAXIMUM RATE: 10.4 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 2006

DISCHARGE LOCATIONS:

60 INCH PIPE: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T1S, R2W, W.M.; 45 FEET SOUTH AND 1057 FEET EAST FROM NW CORNER, SECTION 16

96 INCH PIPE: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T1S, R2W, W.M.; 41 FEET SOUTH AND 1094 FEET EAST FROM NW CORNER, SECTION 16

THE PLACE OF USE IS LOCATED AS FOLLOWS:

FROM THE DISCHARGE LOCATIONS IN THE TUALATIN RIVER DOWNSTREAM TO THE CONFLUENCE WITH THE WILLAMETTE RIVER LOCATED WITHIN THE SW $\frac{1}{4}$, SECTION 2, T3S, R2E, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at the discharge points. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the

Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

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

The character of water use authorized under this permit is for instream, non-consumptive use. As such, any proposed future change in the character of use to an out-of-stream consumptive use is not allowed.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

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

STANDARD CONDITIONS

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.

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.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued _____, 2008

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

Mailing List for FO Copies

Application #S-86704

Original mailed to applicant with claim of beneficial use form:

STEPHEN KEBBE
CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD OR 97224

Copies sent to:

1. WRD - File # S-86704
2. WRD - Ken Stahr

Copies Mailed	
By:	<u>MS</u> (SUPPORT STAFF)
on:	<u>5/19/08</u> (DATE)

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

3. WRD - Watermaster District #: 18

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

4. Martha Pagel, Schwabe, Williamson & Wyatt, 530 Center St. NE, STE 400, Salem OR 97301
5. Dennis Ades, DEQ, Tualatin Basin Coordinator, NW Region,
2020 SW Fourth Avenue, Suite 400, Portland OR 97201-4987
6. WaterWatch, Lisa Brown, 213 SW Ash St, Suite 208, Portland OR 97202

CASEWORKER : Jeana Eastman

Jeana Eastman

From: Dwight French
Sent: Monday, April 28, 2008 3:20 PM
To: Tim Wallin; Jeana Eastman
Subject: FW: Early review requests

You were asking about this language that I remembered and found.
Dwight

Dwight French
Water Rights & Adjudications Division Administrator
Oregon Water Resources Department
725 Summer Street SE, Salem, Oregon 97310
503-986-0900 (Main line) 503-986-0819 (Direct)
FAX: 503-986-0901

From: Pagel, Martha [mailto:MPagel@SCHWABE.com]
Sent: Friday, April 18, 2008 7:57 PM
To: Dwight French
Subject: RE: Early review requests

Hi Dwight:

Thanks for following up on this and for the suggestions.

The Water Watch comments apply to both applications: S-86703 and S-86704. I think they are seeking a more direct limitation that would clarify the use is non-consumptive (instream flow) and as such could not be transferred in the future to an out-of-stream consumptive use.

Perhaps a condition as follows:

"The character of water use authorized under this permit is for instream, non-consumptive use. As such, any proposed future change in the character of use to an out-of-stream consumptive use would constitute enlargement of the water right."

This would be accompanied by wording such as you have suggested to indicate that the applicant has proposed this type of limiting condition in response to the questions raised by Water Watch and in recognition of the unusual nature of the source and water right.

I think this is really just stating what the finding would be anyway, if CWS were to attempt to transfer the "flow augmentation" water right to another use -- I think OWRD would find that it would result in injury/enlargement to try to use a totally non-consumptive use for an out-of-stream purpose.

I'll be around on Monday if you would like to kick this around more --

Thanks,
Martha

I

Martha O. Pagel
SCHWABE, WILLIAMSON & WYATT
Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com

From: Dwight French [mailto:frenchdw@wrdd.state.or.us]
Sent: Thursday, April 17, 2008 4:15 PM
To: Pagel, Martha
Subject: Early review requests

4/28/2008

Martha,

Here's an early stab at what we talked about last hour with Lisa at the front counter. I haven't shopped this around yet - decided I wanted to see if I was on the right track.

I see two applications filed by CWS S86703 and S86704. I think the first one is the right one but please confirm. WRIS lists Alyssa as the caseworker. I'll ask Tim to let you know who the new caseworker will be.

Notes and Language:

Clean Water Services is interested (because WW is concerned) in limiting (downward amendment) their application to include the following condition (or something like it) in their permit:

"Any treated effluent released into the Tualatin River by the water right holder shall not be a source for downstream appropriation."

Note: The final order would explain that this condition was added to the permit at the request of the applicant.

=====

Let me know what you think,
Dwight

Dwight French
Water Rights & Adjudications Division Administrator
Oregon Water Resources Department
725 Summer Street SE, Salem, Oregon 97310
503-986-0900 (Main line) 503-986-0819 (Direct)
FAX: 503-986-0901

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4/28/2008

Tim

Lisa Brown
WaterWatch of Oregon
213 SW Ash Street, STE 208
Portland, OR 97202

March 21, 2008

Dwight French
Water Rights Administrator
Oregon Water Resources Department
725 Summer Street NE, STE A
Salem, OR 97301

**RE: COMMENTS ON APPLICATIONS S-86703 & S-86704
SENT VIA FAX AND US POSTAL MAIL**

Dear Mr. French:

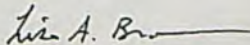
Please accept the following comments regarding two applications made by Clean Water Services, S-86703 and S-86704.

Given that the uses that have been applied for and that the PFOs approve are instream uses (flow augmentation and pollutions abatement), WaterWatch believes that the permits should each include a condition barring transfer to any out-of-stream, or consumptive use. We believe this is critical because public and other review of these applications and PFOs was commensurate with the instream uses sought, and is not applicable to out-of-stream or consumptive uses.

We look forward to discussing this idea further with the Department and the applicant.

Thank you for consideration of these comments.

