

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

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

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

Thanks for you help.

Chuck,

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

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

Total: \$925.00

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

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

**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 # **78958**

INVOICE # _____

RECEIVED FROM: Springfield Utility Board

BY: _____

CASH: ☐ CHECK: # 153294 OTHER: (IDENTIFY) _____

APPLICATION	
PERMIT	
TRANSFER	

TOTAL REC'D \$ 97500

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 5-5536-250.00
0407 COPY & TAPE FEES 6-15241-250.00 \$ _____
0410 RESEARCH FEES 6-15243-175.00 \$ _____
0408 MISC REVENUE: (IDENTIFY) 6-15244-250.00 \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME _____ \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ <u>250.00</u>
0203 GROUND WATER	EXAM FEE \$ _____	0204 RECORD FEE \$ <u>675.00</u>
0205 TRANSFER	EXAM FEE \$ _____	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
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

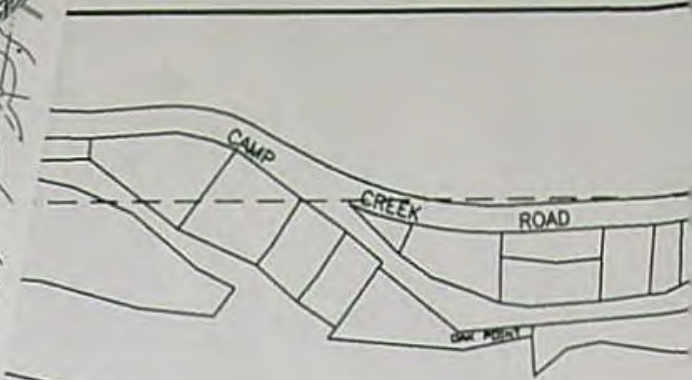
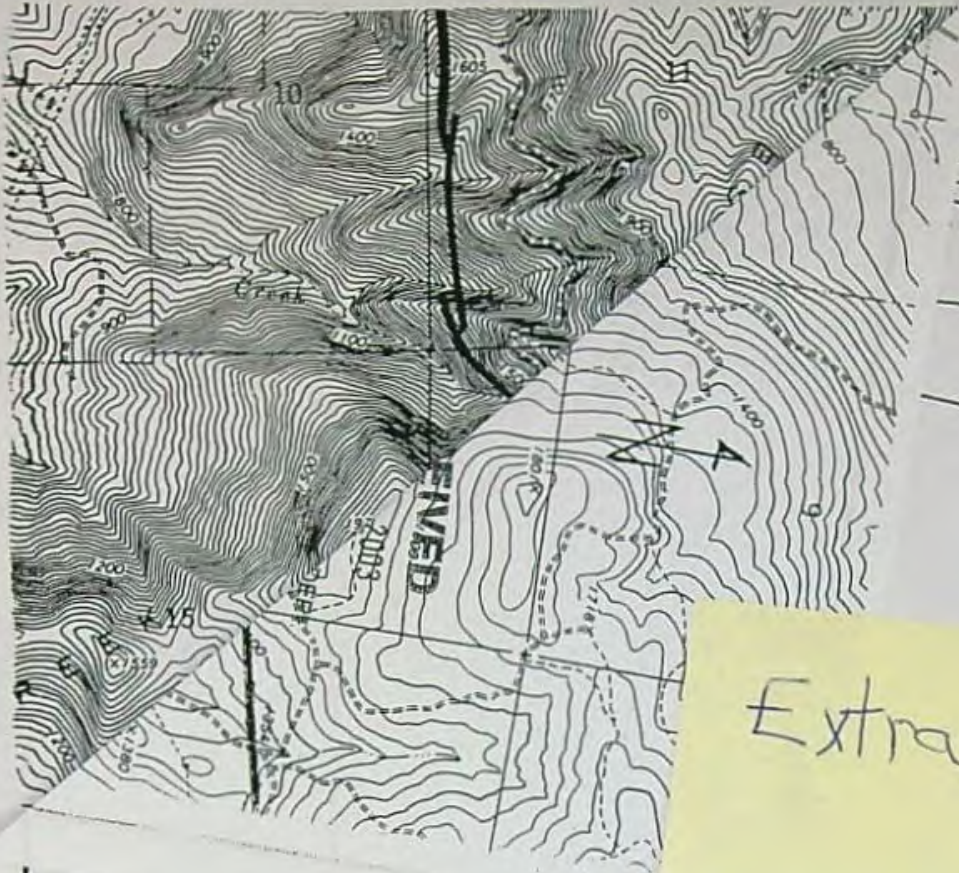
0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

