

Platcard Report

Township 1S Range 2E Section 5

App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i 08/06/1886	-	SW390		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 06/17/1892	-	SW391		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i 12/31/1883	-	SW392		MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i G7578 11/12/1976	<u>G8755</u> -			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i G10906 03/25/1983	<u>G10124</u> -			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i G11306 08/17/1984	<u>G10455</u> -			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
i G11354 03/01/1985	<u>G10479</u> -			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		

Page:1

[Return to Platcard Query Screen](#)

Run Time: 1 seconds



CITY OF
PORTLAND, OREGON
BUREAU OF WATER WORKS

Mike Lindberg, Commissioner
Michael F. Rosenberger, Administrator
1120 S.W. 5th Avenue
Portland, Oregon 97204-1926
Information (503) 823-7404

June 1, 1993

Reed Marbut
Manager, Adjudication Section
Oregon Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

Dear Reed:

In your recent publication of all SWR claims you received, there was an apparent error in listing the claimed priority date for Portland's SWR #390 (Bull Run River). It states the claimed priority date as "1907". In our filing statement, we are claiming August 6, 1886 as commencement of appropriation. To avoid the flak we are likely going to get from the groups involved with the Sandy River issues, I would like to officially request that the WRD publish an addendum in your next "Public Notice Of Filing Of Water Use Applications" that would show the corrected claimed priority date. Please call if you have any questions.

Sincerely,

Thom Warren, PLS, WRE
(503) 823-7524



CITY OF
PORTLAND, OREGON
BUREAU OF WATER WORKS

MAR 22 1993
WATER RESOURCES DEPT.
SALEM, OREGON
Mike Lindberg, Commissioner
Michael F. Rosenberger, Administrator
1120 S.W. 5th Avenue
Portland, Oregon 97204-1926
Information (503) 823-7404

March 22, 1993

Mr. Don Knauer, PLS, WRE
Adjudications Section
Oregon Water Resources Dept.
3850 Portland Road
Salem, Oregon 97310

Dear Don:

The Portland Water Bureau filed 3 separate claims for pre-1909 surface water rights on December 31, 1992. One each for the Bull Run River, Little Sandy River, and the Willamette River. I would like to know if the WRD has set up a file for these claims as of yet. If you have not, when do you expect to do this so we can have a file # to reference these claims. I also was wondering about the technical review that goes along with the initial findings. When will that occur and do you expect to do a field inspection of the claim at that time? I'll be glad to set up any visits you need to make if that is required.

Thom Warren, PLS, WRE

Thom Warren
Portland Water Bureau



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 823-4047

February 12, 1993

REED MARBUT
OREGON WATER RESOURCES DEPARTMENT
3850 PORTLAND RD NE
SALEM OR 97310

FEB 16 1993

Re: Water Rights Registration

Dear Reed:

Thank you and Don Knauer for meeting with me and Thom Warren on January 14, to talk about the City of Portland's pre-1909 water rights registration filings. I wanted to confirm a few of the points we talked about.

First, you told us at our meeting that you had under consideration how to treat registration filings that are accompanied by inadequate fees. I have continued to think about this question and I wanted to add to what I said at our meeting. As I understood it, you were wrestling with the question of whether the failure to file fees sufficient to cover the full amount of a claim should be treated as a reparable error or as a jurisdictional failure. In the first instance, the Department would call the error to a claimant's attention and provide some reasonable time to cure. In the latter case, the failure to pay sufficient fees would mean that any claim made over and above the fees paid would be deemed null and void or, at the least, late, in the statutory sense. If "late," the claimant can challenge any "presumption" against his claim and pay a fifty percent penalty for his tardiness.

While I do not pretend to have a complete answer, it seems to me that under some circumstances the ability to correct a fee inadequacy should be granted without penalty. In particular, if a claimant registered for a certain amount of water but through arithmetical error, inadvertence, or legal ambiguity paid less than the full fee, his or her claim should not be rejected outright. If the fee is insufficient, the claimant should be able to cure the defect. For in that case, the amount of the claim in terms of water will have been identified, which is the central purpose of the law. Any filing fee deficiency in that case is incidental. I would understand if the Department charged interest on deficiencies of this sort, but such errors should not be considered fatal to the claim itself.

This is important to the City because of the unique nature of the rights it claims on the Little Sandy and the Bull Run Rivers. As we noted in our filings, and discussed with you, we remain somewhat unsure of how best to calculate a fee for "full flows" of a river, especially when the claim is based on the unique status under federal law of the Bull Run forest area. We ultimately calculated fees based on the expected "conduit diversions" for reasonably possible water use over the next sixty years.

Second, with respect to the specifics of the City's claims on the Bull Run and Little Sandy Rivers, I wanted to confirm your advice on the relationship of conduit diversions and storage structures. On both those rivers, the City has calculated fees based on estimates of maximum expected diversions into conduits for delivery to the place of use, that is, the Portland metropolitan area. On the Bull Run River, that amount is 1273 cfs. On the Little Sandy, it is 200 cfs. But, as we explain in our filings and we discussed with you, to assure those levels of diversion year round, the City pre-1909 rights must also allow it to store water, sometimes at a higher daily rate. As I understood you and Don, the fee is still set by reference to the conduit diversion, even though the City's claim includes the ability to store water.

Third, as I told you, we have not yet identified an exact priority date for the City's Willamette River claim. In our filing, we said it was some time in 1884. We now know that the pump station upon which the City bases its rights began operating on October 21, 1884. We do not know when construction began on the station. As I understand it, we may supplement or amend our original filings as we gather more information. If we do not soon confirm an earlier date, we will probably amend the filings to specify the October 21, 1884, date for priority purposes. We have good evidence for that date and it is hard to find evidence of when pump station construction commenced.

Fourth, as we discussed, the delineation of the "place of use" for City water is a complicated and time-consuming task. This is so, first, because the City's own boundaries are changing yearly and can be expected to expand into the future as annexations of areas within the urban services boundary continue. Additionally, by City Charter (Portland Charter § 11-101) and state statute (ORS 225.030), the City may and does sell water on a wholesale basis to other municipalities and districts, each of which also has boundaries that may occasionally change. Finally,

Reed Marbut
February 12, 1993
Page 3

since the region is just about to embark on a major water supply planning effort, we cannot predict exactly to what other places of use Portland water may be conveyed if greater regional interconnection is achieved.