Sincerely,



Lisa Brown
Staff Attorney

cc: Stephen Kebbe, Clean Water Services (by US Postal Mail only)
Martha Pagel, Schwabe, Williamson & Wyatt (by US Postal Mail only)

RECEIVED

MAR 24 2008

**WATER RESOURCES DEPT
SALEM, OREGON**



Post-it® Fax Note	7671	Date	3/21/08	# of pages	1
To	DWIGHT FRENCH	From	LISA BROWN		
Co./Dept.	WAD	Co.	WWO		
Phone #		Phone #	503.295.4039 x2		
Fax #	503.986.0901	Fax #			

Lisa Brown
WaterWatch of Oregon
213 SW Ash Street, STE 208
Portland, OR 97202

March 21, 2008

Dwight French
Water Rights Administrator
Oregon Water Resources Department
725 Summer Street NE, STE A
Salem, OR 97301

RE: COMMENTS ON APPLICATIONS S-86703 & S-86704
SENT VIA FAX AND US POSTAL MAIL

Dear Mr. French:

Please accept the following comments regarding two applications made by Clean Water Services, S-86703 and S-86704.

Given that the uses that have been applied for and that the PFOs approve are instream uses (flow augmentation and pollutions abatement), WaterWatch believes that the permits should each include a condition barring transfer to any out-of-stream, or consumptive use. We believe this is critical because public and other review of these applications and PFOs was commensurate with the instream uses sought, and is not applicable to out-of-stream or consumptive uses.

We look forward to discussing this idea further with the Department and the applicant.

Thank you for consideration of these comments.

Sincerely,

Lisa Brown
Staff Attorney

cc: Stephen Kebbe, Clean Water Services (by US Postal Mail only)
Martha Pagel, Schwabe, Williamson & Wyatt (by US Postal Mail only)

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86704

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$300.00. Please include your application number on your check made out to the Oregon Water Resources Department.

Proposed Final Order

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

Application History

On October 18, 2006, Clean Water Services submitted an application to the Department for the following water use permit:

- Amount of Water: 10.4 cubic feet per second (CFS)
- Use of Water: public instream use (flow augmentation and pollution abatement)
- Source of Water: treated effluent discharged to the Tualatin River
- Area of Proposed Use: Washington and Clackamas Counties within Section 16, Township 1 South, Range 2 West of the Tualatin River downstream to the confluence with the Willamette River located within Section 2, Township 3 South, Range 2 East, W.M.

On April 20, 2007, the Department mailed the applicant notice of its Initial Review, determining that the use of 10.4 CFS from treated effluent, within the Tualatin River Basin for public instream use for flow augmentation and pollution abatement is allowable year round. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On April 24, 2007, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

- recommendations by other state agencies

- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Willamette Basin Program allows public instream use for flow augmentation and pollution abatement.

The proposed use is not within or above a State Scenic Waterway.

The Department finds that the amount of water requested, 10.4 CFS, is an acceptable amount.

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Program, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

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

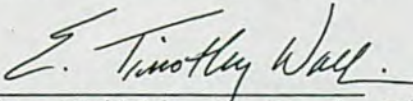
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED February 5, 2008


for Phillip C. Ward, Director
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this proposed final order. Protests must be received in the Water Resources Department no later than March 21, 2008. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$350 required by ORS 536.050 and proof of service of the protest upon the applicant.

- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.*

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), 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 March 21, 2008. 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 \$100.00. If a hearing is scheduled, an additional fee of \$250.00 must be submitted along with a request for intervention.

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.

This document was prepared by Alyssa Mucken. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0853.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

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

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

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

CLACKAMAS AND WASHINGTON COUNTIES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD, OR 97224

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

APPLICATION FILE NUMBER: S-86704

SOURCE OF WATER: TREATED EFFLUENT FROM ROCK CREEK ADVANCED WASTEWATER TREATMENT FACILITY, DISCHARGED TO TUALATIN RIVER

PURPOSE OR USE: PUBLIC INSTREAM USE (FLOW AUGMENTATION AND POLLUTION ABATEMENT)

MAXIMUM RATE: 10.4 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 2006

DISCHARGE LOCATIONS:

60 INCH PIPE: NW ¼ NW ¼, SECTION 16, T1S, R2W, W.M.; 45 FEET SOUTH AND 1057 FEET EAST FROM NW CORNER, SECTION 16

96 INCH PIPE: NW ¼ NW ¼, SECTION 16, T1S, R2W, W.M.; 41 FEET SOUTH AND 1094 FEET EAST FROM NW CORNER, SECTION 16

THE PLACE OF USE IS LOCATED AS FOLLOWS:

FROM THE DISCHARGE LOCATIONS IN THE TUALATIN RIVER DOWNSTREAM TO THE CONFLUENCE WITH THE WILLAMETTE RIVER LOCATED WITHIN THE SW ¼, SECTION 2, T3S, R2E, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at the discharge points. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of

the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

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

STANDARD CONDITIONS

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.

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.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