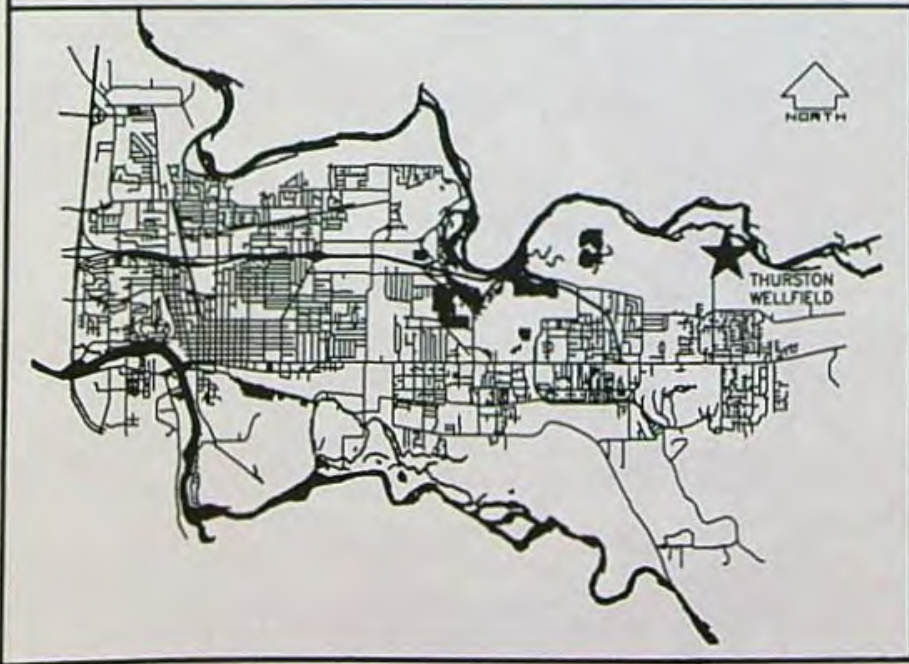
RECEIPT: **78958**

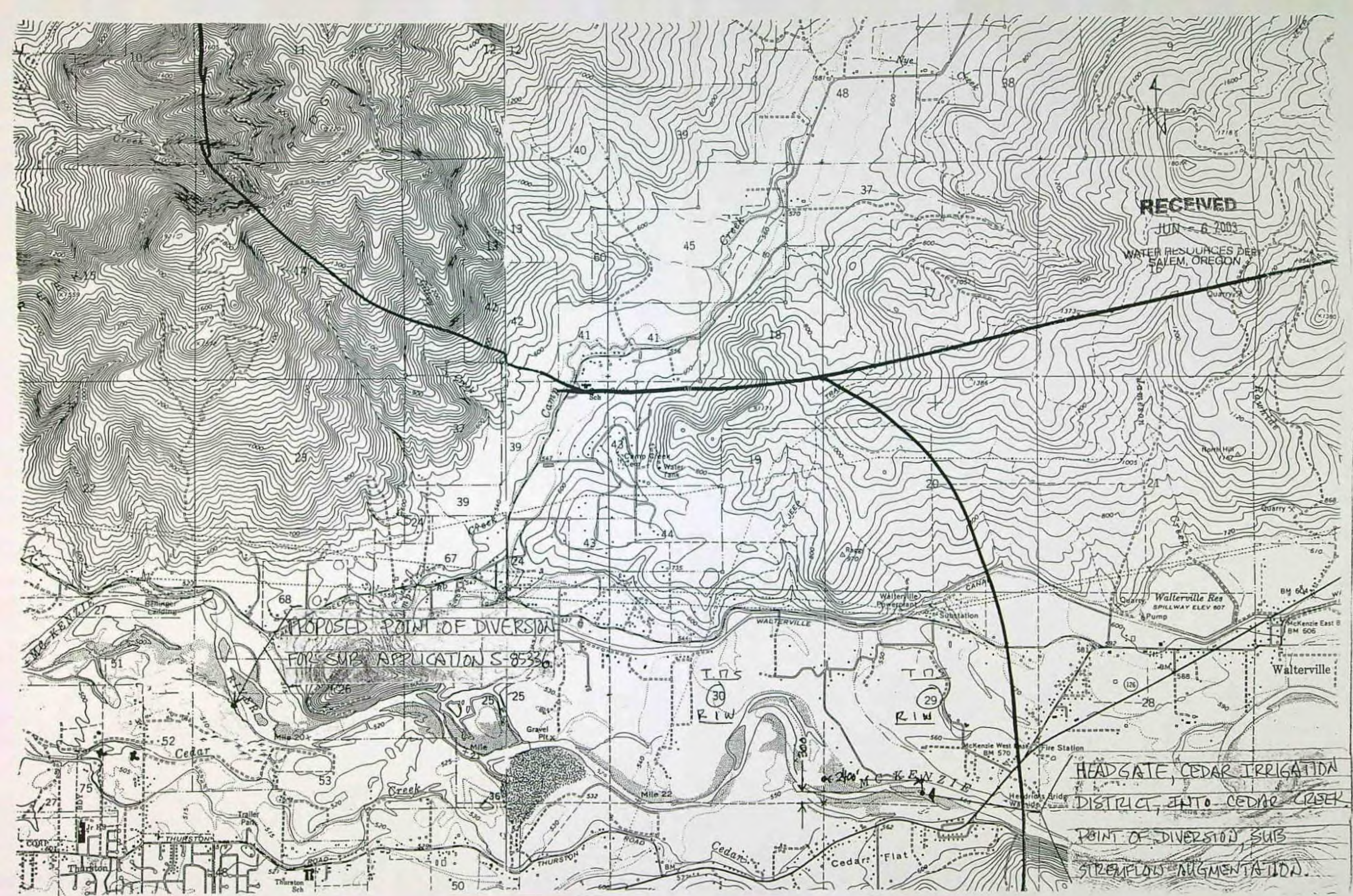
DATED: 12/16/05 BY: L. Paulike



LOT 1

LOT 2 • TEST







SPRINGFIELD UTILITY BOARD

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

December 5, 2005

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

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

Dear Mr. Engle:

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

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

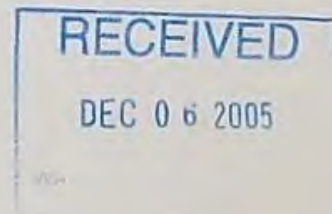
Thank you for your assistance in processing these applications. Please call if there is any additional information needed.

Sincerely,

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

CA:mkm

Enclosure



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

Hi Cory,

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

Thanks for you help.

Charles Davis

Water Quality Manager

Springfield Utility Board

202 S. 18th St.

Springfield, OR 97477

Phone: (541) 726-2396

Fax: (541) 747-7348

Mailing List for PFO Copies

Application #S-85336

PFO Date November 8, 2005

Original mailed to:

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

Copies sent to:

1. WRD - File # S-85336
2. Water Availability: Ken Stahr

PFO and Map Sheet Copies sent to:

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

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

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

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

1. Eric Gossler, Cedar Creek Irrigation District, 1200 Weaver Rd, Springfield OR 97478-9691

CASEWORKER: engelcc WEEK 537

Copies Mailed

By: TCB
(SUPPORT STAFF)
on: 11/8/05
(DATE)