Given all this, the City has provided in its filings a general map showing past and current City boundaries. We also included a map showing the boundaries of current wholesale customers. In the next few weeks, we will provide the Department a map that will show the likely extent of areas which may use Portland water in the future. That map of the future areas of use, however, must necessarily be quite general. As I understand it, we will await a call from the Department before we produce a detailed "legal description" of the lands encompassed by the "place of use" maps.

As I told you, I do not believe that municipalities are bound in the typical way by the "appurtenance" doctrine. This is true both because municipalities can and do grow, see ORS 540.510(3), and because they have specific legislative authority to sell water outside their own boundaries. The City, of course, will provide the information required on place of use, in so far as it is possible to do so.

Again, I appreciate the time you and Don spent with us. I am sure we will have occasion to talk again about the pre-1909 registration process.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'T. Thatcher', written over a horizontal line.

Terence L. Thatcher
Deputy City Attorney

TLT:jtl
water\wtrright.tt\marbut.let
c: Jim Doane
Thom Warren

Jan

2/19

When you the we
should discuss the -

I think I agree w/
most of what Terry says.

Shed



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

cc: Dan K.
Dwight F
Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 823-4047

January 7, 1993

A. REED MARBUT
MANAGER, ADJUDICATIONS SECTION
3850 PORTLAND ROAD NE
SALEM, OR 97310

Re: City of Portland Registration Statements

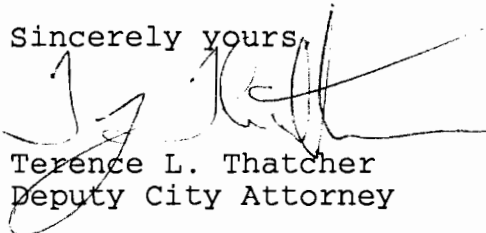
Dear Reed:

Thank you for agreeing to meet with us to talk about the City's recently filed water claim registration statements. Thom Warren and I will be at your office at 9 am on January 14, 1993.

When I spoke to you, I indicated that I would like our conversation to focus on the City's Little Sandy and Bull Run filings. Upon reflection, I would also like briefly to discuss with you some issues with respect to the Willamette River filing. In particular, I would like to talk about how to judge the priority date and size of the Willamette claim. As you will note in the statement, the City's claim is based on the previous operation of the Palatine Hill Pumping Station, which started operation in 1884 and was expanded in 1891.

I look forward to our conversation.

Sincerely yours,



Terence L. Thatcher
Deputy City Attorney

TLT:jtl
water\wtrright.tt\marbut.ltr



CITY OF

PORTLAND, OREGON

BUREAU OF WATER WORKS

Thom Warren, P.L.S., W.R.E.

Surveyor III/Water Rights Examiner

823-7524

Phone:

(503) ~~796-7524~~

FAX: 796-6133

1120 S.W. 5th Avenue
Portland, Oregon 97204-1926

SURFACE WATER REGISTRATION STATEMENT

for

PRE-1909 WATER RIGHT

to

BULL RUN RIVER

December 31, 1992

1120 SW 5th Avenue
Portland, Oregon 97204
Telephone (503) 796-7402

NOTICE.

TO ALL WHOM IT MAY CONCERN---

Notice is hereby given that we, A. G. Cunningham and Charles B. Talbot, the undersigned, have located a Canal or Water Ditch, with branches, upon and over the following routes, that is to say---commencing at a point on the north side or bank of Bull Run Creek, on or near Section 19, T'p 1 S. R., 6. E., Willamette Meridian, State of Oregon; thence running in a westerly direction down and along said creek through and over Sections 24, 23, 26, 27, 34, 33, T. 1 S. R., 5 E.; Sections 4, 5 and 6, T. 2 S. R., 5 E.; Sections 31, 32 and 30., T. 1 S. R., 5 E.; Sections 24, 23, 22, (crossing the Big Sandy river on said Sections 23 and 22,) 21, 20, 19, T. 1 S. R., 4 E.; Sections 24, 13, 14, 23, 32, 15, 16, 20 and 19, T. 1 S. R., 3 E.; Sections 24, 25, 26, 34, 28, 21, 20 and 19, T. 1 S. R., 2 E.; Sections 24 and 23, T. 1 S. R., 1-E.; also, a branch leading off from or in Section 20, T. 1 S. R. 3, E., and running westerly through Section 19, T. 1 S. R., 3 E., and through Sections 24, 23, 26, 22, 28, 21, 20, 17 and 7, T. 1 S. R., 2 E.; Sections 1 and 2, T. 1 S. R., 1 E.; also diverging at Sections 13 and 14, T. 1 S. R., 3 E., running westerly through and over Sections 14, 10, 9, 8 and 7, T. 1 S. R., 3 E.; Sect's 12, 11, 10, 9, 8, 7 and 6, T. 1 S. R., 2 E., and Section 1, T. 1 S. R., 1 E., and being in Multnomah and Clackamas counties; and notice is also hereby given that we have located and do claim all the water in said Bull Run Creek at the point or place of beginning of this notice, for mining, agricultural, manufacturing, irrigating, and other purposes, and for supplying water to villages, towns and cities and the inhabitants thereof, for extinguishing fires and for domestic and other uses; and we do hereby give notice that it is our intention to appropriate all the water of said Bull Run Creek at the point of commencement of this notice, and to conduct and convey the same through a canal, ditch or ditches and pipes, leading from said point of commencement, along and over the routes described in this notice, or as near thereto as the nature of the ground will admit of, to the Willamette river, to be continued into the city of Portland, East Portland and Albina, for the purpose of supplying pure, fresh water to the cities of Portland, East Portland, Albina and other towns and cities---that such canal, ditch or ditches will be constructed as soon hereafter as the same can be reasonably done.

Reference is here made to the map or diagram filed with this notice with the Register and Receiver of the U. S. Land Office at Oregon City, Oregon; also, filed for record with this notice with the County Clerks of Multnomah and Clackamas counties, showing, by dotted lines, the beginning, routes and courses of said canal or water ditches.