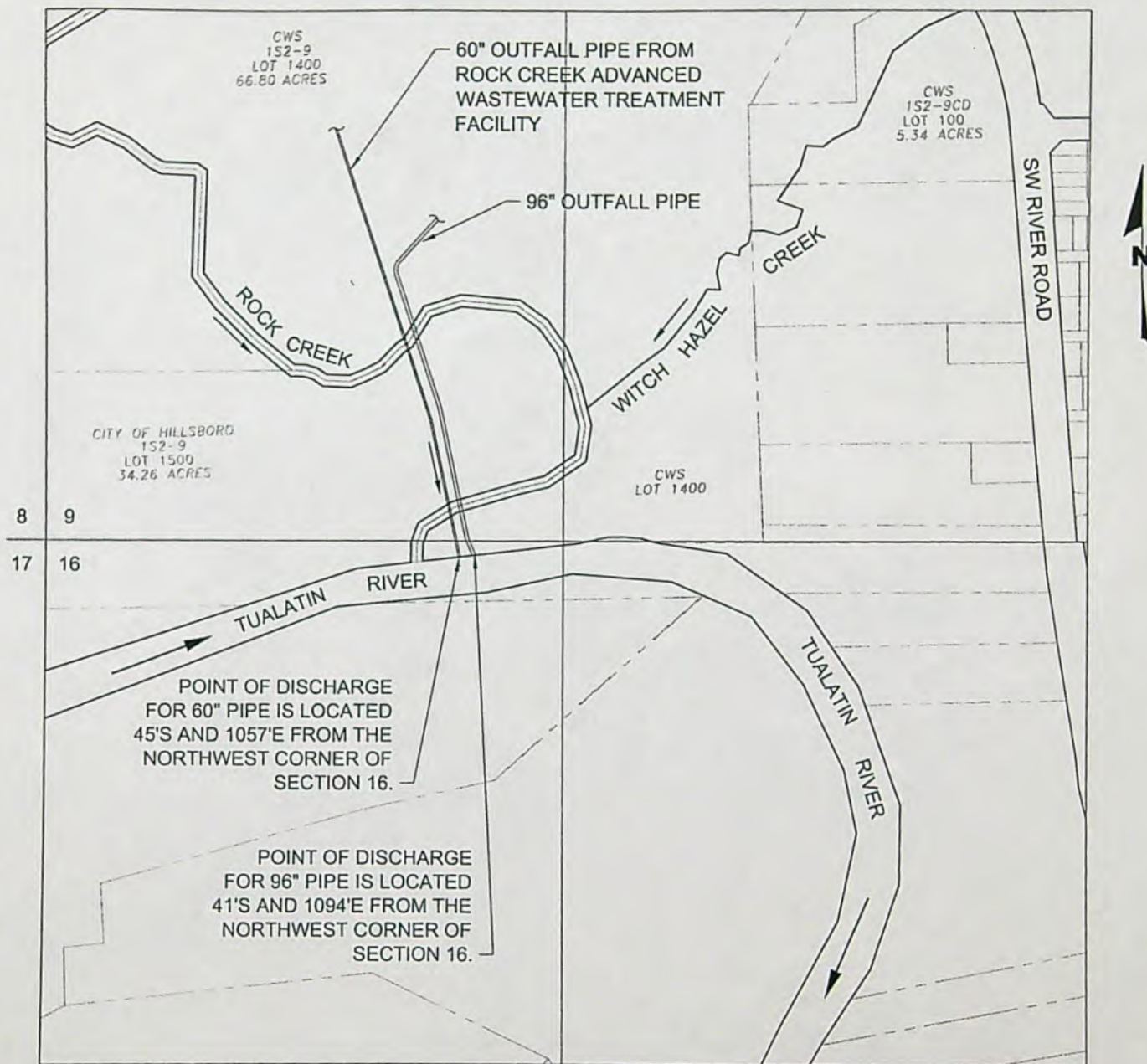
Issued _____, 2008

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

PERMIT APPLICATION MAP

IN THE NAME OF: CLEAN WATER SERVICES
T1S, R2W, WM



PLACE OF USE IS AS FOLLOWS: FROM THE POINT OF DISCHARGE, DOWNSTREAM IN
THE TUALATIN RIVER TO THE CONFLUENCE WITH THE WILLAMETTE RIVER
LOCATED WITHIN THE SW 1/4, SECTION 2, T3S, R2E, WM.

SCALE: 1" = 400'

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL
DIMENSIONS OR LOCATIONS OF PROPERTY
OWNERSHIP LINES.

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OCT 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

app no S 86704

MARTHA O. PAGEL

Admitted in Oregon and Washington

Direct Line: Salem (503) 540-4260; Portland (503) 796-2872

E-Mail: mpagel@schwabe.com

October 17, 2006

Dwight W. French
Administrator, Water Rights & Adjudication
Division
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301-1271

Re: Water Right Permit Applications Filed by Clean Water Services for Instream
Flow Augmentation in the Tualatin River
Our File No.: 091418/140785

Dear Dwight:

On behalf of our client, Clean Water Services (District), I am pleased to submit the enclosed applications for new water rights for flow augmentation to support public instream uses of the Tualatin River. As described further below, the applications offer an innovative approach for addressing low flow and pollution abatement concerns within the river, and we look forward to working with you toward permit approval.

Background

This District is a public utility agency district providing waste and storm water collection and treatment services for 11 municipal entities in Washington County. The District has a long history of working cooperatively with local, state and federal agencies to address water quality and stream flow restoration concerns within the Tualatin Basin. In that regard, the District has been a leader in establishing and implementing Oregon's unique program for the use of reclaimed water as an alternative to surface water diversions for irrigation. The enclosed applications represent another positive step toward watershed enhancement. Under this proposal, future increases in treated wastewater discharge would be protected under water right permits issued for public uses including stream flow augmentation and pollution abatement.

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OCT 18 2006

Portland, OR 503-222-9981 | Salem, OR 503-540-4262 | Bend, OR 541-749-4044
Seattle, WA 206-622-1711 | Vancouver, WA 360-694-7551 | Washington, DC 202-488-4302

WATER RESOURCES DEPT
SALEM OREGON

Application Summary

The applications request use of up to 10.4 cfs of future treated effluent from the Rock Creek Treatment Plant, and up to 2.8 cfs from the Durham Treatment Plant. The District currently discharges treated effluent into the Tualatin River in accordance with the federal Clean Water Act and pursuant to permits issued by the Oregon Department of Environmental Quality (DEQ). The discharge currently supplements natural stream flow and is relied upon to help meet downstream water needs for irrigation and instream flow.

As you know, before submitting this application, District staff worked closely with the Oregon Water Resources Department (OWRD) to explore the practical and policy questions that may arise in connection with the proposed new use. In particular, we wanted to ensure that the new water rights would not cause injury to any existing water uses and would appropriately reflect the quantity of treated wastewater effluent expected to be available through future treatment operations.

To ensure that the proposed water rights will not injure existing water rights, the applications request use of only *future increases* in the quantity of treated effluent available for discharge into the river. The applications do not apply to any current levels of discharge. As indicated in the application materials, the District has detailed records of discharge amounts over the years to assist in quantifying and verifying the projected future increases. With continuing growth and development in Washington County, the District reasonably expects the amount of wastewater to increase over the years. By limiting the amount proposed for new water rights to this increased amount, existing water users who rely on historical discharges by the District, would not be disadvantaged or injured.