RECEIVED

JUN 16 2005

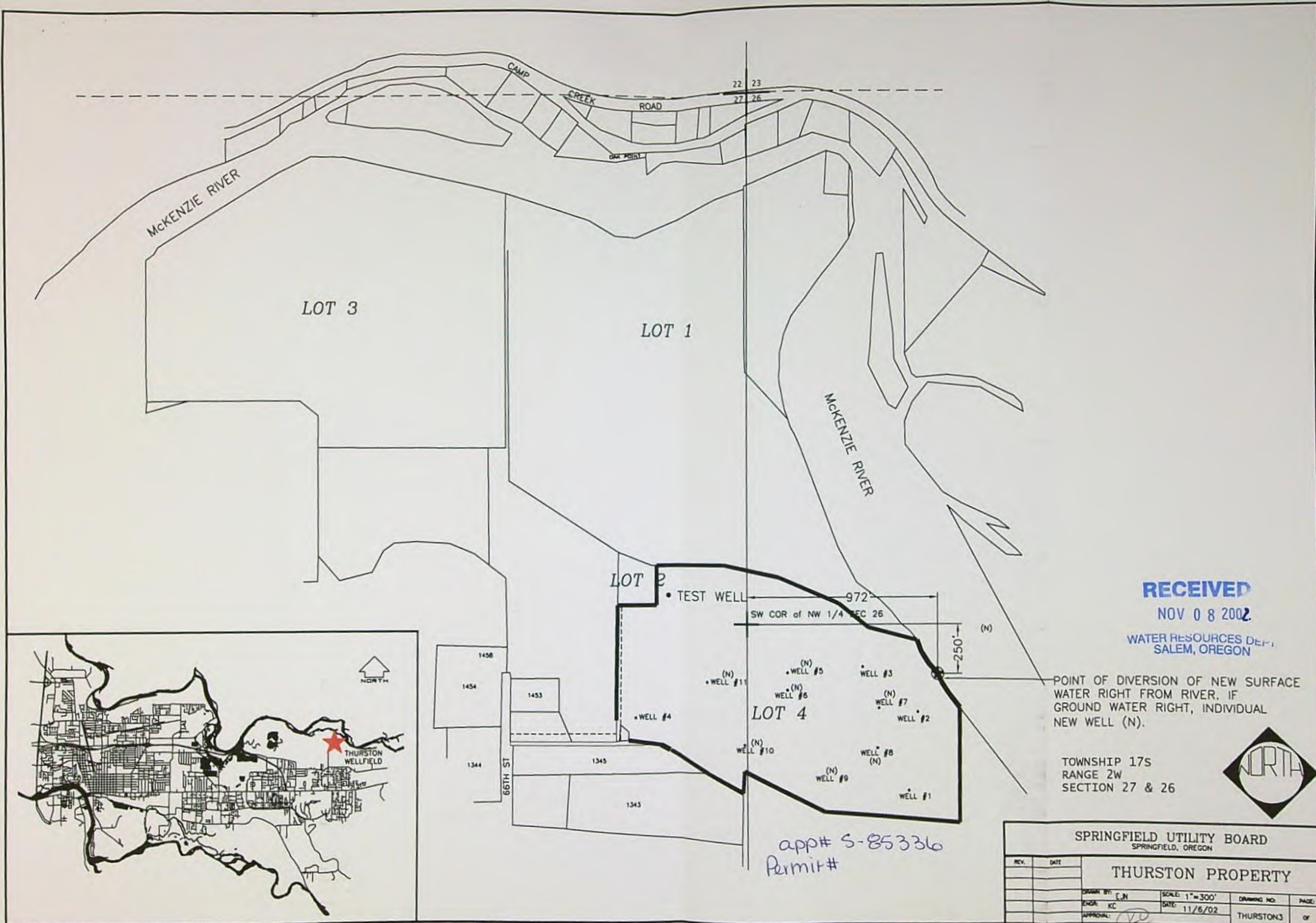
WATER RESOURCES DEPT
SALEM, OREGON

PROPOSED POINT OF DIVERSION
FOR SUB APPLICATION S-85336

TNS
30
RIW

TNS
29
RIW

HEADGATE, CEDAR IRRIGATION
DISTRICT, INTO CEDAR CREEK
POINT OF DIVERSION, SUB
STREAMFLOW AUGMENTATION.



RECEIVED

NOV 08 2002

WATER RESOURCES DEPT.
SALEM, OREGON

POINT OF DIVERSION OF NEW SURFACE
WATER RIGHT FROM RIVER, IF
GROUND WATER RIGHT, INDIVIDUAL
NEW WELL (N).