Dated this 29th day of January, A. D. 1883.

A. G. CUNNINGHAM,
CHARLES B. TALBOT.

ACTUALLY POSTED
IN 1886

NOTICE IS HEREBY GIVEN That the City of Portland, in the County of Multnomah, State of Oregon, by its Water Committee, acting under and by virtue of an Act of the Legislative Assembly of said state, approved November 25, 1885, proposes to lay a pipe or pipes, conduit or conduits, sufficient in capacity to supply forever said city and its inhabitants with good, pure and wholesome water, - commencing at a point on the South side of Bull Run, in Section 26, Township 1 South, Range 5 East, where this notice is posted, and where there is a stake marked zero (Z line), and running thence in a south-westerly direction along, across, and near said stream, through Sections 26, 35, 34, and 33, Township 1 South, Range 5 East, and Sections 4, 5, and 6, Township 2 South, Range 5 East, and Section 31, Township 1 South, Range 5 East, and Section 36, Township 1 South, Range 5 East, to a crossing of Sandy River, - thence northwesterly through Sections 25, 26, 23, 22, 21, 16, 17, and 18, Township 1 South, Range 4 East, to the west boundary of said Range, - thence Westerly through Township 1 South, Ranges 3, 2 and 1, to and across the Willamette River to said City. And the said City of Portland, by its Committee aforesaid, hereby appropriates the water of said Bull Run, or so much thereof as may be necessary for the purposes aforesaid, and also a right of way for said pipe or pipes, conduit or conduits, through the public lands of the United States.

Portland, Oregon, August 4, 1886.

(Signed) Henry Failing

Chairman Water Committee.

(Signed) Philip C. Schuyler

Clerk.



Gen Correspondence
no 1 of 6
19-04-38
Folder 3

To Hon. J. N. Dolph, Hon. J. H. Mitchell, Senators,
and Hon. Ringer Hermann, Representative in Congress
from the State of Oregon.

The Water Committee of the City of Portland, herewith submit to you a map showing the location of the head-works erected by said committee upon Bull Run River in the Cascade Mountains, and the unsurveyed lands lying above said head-works and along the northern slope of Mount Hood; also a description by legal subdivision, as near as possible, of such lands.

As you are probably already advised, the Water Committee have located a pipe line from the City of Portland eastwardly to where said head-works are located, a distance of about thirty miles, and are now engaged in bringing the waters of Bull Run River into the City of Portland, for the purpose of supplying its inhabitants with water.

In view of the very great cost of this work, and the necessity of securing a perpetual and undiminished supply of wholesome water, the Committee deem it necessary that the lands before referred to shall be reserved from settlement and sale. This tract of land, as will be seen from the map, constitutes the source of supply of the waters of Bull Run, which is a mountain stream, for the greater portion of the year flowing about *7,000* cubic ^{*feet*}~~inches~~ of water per minute. The lands are mountainous, extremely rugged and in many parts absolutely inaccessible. Those portions producing vegetation, are covered with timber and undergrowth and excepting a small portion, the

*marked
in-
original*

lands are of no commercial value. Those portions producing timber of any value, lie along the streams and rivulets which supply the Bull Run, and the occupation of such portions would destroy the purity of the water, and cutting of the underbrush and timber from along the streams, would so diminish the supply as to make the same insufficient for the purposes of the city.

The Committee notes that by Section 24 of the Act of March 3rd, 1891, the President has power to reserve to any State or Territory having public land bearing forests, wholly or in part covered with timber or undergrowth, as public reservations, and the Committee is of opinion that this is a proper case for the exercise of such power on the part of the president, and that if properly presented to him, the lands herein referred to might be reserved for the purpose of preserving the quality and quantity of the water appropriated for the use of the City of Portland and its inhabitants.

It is not improbable that the same result could be reached by an Act of Congress, and the Committee will appreciate any effort on the part of the Delegation looking to action on the part of either Congress or the President, which will secure this water shed from settlement, or prevent the timber and undergrowth from being removed therefrom.

The Committee believe that you fully appreciate the importance of the water supply for the chief city of the State, and will be pleased to give the matter your earnest attention. With assurances of esteem,

Respectfully,

Office of the City Water Works,
Portland, Oregon, February 8th, 1892.

The Water Committee,
City of Portland.

Gentlemen,-

I submit, in accordance with your instructions, a statement of lands which should be reserved and withdrawn from sale or settlement for the protection of the waters of Bull Run from which it is proposed to take the water for the supply of Portland, Oregon.

These lands lie in Townships 1 North and 1 and 2 South of the Base line, and in Ranges 5, 6, 7, and 8 East of the Willamette Meridian and extend to within a few miles of Mount Hood. A portion of the lands may have been settled or purchased and can not of course be reserved, but the larger portion are inaccessible and unfit for settlement or cultivation.

The lands are described as follows:

- In T 1 N, R 6 E, Sections, 12-13-22-23-24-25-26-27-28-32-33-34-35 & 36.
- "" T 1 N, R 7 E, The whole township.
- "" T 1 N, R 8 E, Sections, 7-8-17-18-19-20-29-30-31-32 & 33.
- "" T 1 S, R 5 E, "" "" , 23-24-25-26-35 & 36.
- "" T 1 S, R 6 E, The whole township.
- "" T 1 S, R 7 E, The whole township.
- "" T 1 S, R 8 E, Sections 5-6-7-8-16-17-18-19-20-21-22-27-28-29-30-31
32-33 & 34.
- "" T 2 S, R 5 E, "" "" 1-2-3 & 4.
- "" T 2 S, R 6 E, "" "" 1-2-3-4-5-6-7-8-9-10-11 & 12.
- "" T 2 S, R 7 E, "" "" 1-2-3-4-5-6-7-8-9-10-11-& 12.
- "" T 2 S, R 8 E, The whole township.

Respectfully Submitted,

Lawrence H. Smith

Superintendent.

United States Senate,

Gen Corry
Box 1056
Folder 3

WASHINGTON, D. C., Feb. 20th, 1892

Hon. Henry Fairbank
Portland, Or.