Additionally, the applications propose use of only the wastewater component of future increases and expressly exclude any quantities of effluent that are affected by storm water infiltration into the wastewater system. To reflect this intention, the quantities of effluent requested under the application year-round are based on projected increased discharges in the month of August, when the system is least likely to experience storm water infiltration. As discussed in a recent pre-application conference, we propose that the actual amount of water to be protected would be verified and quantified at the time of final proof, based on the maximum August discharge for the time period. This would offer a reasonable methodology for excluding the storm water contribution, and the increase over current levels is easily tracked by comparison to historic discharge amounts. We expect the unique aspects of measurement, reporting, and final proof requirements could be further addressed through permit conditions, and would look forward to working with OWRD staff in that regard.

Finally, although the District projects continuing increases in effluent and treated discharge for many years to come, the current applications are based only on projected increases during the next five years. In this manner, the District can ensure compliance with OWRD requirements for development and beneficial use of water within five years of permit issuance. The limited time frame will also allow these applications to serve as a pilot project to test the

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WATER RESOURCES DEPT
SALEM OREGON

SWW

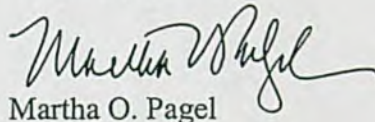
Dwight W. French
October 17, 2006
Page 3

concept, and pave the way for future applications to be submitted, at five-year intervals, to keep pace with regional growth and development.

We hope you will agree that the enclosed applications represent an innovative step toward protecting and enhancing instream flows for the future. We look forward to working with OWRD staff in completing the review process.

I will serve as the contact person for the applications; please do not hesitate to contact me if you have questions or need any additional information.

Very truly yours,



Martha O. Pagel

MOP:kdo
Enclosures

cc: Tim Wallin (w/encl.)
Steve Kebbe (w/encl.)



RECEIVED
OCT 18 2006
WATER RESOURCES DEPT
SALEM, OREGON

Mailing List for PFO Copies

Application #S-86704

PFO Date February 5, 2008

Original mailed to applicant:

CLEAN WATER SERVICES, 16060 SW 85TH AVE, TIGARD, OR 97224

Copies sent to:

1. WRD - File # S-86704
2. Water Availability: Ken Stahr

Copies Mailed
By: <u>TJB</u>
(SUPPORT STAFF)
on: <u>2/5/08</u>
(DATE)

PFO and Map Sheet Copies sent to:

3. WRD - Watermaster #18

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

4. Martha Pagel, Schwabe, Williamson & Wyatt, 530 Center St. NE, STE 400, Salem OR 97301
5. Dennis Ades, DEQ, Tualatin Basin Coordinator, NW Region, 2020 SW Fourth Avenue, Suite 400, Portland, OR , 97201-4987

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

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

- 1.

CASEWORKER : Muckenam



Oregon

Theodore R. Kulongoski, Governor

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

April 20, 2007

STEPHEN KEBBE
CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD, OR 97224

Reference: File S-86704

Dear Mr. Kebbe:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.
2. The application requests the use of future increases in the quantity of treated effluent for public instream use (flow augmentation and pollution abatement).
3. The use of 10.4 Cubic Feet per Second (CFS) of treated effluent within the Tualatin River Basin is allowable under the Willamette Basin Program.
3. Treated effluent surface water is determined to be available in the amount and for the full period requested.
4. Treated effluent is discharged to the Tualatin River at the Rock Creek Wastewater Treatment Facility and is proposed to be protected within this reach to the confluence with the Willamette River located within the SW 1/4, Section 2, T3S, R2E, W.M.

Summary of Initial Determinations

The use of 10.4 Cubic Feet per Second from treated effluent, within the Tualatin River Basin for public instream use for flow augmentation and pollution abatement is allowable year round.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, May 4, 2007**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:

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

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

2. You may be required to install fish screens to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

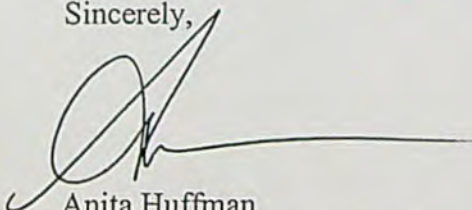
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0815 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. 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: Anita Huffman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Anita Huffman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-86704
WAB Willamette-n/a
POU Willamette-n/a
GW

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-86704

Applicant: STEPHEN KEBBE CLEAN WATER SERVICES

County: WASHINGTON

Watermaster: DARRELL HEDIN, DIST 18

Priority Date: October 24, 2006

Source: TREATED EFFLUENT, WITHIN THE TUALATIN RIVER BASIN

Use: INSTREAM USE (FLOW AUGMENTATION/POLLUTION ABATEMENT)

Quantity: 10.4 CFS

Basin Name & Number: Willamette, #2

Stream Index Reference: 18

Discharge Points:

60" PIPE DISCHARGE: NENW, SECTION 16; 45 FEET SOUTH AND 1057 FEET EAST FROM THE NW CORNER, SECTION 16, T1S, R2W, W.M.

96" PIPE DISCHARGE: NENW, SECTION 16; 41 FEET SOUTH AND 1094 FEET EAST FROM THE NW CORNER, SECTION 16, T1S, R2W, W.M.

Place of Use: FROM POINT OF DISCHARGE, DOWNSTREAM IN THE TUALATIN RIVER TO THE CONFLUENCE WITH THE WILLAMETTE RIVER LOCATED WITHIN THE SW1/4, SECTION 2, T3S, R2E, W.M.