TOWNSHIP 17S
RANGE 2W
SECTION 27 & 26



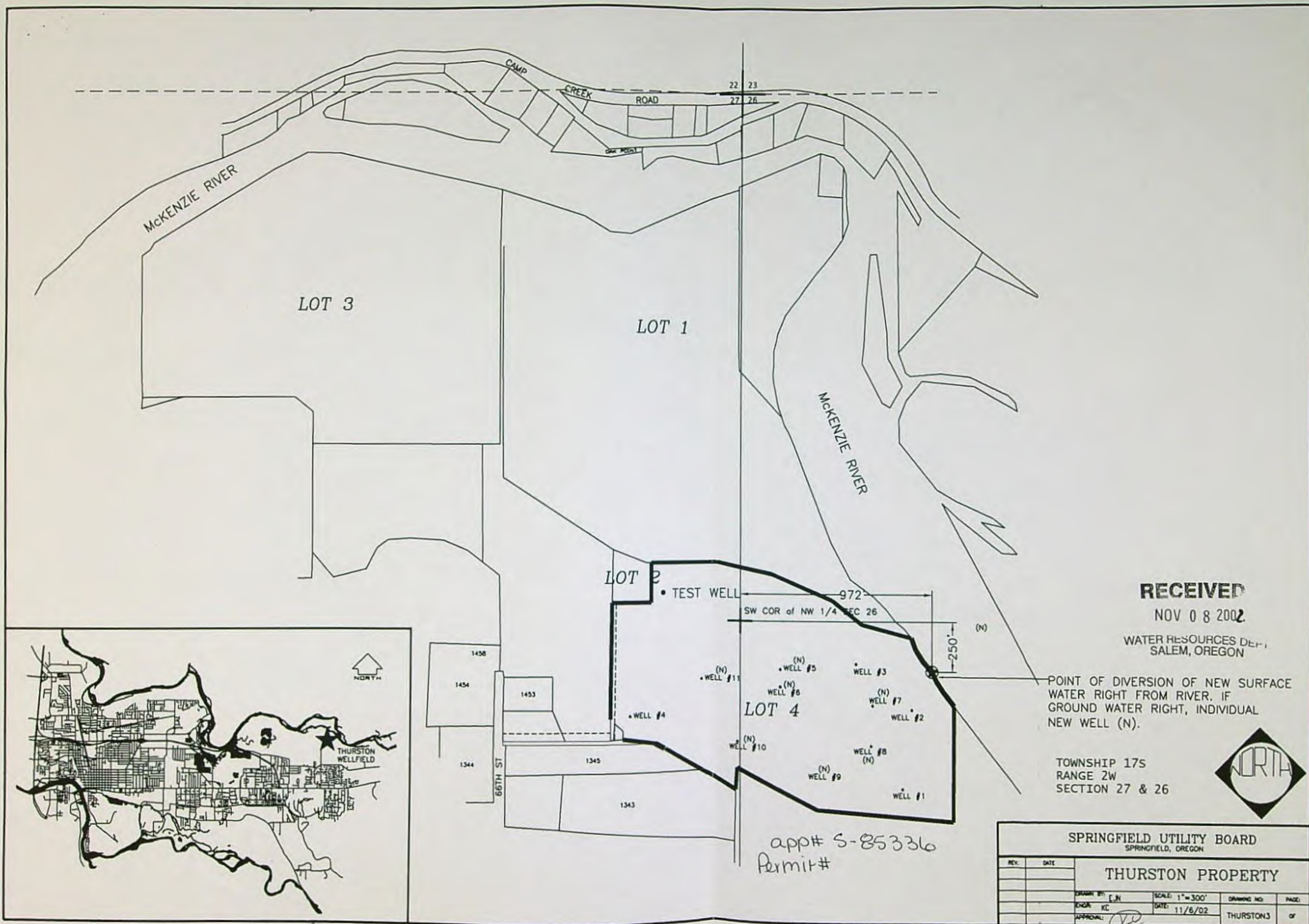
app# S-85336
Permit#

SPRINGFIELD UTILITY BOARD
SPRINGFIELD, OREGON

THURSTON PROPERTY

REV.	DATE	SCALE: 1"=300'	DRAWING NO.	PAGE
DESIGN BY: E.H.	DATE: 11/6/02		THURSTON3	OF
ENGR: KC				
APPROVAL: [Signature]				





RECEIVED

NOV 08 2002

WATER RESOURCES DEPT.
SALEM, OREGON

POINT OF DIVERSION OF NEW SURFACE
WATER RIGHT FROM RIVER. IF
GROUND WATER RIGHT, INDIVIDUAL
NEW WELL (N).