My Dear Sir:

I have the honor to acknowledge receipt of your favor of the 11th Inst., enclosing a letter addressed by the authority of the Water Committee of the City to the Senators and Representatives in Congress from the State, asking that certain lands adjacent to the sources of Bull Run River be reserved from settlement and sale.

I think the best plan in regard to the matter is to have the lands indicated withdrawn from settlement and sale by order of the President.

Hon. H. F. - 2.

United States Senate,

WASHINGTON, D. C.,

189 .

I have an impression that when this is done they could only be restored to settlement and sale under the Land Laws by an Act of Congress.

It has been supposed that when a Reservation has been made by Executive Order, the Order can be subsequently revoked by the President and the lands thrown upon the market; but under the provisions of the Act of March 3, 1891, I am of the opinion that this is not the case.

I have referred your letter and the accompanying papers to Senator Mitchell, with the request to hand

Hon. H. F. B. United States Senate,

WASHINGTON, D. C.,

189 .

them to Mr. Sherman, and have prepared an endorsement upon them, directed to the President, which I have signed and sent to them for their signatures, earnestly requesting the President to withdraw the lands indicated from the operation of the General Land Laws.

Sincerely Yours,

J. M. Doepke

"P"
1892-29,093
" -34,878

MS
ES
S.S.I.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,

WASHINGTON, D. C., March 26, 1892.

ADDRES ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE.

Hon. J. N. Dolph,
United States Senate,
Washington, D. C.

Sir:

I have the honor to acknowledge receipt, by reference from the Department, of a petition from the "Water Committee of the City of Portland, Oregon", praying that certain described public lands adjacent to Bull Run, which constitutes the source of water supply of the City of Portland, be reserved from sale or disposal, which said petition was referred to the President by yourself, Hon. J. H. Mitchell and Hon. Binger Hermann jointly, with the request that said reservation be made under the provisions of Section 24, of the Act of March 3, 1891, (26 Stats., 1095).

In compliance with said request, I have this day, by authority of the Honorable Secretary of the Interior of the 14th instant, directed the Register and Receiver at Oregon City,

Oregon, temporarily to withdraw from settlement, sale or disposal, all of the public lands described in said petition, and I enclose a copy of said letter.

I also enclose copy of letter of even date herewith to Special Agent C. E. Loomis, Roseburg, Oregon, directing him to at once examine and report upon the matter in accordance with the rules and regulations prescribed by circular of May 15, 1891, (copy herewith) in order that the papers may be submitted, through the Department, to the President recommending that a Proclamation be issued creating the reservation.

I have also, this day, transmitted a like letter to this, with enclosures, to Hon. J. H. Mitchell and Hon. Binger Hermann.

Very respectfully,


Commissioner.

Enclosures.

"P"

208 1106
J. I. V. O. J.
16-11-92
S. S. J.

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

WASHINGTON, D. C.,

June 11, 1892.

ADDRESS ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE.

Hon. J. N. Dolph,

United States Senate.

Sir:

I have the honor to advise you that the proclamation to create the "Bull Run Timber Reserve" in Oregon, has been prepared and this day forwarded to the Honorable Secretary of the Interior for his concurrence, and the signature of the President.

Very respectfully,

acting *W. Stone*
Commissioner.

chandise, the product of the United States of America, named in the commercial treaties which Austria-Hungary has celebrated with Germany and other nations on the terms stated in said treaties;

And whereas the Secretary of State has by my direction, given assurance to the Minister Plenipotentiary of Austria-Hungary at Washington that this action of the Government of Austria-Hungary, in granting exemption of duties to the products and manufactures of the United States of America on their importation into Austria-Hungary, is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above stated modifications of the tariff laws of Austria-Hungary to be made public for the information of the citizens of the United States of America.

Reciprocal modification of tariff of Austria-Hungary.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-sixth day of May, one thousand eight hundred and ninety-two, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ HARRISON

By the President:

WILLIAM F WHARTON

Acting Secretary of State.

[No. 28.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

June 17, 1892.

Whereas, it is provided by section twenty-four, of the act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber culture laws, and for other purposes." "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

Preamble.
Vol. 26, p. 1103.

And Whereas, the public lands in the State of Oregon, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation, all those certain tracts, pieces or parcels of land lying and being situate in the State of Oregon, and particularly described as follows, to wit:

Forest reservation, Oregon.

Beginning at the north-west corner of Section six (6), Township one (1) South, Range six (6) East, Willamette Meridian; thence easterly on the base line between Townships one (1) North and one (1) South, to the south-west corner of Section thirty-two (32), Township one (1) North, Range six (6) East; thence northerly on the section line between sections thirty-one (31) and thirty-two (32), to the north-west corner of Section thirty-two (32); thence easterly on the section line between Sections twenty-nine (29) and thirty-two (32), to the north-east corner of Section thirty-two (32); thence northerly on the section line between

Boundaries.

Boundaries — Con-
tinued.