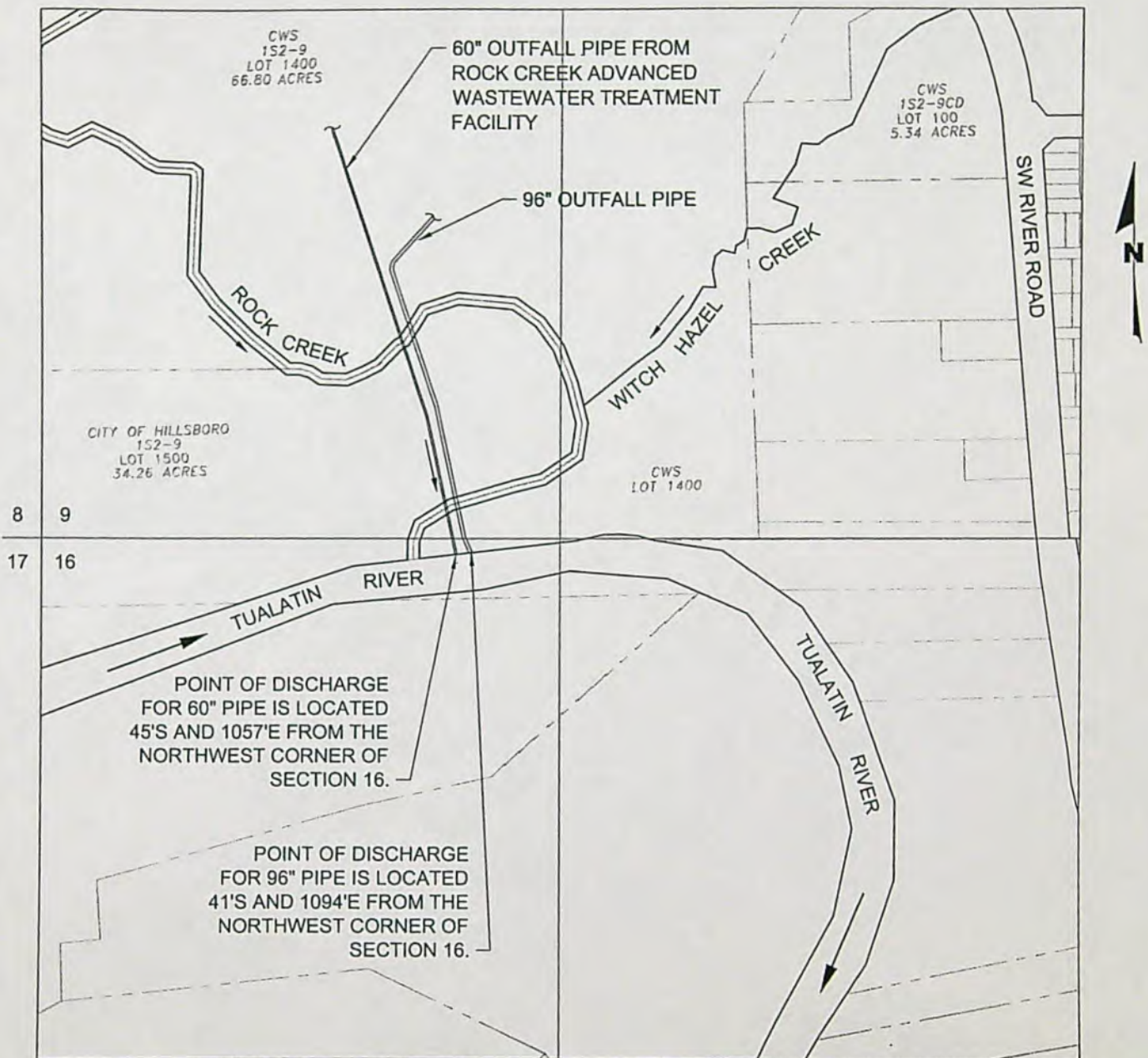
14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 4, 2007

PUBLIC NOTICE DATE: Tuesday, April 24, 2007

30 DAY COMMENT DEADLINE DATE: Thursday, May 24, 2007

PERMIT APPLICATION MAP

IN THE NAME OF: CLEAN WATER SERVICES
T1S, R2W, WM



PLACE OF USE IS AS FOLLOWS: FROM THE POINT OF DISCHARGE, DOWNSTREAM IN THE TUALATIN RIVER TO THE CONFLUENCE WITH THE WILLAMETTE RIVER LOCATED WITHIN THE SW 1/4, SECTION 2, T3S, R2E, WM.

SCALE: 1" = 400'

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

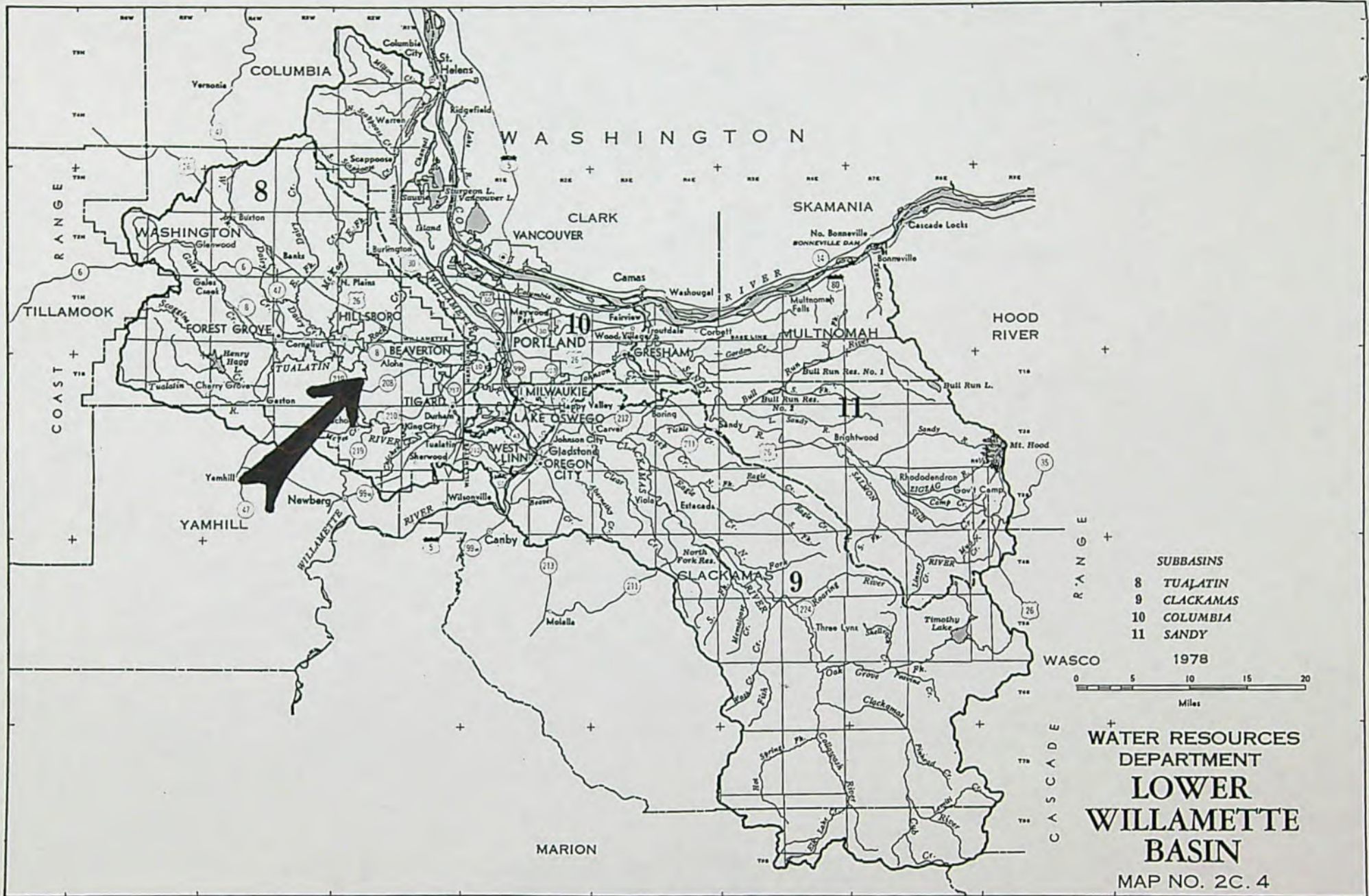
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OCT 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