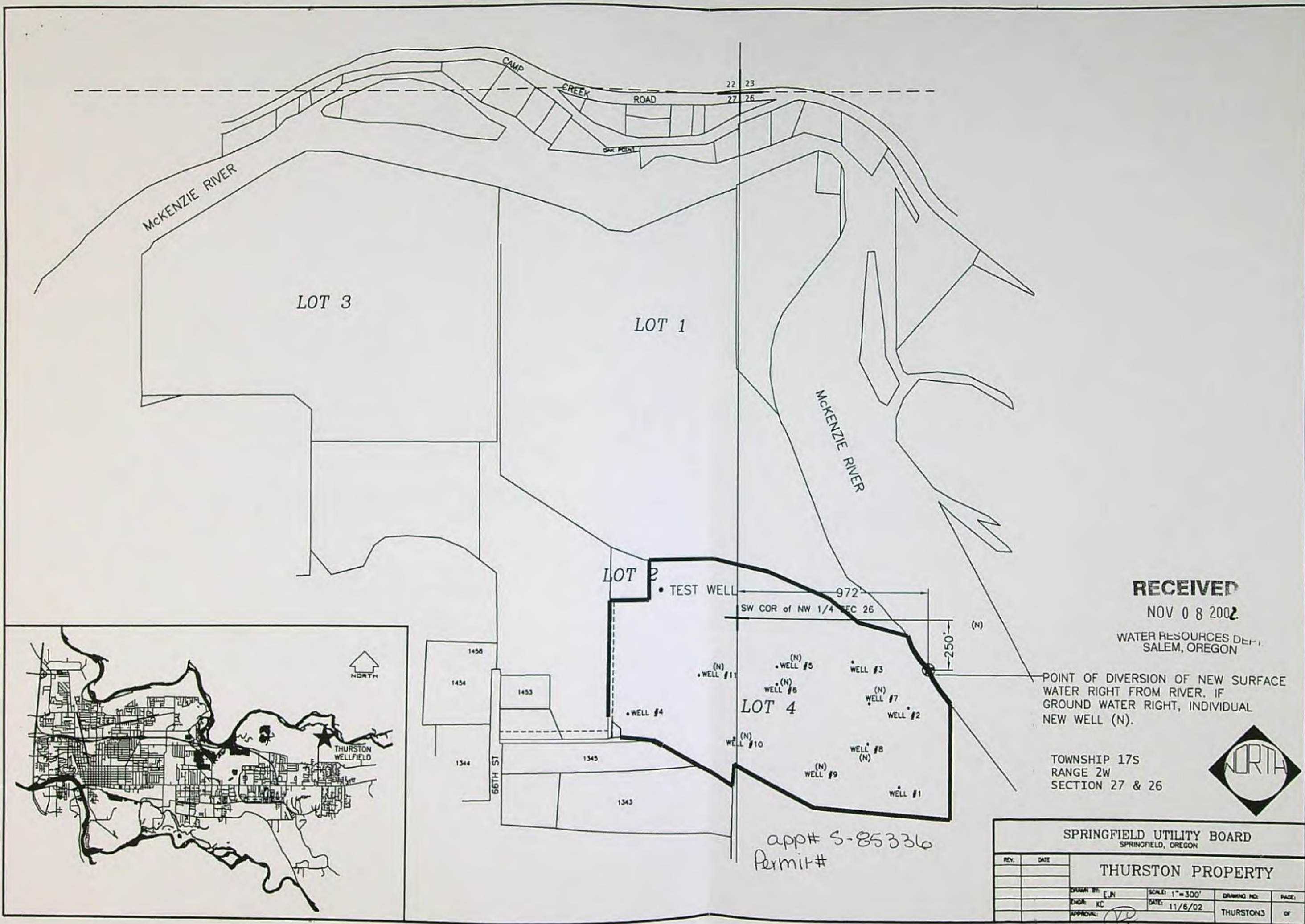
TOWNSHIP 17S
RANGE 2W
SECTION 27 & 26



SPRINGFIELD UTILITY BOARD
SPRINGFIELD, OREGON

THURSTON PROPERTY

REV.	DATE	THURSTON PROPERTY			
		DRAWN BY: E.J.N.	SCALE: 1" = 300'	DRAWING NO:	PAGE:
		ENG: KC	DATE: 11/8/02	THURSTON3	OF
		APPROVAL: 			



RECEIVED

NOV 08 2002

WATER RESOURCES DEPT.
SALEM, OREGON

POINT OF DIVERSION OF NEW SURFACE
WATER RIGHT FROM RIVER. IF
GROUND WATER RIGHT, INDIVIDUAL
NEW WELL (N).

TOWNSHIP 17S
RANGE 2W
SECTION 27 & 26



app# S-85336
Permit#

SPRINGFIELD UTILITY BOARD SPRINGFIELD, OREGON			
THURSTON PROPERTY			
REV.	DATE	SCALE: 1"=300'	DRAWING NO.
		DATE: 11/6/02	PAGE:
DRAWN BY: E.J.N.		THURSTON3	
CHKD: KC		OF	
APPROVAL:			

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Subject: RE: draft language for PFO for S-85336, Fish and Wildlife comments
Date: Thu, 3 Nov 2005 14:44:26 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator: <FE53FA3C54DA46498AEEA98BB3C3A43901CD04DB@fwhqeb.odfw.int>
Thread-Topic: draft language for PFO for S-85336, Fish and Wildlife comments
Thread-Index: AcXgvqYbBvgT5VgSgeoSGkYv8KzEwAB2trw
From: "Jeffrey Ziller" <Jeffrey.S.Ziller@state.or.us>
To: "ENGEL Cory C" <Cory.C.ENGEL@state.or.us>
Cc: "FRENCH Dwight W" <Dwight.W.FRENCH@state.or.us>,
"ARRERA Chuck" <ChuckA@subutil.com>, "Corbin, Greg" <GDCORBIN@stoel.com>,
"DAVIS Chuck" <ChuckD@subutil.com>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

Cory:

The language appears follow a clear logic path and is acceptable from my view. Thanks for the wordsmithing.