Sections twenty-eight (28) and twenty-nine (29), to the north-west corner of Section twenty-eight (28); thence easterly on the section line between Sections twenty-one (21) and twenty-eight (28), to the north-east corner of Section twenty-eight (28); thence northerly on the section line between Sections twenty-one (21) and twenty-two (22), to the north-west corner of Section twenty-two (22); thence easterly on the section line between Sections fifteen (15) and twenty-two (22), and fourteen (14) and twenty-three (23), to the north-east corner of Section twenty-three (23); thence northerly along the section line between Sections thirteen (13) and fourteen (14) and eleven (11) and twelve (12), to the north-west corner of Section twelve (12); thence easterly on the section line between Sections one (1) and twelve (12), to the north-east corner of Section twelve (12); thence northerly on the eastern boundary of Section one (1) to the north-east corner of Section one (1), all of said sections being in Township one (1) North, Range six (6) East; thence easterly to a point for the north-east corner of Township one (1) North, Range seven (7) East; thence southerly to a point for the south-east corner of Section one (1), Township one (1) North, Range seven (7) East; thence easterly to a point for the north-east corner of Section eight (8), Township one (1) North, Range eight (8) East; thence southerly to a point for the north-east corner of Section thirty-two (32), of said Township and Range; thence easterly to a point for the north-east corner of Section thirty-three (33), of said Township and Range; thence southerly to the south-east corner of Section thirty-three (33) of said Township and Range; thence westerly along the base line to the north-west corner of Section four (4), Township one (1) South, Range eight (8) East; thence southerly on the section line between Sections four (4) and five (5), and eight (8) and nine (9), to the south-east corner of Section eight (8); thence easterly along the section line between Sections nine (9) and sixteen (16), to a point for the north-east corner of Section sixteen (16); thence southerly along the section line between Sections fifteen (15) and sixteen (16), to the south-east corner of Section sixteen (16); thence easterly along the section line between Sections fifteen (15) and twenty-two, to the north-east corner of Section twenty-two (22); thence southerly between Sections twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34) and thirty-five (35), to the south-east corner of Section thirty-four (34); thence easterly along the southern boundary line of Sections thirty-five (35) and thirty-six (36), to the south-east corner of Section thirty-six (36), all of said sections being in Township one (1) South, Range eight (8) East; thence southerly to a point for the south-east corner of Township two (2) South, Range eight (8) East; thence westerly to the south-east corner of Township two (2) South, Range seven (7) East; thence northerly along the eastern boundary line of Sections thirty-six (36), twenty-five (25), twenty-four (24) and thirteen (13), Township two (2) South, Range seven (7) East, to the south-east corner of Section twelve (12), of said Township and Range; thence westerly along the section line between Sections twelve (12) and thirteen (13), eleven (11) and fourteen (14), ten (10) and fifteen (15), nine (9) and sixteen (16), eight (8) and seventeen (17) and seven (7) and eighteen (18), Township two (2) South, Range seven (7) East, and sections twelve (12) and thirteen (13), eleven (11) and fourteen (14), ten (10) and fifteen (15), nine (9) and sixteen (16), eight (8) and seventeen (17) and seven (7) and eighteen (18), Township two (2) South, Range six (6) East, to the south-west corner of Section seven (7), of said Township and Range; thence northerly along the western boundary of Section seven (7), to the north-west corner of said section, Township two (2) South, Range six (6) East; thence westerly on the section line between Sections one (1) and twelve (12), two (2) and eleven (11), three (3) and ten (10) and four (4) and nine (9), to the south-west corner of Section four (4), Township two (2) South, Range five (5) East; thence northerly on the section

line between Sections four (4) and five (5), to the north-west corner of Section four (4), in said Township and Range; thence easterly on the township line between Townships one (1) and two (2) South, Range five (5) East, to the south-west corner of Section thirty-five (35), Township one (1) South, Range five (5) East; thence northerly on the section line between Sections thirty-four (34), thirty-five (35), twenty-six (26), twenty-seven (27), twenty-two (22) and twenty-three (23), to the north-west corner of Section twenty-three (23), of said Township and Range; thence easterly on the section line between Sections fourteen (14) and twenty-three (23), thirteen (13) and twenty-four (24), to the north-east corner of Section twenty-four (24), of said Township and Range; thence northerly along the range line between Ranges five (5) and six (6) East, to the place of beginning.

Boundaries—Continued.

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired; and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith;

Legal entries excepted.

Provided that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

Reserved from settlement.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this seventeenth (17th) day of June, in the year of our Lord, one thousand eight hundred and [SEAL.] ninety-two, and of the independence of the United States the one hundred and sixteenth.

BENJ HARRISON

By the President:

WILLIAM F WHARTON
Acting Secretary of State.

[No. 29.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, it is provided by section twenty-four of the act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes," "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof;"

June 23, 1892.

Preamble.
Vol. 26, p. 1103.

And whereas, the public lands in the State of Colorado, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section twenty-four of the

Forest reservation, Colorado.

12/28/92

Wholesale Water Districts & Companies that purchased water
From the Portland Bureau of Water Works
During FY 91 – 92
Contract customers except as noted (1) and (2)

Service Area 1

(Connections to Supply Conduits)

Gilbert Water District

GNR Corporation

Green Valley Water Company

Gresham, City of

Hazelwood Water District

Hideaway Hills Water Company

Lorna Water Company

Lusted Water District

Pleasant Home Water District

Powell Valley Road Water District

Rockwood Water District

Skyview Acres Water Company

Westside Water Company (1)

Service Area 2

(Connections to Gravity Transmission)

Burlington Water District

Clackamas Water District (2)

Palatine Hill Water District

Milwaukie (2)

Service Area 3

(Connections to Pumped Transmission)

Lake Grove Water District

Metzger Water District (3)

Raleigh Water District

Beaverton (2)

Tigard Water District

Valley View Water District

West Slope Water District

Wolf Creek Hwy Water District (3)

Service Area 4

(Connections to Gravity

Supply Distribution)

None

Service Area 5

(Connections to Washington

County Gravity Supply)

Metzger Water District (3)

Raleigh Water District

City of Tualatin

Wolf Creek Hwy Water District (3)