app no 5 86704

Clean Water Services S-86703 and S-86704



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

Mailing List for IR Copies

Application #S-86704

IR Date: April 20, 2007

Original mailed to:

Applicant: STEPHEN KEBBE CLEAN WATER SERVICES, 16060 SW 85TH AVE, TIGARD, OR 97224

Copies sent to:

1. WRD - File # S-86704
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster #18 & DIV 33 FORM
4. WRD - Regional Manager: NWR
5. ODFW: DANETTE EHLERS (include Division 33 form)
6. DEQ: ANDY SCHAEDEL (include Division 33 form)
7. Department of Agriculture

Copies Mailed	
By: <u>[Signature]</u>	(SUPPORT STAFF)
on: <u>4/20/07</u>	(DATE)

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

8. MARTHA PAGEL, SCHWABE, WILLIAMS AND WYATT

9. _____

10. _____

11. _____

12. _____

Caseworker: Anita Huffman

COPYSHT.IR

REMINDER: Copy all IR's for uses in the geographic Umatilla Basin to Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, 73239 Confederated Way, Pendleton, OR 97801.

REMINDER: Copy all IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICATION INFORMATION

A. Individuals

Applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

Fax*: _____ *E-Mail: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: Clean Water Services

Name and title of person applying: Stephen E. Kebbe, Principal Engineer, P.E., C.W.R.E.

Mailing address of organization: 16060 S.W. 85th Avenue

Tigard OR 97224
City State Zip

Phone: 503.547.8198
Day Evening

Fax*: 503.547.8196 *E-Mail: KebbeS@CleanWaterServices.org

*Optional Information

For Department Use

App. No. S 86704

Permit No. _____

Date _____

Surface Water / 1

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OCT 18 2006

WATER RESOURCES DEPT
SALEM OREGON

2. SOURCE AND PROPERTY OWNERSHIP

A. The 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: Treated Effluent Tributary to: Tualatin River
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

B. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (Skip to section 3 "Water Use.")

☐ No (Please check the appropriate box below)

- ☐ I have a recorded easement or written authorization permitting access.
- ☐ I do not currently have written authorization or easement permitting access.
- ☐ 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 irrigated and/or domestic use only (ORS 274.040)

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.

List the names and mailing addresses of all affected landowners.

Note: This project proposes public instream use (flow augmentation/pollution abatement) by discharging treated effluent from Clean Water Services' Rock Creek Advanced Wastewater Treatment Facility. Discharges will occur on property owned by Clean Water Services. Instream flow use will occur through the natural stream channel.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions:

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form 1**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

Surface Water / 2

RECEIVED

OCT 18 2006

**WATER RESOURCES DEPT
SALEM, OREGON**

5-86704

B. Amount of Water

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.

(1 cfs equals 4488 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount
Treated Effluent	Public Instream Use (Flow Augmentation/Pollution Abatement)	See Attachments A and B 10.4 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

C. Period of Use

Indicate the time of year you propose to use the water: All year
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: N/A
(This number should be consistent with your application map.)

4. WATER MANAGEMENT**A. Diversion**

What method will you use to divert water from the source?

- ☐ Pump (give horsepower and pump type): _____
- ☐ Head-gate (give dimensions): _____
- ☒ Other means (describe): See Attachment C (Project Description)

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- ☐ Weir ☒ Meter ☐ Periodic Sampling
- ☐ Other means (describe): See Attachment C (Project Description)

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C. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

- ☐ Pipe (give diameter and total length):

Diameter _____ Length _____

- ☒ Other (describe): See Attachment C (Project Description)

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? See Attachment C (Project Description)

Irrigation or land application method (check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> Flood | <input checked="" type="checkbox"/> High-pressure sprinkler | <input type="checkbox"/> Low pressure sprinkler |
| <input type="checkbox"/> Drip | <input type="checkbox"/> Water cannons | <input type="checkbox"/> Center pivot system |
| <input type="checkbox"/> Hand lines | <input type="checkbox"/> Wheel lines | |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows | | |
| <input type="checkbox"/> Other, describe: <u>N/A</u> | | |

Distribution method

- ☐ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

N/A

5. RESOURCE PROTECTION

A. Protection Practices

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.

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☐ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: Not applicable. No diversion.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions: System exists. No construction is necessary.