Jeff Ziller

District Fish Biologist

South Willamette Watershed District

Oregon Department of Fish and Wildlife

541-726-3515 x26

Jeffrey.S.Ziller@state.or.us

<http://www.dfw.state.or.us/ODFWhtml/springfield/springfield.html>

From: Cory Engel [<mailto:Cory.C.ENGEL@state.or.us>]
Sent: Thursday, November 03, 2005 1:47 PM
To: Jeffrey Ziller; DAVIS Chuck
Cc: FRENCH Dwight W; ARRERA Chuck; Corbin, Greg
Subject: RE: draft language for PFO for S-85336, Fish and Wildlife

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Subject: RE: draft language for PFO for S-85336, Fish and Wildlife comments
Date: Thu, 3 Nov 2005 15:12:34 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: draft language for PFO for S-85336, Fish and Wildlife comments
Thread-Index: AcXgvqYbBvgT5VgSgeoSGkYv8KzEwAB2trwAAEA0QA=
From: "DAVIS Chuck" <ChuckD@subutil.com>
To: "ENGEL Cory C" <Cory.C.ENGEL@state.or.us>
Cc: "FRENCH Dwight W" <Dwight.W.FRENCH@state.or.us>,
"ARRERA Chuck" <ChuckA@subutil.com>, "Corbin, Greg" <GDCORBIN@stoel.com>,
"Jeffrey Ziller" <Jeffrey.S.Ziller@state.or.us>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.7 required=5.0 tests=BAYES_00,
HTML_FONTCOLOR_UNKNOWN,HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level:

-->

Cory, thank you for the wordsmithing. You have captured the issue. Please proceed.

Charles Davis

Water Quality Manager

Springfield Utility Board

202 S. 18th St.

Springfield, OR 97477

Phone: (541) 726-2396

Fax: (541) 747-7348

From: Jeffrey Ziller [mailto:Jeffrey.S.Ziller@state.or.us]
Sent: Thursday, November 03, 2005 2:44 PM
To: ENGEL Cory C
Cc: FRENCH Dwight W; ARRERA Chuck; Corbin, Greg; DAVIS Chuck
Subject: RE: draft language for PFO for S-85336, Fish and Wildlife comments

Cory:

The language appears follow a clear logic path and is acceptable from my view. Thanks

To: "Jeffrey Ziller" <Jeffrey.S.Ziller@state.or.us>, "DAVIS Chuck" <ChuckD@subutil.com>
From: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
Subject: RE: draft language for PFO for S-85336, Fish and Wildlife comments
Cc: "FRENCH Dwight W" <Dwight.W.FRENCH@state.or.us>, "ARRERA Chuck" <ChuckA@subutil.com>, "Corbin, Greg" <GDCORBIN@stoel.com>
Bcc: f\Specific applications\SUB
Attached:

Jeff and Chuck,

It sounds like we're all on the same page here.

Jeff, your suggestion that there be two different sentences--one covering modification, the other covering rescission, of EWEB's FERC licence--is essentially what Chuck sent me last night. It was the second (rescission) part that confused me.

With the exception of the phrase "whichever is greater" at the end (which appears to be an appendage left over from the previous version of the condition), both Jeff and Chuck's revised language is identical, and much more clear to me.

So, to sum up, the PFO and draft permit will contain the following paragraph, exactly as it appears below:

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

Good news--we got this wrapped up fast enough that we will still be able to mail the PFOs on Tuesday, November 8, despite the combined efficiency of three government agencies.

If anyone has any further questions or concerns, please feel free to contact me. (But if you do, do it quickly because this is going to be prepared for mailing right away.)

Mr. Cory C. Engel

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

At 12:24 PM 11/3/2005, Jeffrey Ziller wrote:

-->

Cory:

Perhaps having two lines that cover both a rescind order and a modification order would be appropriate. The modification statement might be as follows:

-

In the event that EWEB's license from FERC is modified, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to EWEB's required minimum flow plus the actual rate of appropriation under this permit.

-

The rescind statement would be (I couldn't figure out the "whichever is greater" statement):

In the event that EWEB's license from FERC is rescinded, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to 1,400 cfs plus the actual rate of appropriation under this permit.

I believe this would cover our concerns. Am I missing anything?

From: DAVIS Chuck [<mailto:ChuckD@subutil.com>]
Sent: Thursday, November 03, 2005 11:37 AM
To: ENGEL Cory C; Jeffrey Ziller
Cc: FRENCH Dwight W; ARRERA Chuck; Corbin, Greg
Subject: RE: draft language for PFO for S-85336, Fish and Wildlife comments

Dear Cory.