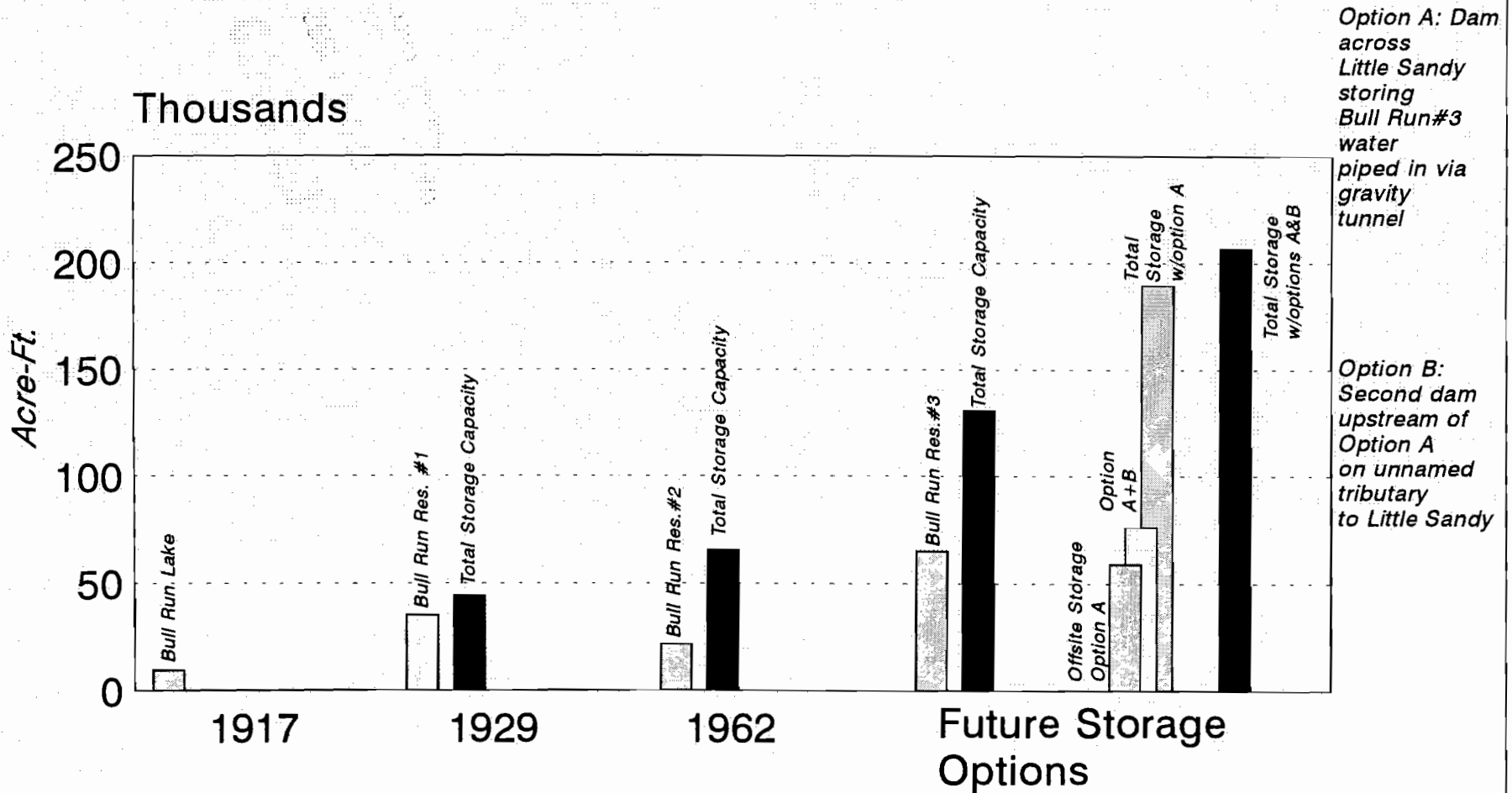
(1) Water supplied on a full time basis -- no signed contract

(2) Water supplied on a standby basis

(3) Metzger Water District and Wolf Creek Highway Water District merged
in June 92 and are now called the Tualatin Valley Water District

Historical and Potential Storage Capacity in Bull Run Watershed

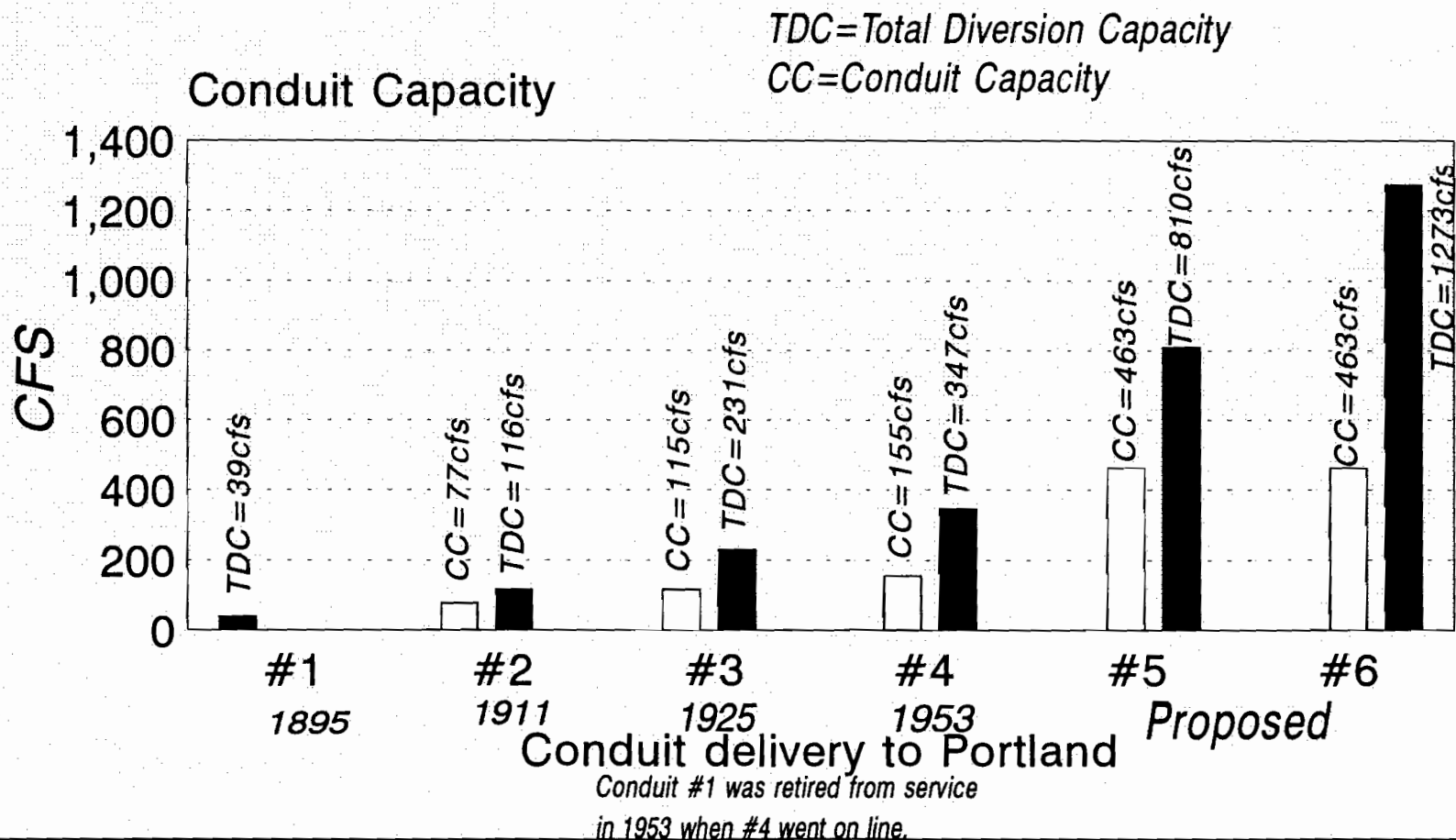
Includes all present Bull Run Storage and Potential Bull Run and Little Sandy Offsite Storage