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: System exists. No construction is necessary.

☒ Water quality will be protected by preventing erosion and run-off of water or chemical products

Describe: System exists. No construction is necessary. Discharge of treated effluent is permitted through Clean Water Services' National Pollutant Discharge Elimination System (NPDES) permit, which is administered by the Oregon Department of Environmental Quality.

☐ Other : _____

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: System already constructed

Proposed date construction will be completed: Already Completed

Proposed date beneficial water use will begin: Upon approval of application

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

This application requests use of treated effluent for public instream use (flow augmentation /pollution abatement).

Clean Water Services currently discharges treated effluent into the Tualatin River pursuant to Clean Water Services' NPDES permit, which is administered by the Oregon Department of Environmental Quality. Under this application, future increases in the quantity of effluent treated and discharged would be protected instream under a water right for the purpose of public instream use (flow augmentation /pollution abatement).

Surface Water / 5

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8. MAP REQUIREMENTS

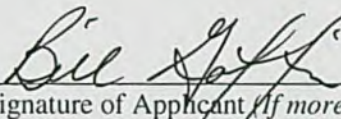
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge.


Signature of Applicant (If more than one applicant, all must sign.)

9/21/06
Date

Before you submit your application be sure you have:

- Answered each question completely
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a loan official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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Attachment A
(to Permit Application for Rock Creek Facility)
AMOUNT OF WATER

Time Frame	Average Monthly Flow Rate (cfs)											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 2010 (Projected) ⁽¹⁾	70.4	62.8	69.0	76.9	82.9	59.7	57.0	55.9	57.0	60.7	77.3	109.6
Year 2005 (Actual) ⁽¹⁾	57.3	51.1	56.1	62.6	67.4	48.5	46.3	45.5	46.4	49.4	62.9	89.2
Difference (2010 - 2005) ⁽²⁾	13.1	11.7	12.9	14.3	15.4	11.1	10.6	10.4	10.6	11.3	14.4	20.4
⁽¹⁾ Flow rates include water from the Rock Creek Service Area as well as from Forest Grove and Hillsboro. See Attachment B for explanation.												
⁽²⁾ The difference between the flow rates in years 2010 and 2005 for the month of August is the amount of water requested to be permitted. See Attachment B for explanation.												

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ATTACHMENT B
(to Permit Application for Rock Creek Facility)
FLOW RATE EXPLANATION

Clean Water Services operates three wastewater treatment plants that comprise the West Basin Facilities. All three facilities discharge treated wastewater (effluent) to the Tualatin River. The two smaller facilities, Forest Grove and Hillsboro, are capable of producing only secondary effluent. The Rock Creek Facility is capable of secondary treatment plus advanced treatment. All three facilities operate during the wet weather months (approximately November through April). Forest Grove and Hillsboro are shut down during the dry weather months (approximately May through October), and all flow is sent to Rock Creek for treatment because of a more stringent seasonal discharge requirement.

The flow rates shown in Attachment A include wastewater from all three West Basin Facilities. The wet weather flow rate months are monitored at each facility and are totalized to obtain the rates shown in Attachment A. The dry weather flow rate months are monitored at Rock Creek because all flow is sent through the Rock Creek Facility. Consequently, all flow rates shown in Attachment A include the total wastewater flow rate from Forest Grove, Hillsboro, and Rock Creek combined.

August is typically the low flow month of the year because the wastewater flow rate is generally not influenced by wet storm events. For this reason, the August flow rate is often used to represent the base sanitary flow rate at a treatment facility. The projected flow rate increase for Rock Creek between the years 2005 and 2010 for August is the amount of water requested for use through this application.

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ATTACHMENT C
(to Permit Application for Rock Creek Facility)
PROJECT DESCRIPTION

Following is information pertinent to **Section 4, WATER MANAGEMENT**, of the permit application. All facilities described are existing. No additional construction is necessary to fulfill the intent of this permit application.

A. Diversion

Untreated wastewater enters the Rock Creek Advanced Wastewater Treatment Facility (Facility) from the surrounding residential, industrial, and commercial areas. The wastewater is cleaned as it passes through a series of processes within the Facility. The treated wastewater (effluent) is then sent through outfall pipes to be discharged to the Tualatin River as follows:

- During the dry-weather months of May through October, all effluent flows through a 60-inch diameter, 1,150-foot-long gravity outfall pipe to the river. The original Facility, including the outfall, were constructed in 1977.
- At times during the wet weather months of November through April, effluent is also sent through a parallel 96-inch diameter, gravity outfall pipe to the river.

B. Monitoring

Two Parshall flumes in combination monitor all effluent from the Facility. The flumes are located at the downstream terminus of the Facility's disinfection basins. Before discharge, the water is dechlorinated, which constitutes the final Facility process prior to discharge through the outfall(s). The total flow rate is continuously monitored and recorded.

C. Transport

As described in Part A above, treated effluent is discharged to the Tualatin River through a 60-inch and a 96-inch diameter pipe.

D. Application/Distribution Method

Discharge to the river is through the outfall pipes as described in Part C above.

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form.
Please request additional forms as needed or feel free to copy.

-A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____. Go to Section B "Approval" below.

☒ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/Land use decision and accompanying findings are sufficient)

-B. Approval

Please provide name and written signature.

Name: Ross A. Van Loo Date: 10-8-06
Title: Senior Planner Phone: 503-846-3872
Signature: Ross A. Van Loo

-C. Additional Comments

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

Note: if this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

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Receipt for Request for Land Use Information

Name of applicant: _____

**WATER RESOURCES DEPT
SALEM OREGON**

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

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

5-86704

Oregon Water Resources Department
Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS.197.180. WRD will use this and other information to evaluate the water use application. **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, or exchange and all of the following apply: a) only the place of use is proposed for change; b) there are no structural changes; c) the use of water is for irrigation; and d) the use is located in an irrigation district or exclusive farm use zones.