Information taken from various Water Bureau Records

History of Total Diversion Capacity at Headworks

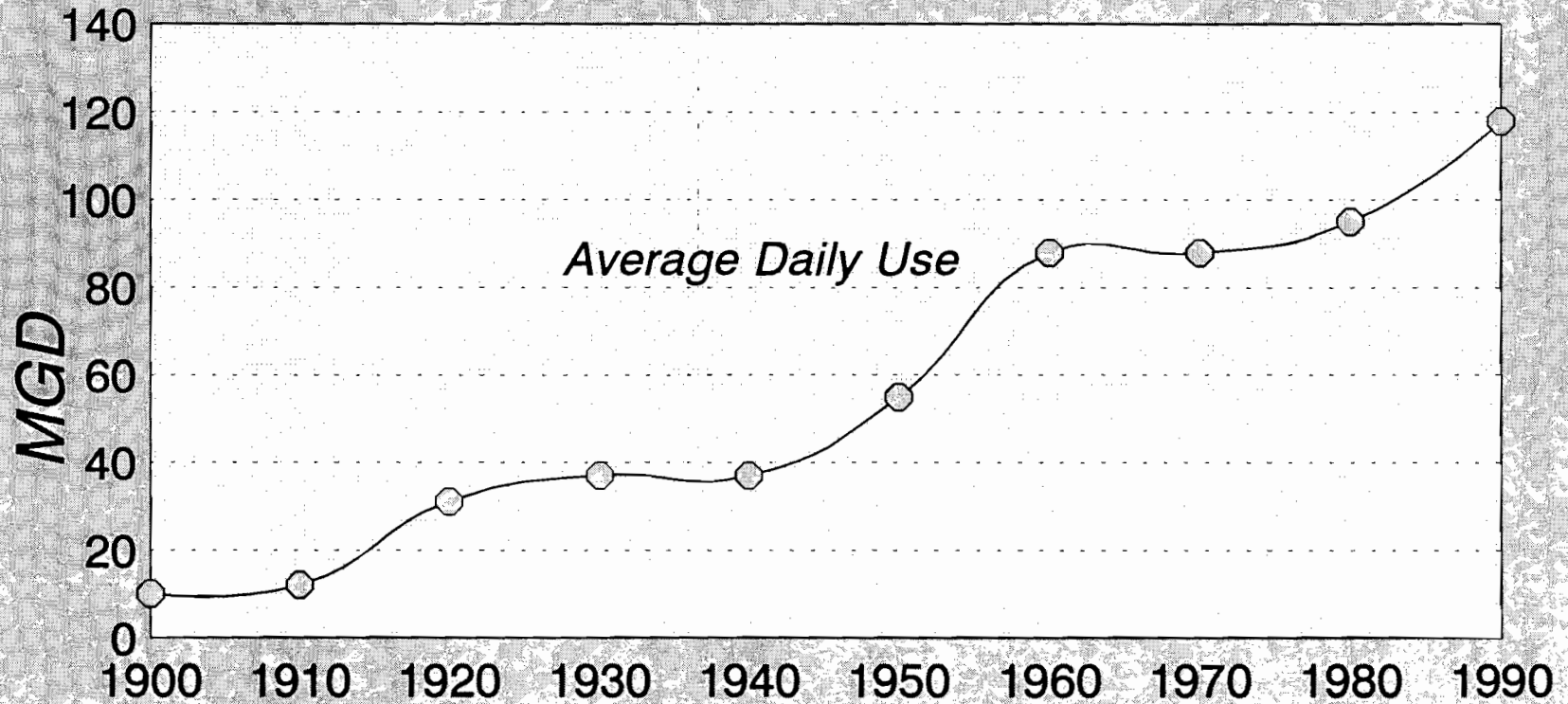
Increasing capacity in cfs since 1895



Information taken from various Water Bureau Records

DAILY CONSUMPTION OF BULL RUN WATER for DECADES 1900-1990

Compiled from Annual Engineering Reports*



Average Daily use for all users including districts.
* Some numbers are estimates

DIVERSION DESCRIPTION

Portland's water is stored in a combination of three storage facilities in the watershed area. Bull Run Lake, Bull Run Reservoir #1 (aka Ben Morrow Lake), and Bull Run Reservoir #2 store a total of 65,000 + acre-feet. The headworks for diversion are located at Bull Run Dam #2, the lowest in the chain of these reservoirs. Bull Run #2 is a earth fill structure. Located upstream and to the east of the dam are two towers which serve as diversion structures. These towers we will call POD #1(north tower) and POD #2(south tower) and both are approximately 130 feet in height. The north tower is 23 feet in diameter and the south tower is 15 feet in diameter. There is a system of gates on the sides of the towers which allow water to enter at various levels and drop to the bottom of the structure and enter sloping tunnels. The tunnel leaving POD #1 has a 15 foot I.D. and is the larger of the two. POD #2 tunnel has a 7 foot I.D.

The north tunnel(POD #1) has the option of going directly into the diversion pool behind the 33 foot high diversion dam, or it can be diverted through the penstocks for power generation, then it would enter the diversion pond. The south tunnel(POD #2) empties directly into the diversion pool just to the north and west of the existing intake structure. The current headworks system was constructed in 1957. The previous headworks still exist approximately parallel to the new. They are interconnected to the new headworks in case the new structure has to be shut down for repair or upgrade.