To Be Completed by Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

- A. Applicant

Name: Clean Water Services (Contact: Steve Kebbe)

Address: 16060 SW 85th Avenue

City: Tigard

State: Oregon

Zip: 97224

Day Phone: (503) 547-8198

- B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential /RR-5)	Water to be: (check all that apply)	Proposed Land Use
Section 9 T1S R2W W M Lot 1400	Institutional	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	No change
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List counties and cities where water is

Proposed to be diverted, conveyed, or used: Washington County

- C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department

☒ Water Use Permit ☐ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☐ Irrigation
☐ Municipal ☐ Quassi-municipal ☐ Domestic (indicate number of households) _____

☒ Other _____

Briefly describe: Tualatin River flow augmentation using treated effluent from the Rock Creek Wastewater Treatment Facility

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water ☐ Other: Treated effluent

Indicate the estimated quantity of water the use will require: 15.9 ☒ CFS ☐ GPM ☐ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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EXHIBIT "A"

WATER RESOURCES DEPT.
SALEM OREGON

A part of Section 9, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, and a portion of Section 8, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows: Beginning at the Southwest corner of Witch Hazel Little Farms, Tract 1, to 26 on the South line of said Section 9; thence West along said South line to the center of Rock Creek; thence Northerly along the center line of said Rock Creek to the Southwest corner of the Herman Hornecker tract as described in deed recorded November 9, 1940, in Book 194, Page 67, Deed Records, from which point a $\frac{1}{2}$ -inch iron pipe bears South $86^{\circ} 28'$ East 25.3 feet; thence upstream along the center of the main channel of said Rock Creek, with its meanderings thereof North $86^{\circ} 28'$ West 226.9 feet, North $40^{\circ} 06'$ West 98.5 feet, North $85^{\circ} 57'$ West 157.5 feet, North $37^{\circ} 59'$ West 111.2 feet, North $25^{\circ} 31'$ East 147.3 feet; thence North $60^{\circ} 01'$ East 305.4 feet; thence North $18^{\circ} 29'$ East 265.5 feet; North $0^{\circ} 10'$ West 360.4 feet and North $35^{\circ} 05'$ West 510.7 feet to a point on the centerline of County Road No. 1135 where said centerline intersects the center of the main channel of Rock Creek, which point bears South 1150.3 feet and East 28.6 feet from an iron pipe marking the $\frac{1}{4}$ corner between Sections 8 and 9 in Township 1 South, Range 2 West, Willamette Meridian, and running thence South $77^{\circ} 33'$ East on the centerline of said County Road, 853.2 feet to a point from which an iron pipe bears South $3^{\circ} 21'$ West 30.4 feet; thence continuing Southeasterly along the centerline of said County Road to the Northwest corner of that tract of land conveyed to Margie Helen Anderson by deed recorded July 27, 1953, in Book 347, Page 139, thence South $07^{\circ} 13'$ West 30.6 feet to a point on the Southerly roadway line; thence continuing South $07^{\circ} 13'$ West along the Westerly line of said Anderson property, 200.15 feet to an iron pipe; thence South $75^{\circ} 43'$ East along the South line of said Anderson property 123.95 feet to the Southeast corner thereof; thence Northerly along the East line of said Anderson property to said centerline of said County Road; thence Easterly along said centerline to the Northwest corner of tract conveyed to James D. Mohr by deed recorded August 6, 1952, in Book 335, Page 445; thence Southerly along the West line of said Mohr tract to the Southwest corner of said Mohr tract; thence South $69^{\circ} 53'$ East along the South line of said Mohr tract 100 feet to the Southeast corner of said Mohr tract; thence South $69^{\circ} 53'$ East along the South line of that tract conveyed to Herman Vanderbeek and wife, by deed recorded September 16, 1954, in Book 360, Page 415, Deed Records, 125 feet to the Southeast corner of said Vanderbeek property; thence South $69^{\circ} 53'$ East along the South line of that tract conveyed to Ellis G. Miller and wife by deed recorded April 16, 1951, in Book 319, Page 284, Washington County Deed Records, 75 feet to the Southeast corner of said Miller property, thence South $69^{\circ} 53'$ East along the South line of that tract of land conveyed to Ellis G. Miller and wife by deed recorded May 20, 1948, in Book 285, Page 504, 100 feet to the Southeast corner of said Miller property, which point is also on the West line of Lot 16, Witch Hazel Little Farms, thence South along the West line of Witch Hazel Little Farms to the point of beginning.

MICROFILMED

S-86704

STEPHEN KEBBE
CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD OR 97224

S-86704

STEPHEN KEBBE
CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD OR 97224

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CLEAN WATER SERVICES
16060 SW 85TH AVE
TIGARD OR 97224

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **92902**

INVOICE # _____

RECEIVED FROM: CLEAN WATER SERVICES

BY: _____

CASH: ☐ CHECK: # 157969 ☒ OTHER: (IDENTIFY) _____

APPLICATION	SEE BELOW
PERMIT	
TRANSFER	

TOTAL REC'D \$ 600.00

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 586703 = \$300.00
0407 COPY & TAPE FEES 586704 = \$300.00 \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) 46111 \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202 \$ <u>600.00</u>
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 \$
LANDOWNER'S PERMIT		0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: **92902**

DATED: 6/17/08 BY: [Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **84852**

INVOICE # _____

RECEIVED FROM: Clean Water Services

APPLICATION 86704

BY: _____

PERMIT _____

TRANSFER _____

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



☒ 14575

TOTAL REC'D \$ 1500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$ _____

OTHER: (IDENTIFY) _____

\$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$ _____

0410 RESEARCH FEES

\$ _____

0408 MISC REVENUE: (IDENTIFY) _____

\$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$ _____

0240 EXTENSION OF TIME

\$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ 1500.00

0202

0203 GROUND WATER

\$ _____

0204

0205 TRANSFER

\$ _____

RECORD FEE

\$ _____

\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$ _____

0219

LANDOWNER'S PERMIT

0220

LICENSE FEE

\$ _____

\$ _____

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 (FWWRD)

\$ _____

0231 HYDRO LICENSE FEE (FWWRD)

\$ _____

HYDRO APPLICATION

\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$ _____

RECEIPT: **84852**

DATED: 10/18/06 BY: L. Pauline