The supply is taken from the diversion pool and enters thru 3 separate trash racks and convenes into a 9 foot diameter diversion conduit. Just before the diversion conduit enters screen house #3, the conduit branches into 3 separate pipes which are the beginning of conduit #'s 2,3, and 4. At this point, the water is chlorinated and begins it's trip to the areas of use in the Bureau's delivery system.

EXISTING HEADWORKS FACILITIES

At present, all water entering the Portland water system is released from Bull Run Dam No. 2 into the Headworks forebay. This basin has an overflow elevation of 749 feet. From there, the water needed by the City is diverted to one of three conduits which delivers it to reservoirs on Mt. Tabor. The regulating distribution storage reservoirs on Mt. Tabor have overflow elevations of 412 feet and a combined capacity of 61 million gallons. The size, length and capacity of the three conduits connecting Bull Run with the Mt. Tabor reservoirs are given in Table II-1.

Table II-1

DATA ON EXISTING CONDUITS

Conduit Number	Capacity in mgd	Conduit Size	Length in Miles	Year Completed
2	50	52" & 44"	24.76	1911
3	75	58" & 50"	25.01	1925
4	<u>100</u>	66" & 56"	25.51	1953
Total Existing Design Capacity		225		

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP WEX NAME Sandy # 3 UNADJUDICATED AREA ? YES
RECEIPT # 15712 & 95719 S W R NUMBER 390
CHECK ENCLOSURES WEX PRELIMINARY DATA BASE ENTRY DWP
ACKNOWLEDGEMENT LETTER WEX ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION WEX

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

FILES FOR 1273 CFS
\$ 63,800

MAP REVIEW

source and trib
 diversion point location
 conveyances (pipes, ditch, etc.)
 place of use
 scale
 township, range, section
 north arrow
 CWRE stamp
 disclaimer
_____ date survey was performed
 P.O.B. of survey
 dimensions and capacity of diversion system
_____ "beneficial use" type title
_____ "permanent-quality" paper

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____
FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____
ENTER ON PLAT CARDS _____

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

June 3, 1993

TO: REED MARBUT

FROM: DON KNAUER 

SUBJECT: CITY OF PORTLAND CLAIM TO BULL RUN, SWR-390

Thom Warren, CWRE for the City of Portland, called yesterday and asked that I relay to you Terry Thatcher's, Deputy City Attorney, request to change the public notice mailing to show the City's claim is for the "Full Flow of the Bull Run River" instead of 1273 cfs published May 19, 1993.

March 24, 1993

THOM WARREN, PLS, WRE
C\O BUREAU OF WATER WORKS
1120 SW 5TH AVENUE
PORTLAND OR 97204-1926

RE: SWR-390, SWR-391, SWR-392

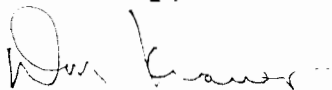
Dear Thom,

I am sending copies of our standard acknowledgement letters for the Surface Water Registration Statements (SWR) for the claims made by the City of Portland. I set the files up today.

We received over 400 SWR,s the last two weeks before the deadline. I have completed acknowledgement letters and sent receipts to about 60% of the claimants. Next I plan to return in chronological order to review the data thoroughly and remedy any problems with the SWR forms and maps. I don't know when I will get to the City of Portland's (within the year?). Eventually I plan to make a field inspection of the water use system and will allow plenty of notice for you to plan the trip.

If you have any questions, give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

M:\W\S\C\SWR-0390.002



March 24, 1993

JOE GLICKER, DIRECTOR OF ENGINEERING SERVICES
BUREAU OF WATER WORKS OF THE CITY OF PORTLAND
1120 SW FIFTH AVENUE
PORTLAND OR 97204-1926

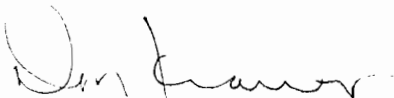
Dear MR GLICKER,

This will acknowledge that your Surface Water Registration Statement in the name of BUREAU OF WATER WORKS OF THE CITY OF PORTLAND has been received by our office. The fees in the amount of \$75,500.00 have been received and our receipt #95718 & 95719 were written. Your registration statement has been numbered SWR-390.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

M:\WP51\SWR\CLAIMANT\SWR-0390.001



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **95718**

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455/378-8130 (FAX)

RECEIVED
OVER THE COUNTER

RECEIVED FROM: Treasury, City of
BY: Portland

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # X 74-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 500.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	<u>SURFACE H₂O REGISTRATION</u>	\$ <u>500.00</u>
831.087	PUBLICATIONS/MAPS		\$
830.650	PARKING FEES Name/month		\$
	OTHER: (IDENTIFY)		\$

REDUCTION OF EXPENSE

CASH ACCT. _____ \$ _____
COST CENTER AND OBJECT CLASS _____ VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:			
840.001	COPY FEES		\$
850.200	RESEARCH FEES		\$
880.109	MISC REVENUE: (IDENTIFY)		\$
520.000	OTHER (P-6): (IDENTIFY)		\$
WATER RIGHTS:			
842.001	SURFACE WATER	EXAM FEE \$	842.002 RECORD FEE \$
842.003	GROUND WATER	\$	842.004 \$
842.005	TRANSFER	\$	842.006 \$
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$	842.023 \$
842.016	WELL DRILL OPERATOR	\$	842.019 \$
	LANDOWNER'S PERMIT		842.024 \$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE(FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **95718**

DATED: 12/31/92

BY: C. Engel

RECEIVED
OVER THE COUNTER

RECEIVED FROM: Treasury, City of Portland
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # X 524-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 75,000.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	<u>SURFACE H₂O REGISTRATION</u>	\$ <u>75,000.00</u>
831.087	PUBLICATIONS/MAPS		\$
830.650	PARKING FEES Name/month		\$
	OTHER: (IDENTIFY)		\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

COST CENTER AND OBJECT CLASS*

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	\$	842.002	RECORD FEE	\$
842.003	GROUND WATER	\$	842.004	LICENSE FEE	\$
842.005	TRANSFER	\$	842.006		\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$	842.023		\$
842.016	WELL DRILL OPERATOR	\$	842.019		\$
	LANDOWNER'S PERMIT		842.024		\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE(FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
	HYDRO APPLICATION		\$