I am sincerely sorry for any problem my attempt for clarification has caused.

The intent of the added sentence you referred to in #2 below is that we address ODFW's 1400 cfs water right in the unlikely event that EWEB's FERC license is rescinded. This language was intended to clarify the draft language. Will the following change accomplish the clarification?

, whichever is greater.

Charles Davis

Water Quality Manager

Springfield Utility Board

202 S. 18th St.

Springfield, OR 97477

Phone: (541) 726-2396

Fax: (541) 747-7348

From: Cory Engel [mailto:Cory.C.ENGEL@wrд.state.or.us]
Sent: Thursday, November 03, 2005 10:46 AM
To: DAVIS Chuck; Jeffrey Ziller
Cc: Dwight.W.FRENCH@wrд.state.or.us
Subject: Re: draft language for PFO for S-85336, Fish and Wildlife comments

Chuck and Jeff,

This is in response to Chuck's e-mail of yesterday evening, in which he requested that we make modifications to ODFW's bypass flow condition. This request raises two sets of issues:

1. Administrative procedures.

These changes are substantive, and will therefore require Jeff Ziller's concurrence prior to implementation.

I've removed the Proposed Final Orders for these applications from the "PFO issuance machine" wherein administrative tasks occur such as signature, data entry, copying, envelope stuffing, and mailing. Because "the machine" runs on a weekly cycle, this will delay issuance of the PFOs until November 15, or a later Tuesday depending on when the condition is finalized.

To ensure that they are issued no later than November 15, the condition language must be finalized no later than Tuesday, November 8. My hope is that we can meet that date.

2. Condition language.

The new sentence at the end of the condition doesn't make sense to me. Paraphrased, it says "if EWEB's FERC license goes away, then SUB's bypass flow is the FERC license bypass flow plus up to 40 cfs, or 1400 cfs." How could there be a bypass flow of "FERC plus 40" if there is no FERC bypass flow (which would be the case if EWEB's FERC license is rescinded? By referring to the FERC license, is the intent to refer to the rate of the FERC bypass immediately prior to its rescission? If so, I think we should craft more concise language. Please clarify the intent of this sentence.

Thank you.

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

At 06:29 PM 11/2/2005, you wrote:

Dear Cory,

Greg Corbin forwarded the draft for this application that you are working on for us. I would like to offer some clarifying language to paragraph three. Jeff Ziller and I discussed this today and it is my intent to clarify that the minimum flows of 1000 cfs at (USGS) gage 14163900 near Walterville are related to the Cedar Creek 4.1 cfs diversion portion of our application. I suggest that the language be modified to read as follows (the inserted language is bold, underlined, and italics):

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

I believe the proposed changes capture that ODF wants their 1400 cfs instream right through this section of the river if the Walterville Dam goes away and that there is

approximately 1000 cfs plus our Cedar Creek diversion, while the dam remains, between the Cedar Creek diversion and where the Walterville tailrace flow returns to the river one mile upstream from SUB's Thurston Wellfield .

Charles Davis

Water Quality Manager

Springfield Utility Board

202 S. 18th St.

Springfield, OR 97477

Phone: (541) 726-2396

Fax: (541) 747-7348

Cory Engel

Water Right Application Caseworker

503-986-0813

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Subject: RE: draft language for PFO for S-85336, Fish and Wildlife comments
Date: Thu, 3 Nov 2005 12:24:58 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: draft language for PFO for S-85336, Fish and Wildlife comments
Thread-Index: AcXgptAwphcoZVzoQWehQno3l80dfgABVSTQAAGK8rA=
From: "Jeffrey Ziller" <Jeffrey.S.Ziller@state.or.us>
To: "DAVIS Chuck" <ChuckD@subutil.com>,
"ENGEL Cory C" <Cory.C.ENGEL@state.or.us>
Cc: "FRENCH Dwight W" <Dwight.W.FRENCH@state.or.us>,
"ARRERA Chuck" <ChuckA@subutil.com>, "Corbin, Greg" <GDCORBIN@stoel.com>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.6 required=5.0 tests=BAYES_00,HTML_50_60,
HTML_FONTCOLOR_UNKNOWN,HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level:

-->

Cory:

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-
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Cc: FRENCH Dwight W; ARRERA Chuck; Corbin, Greg

Subject: RE: draft language for PFO for S-85336, Fish and Wildlife comments

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Charles Davis

Water Quality Manager

Springfield Utility Board

202 S. 18th St.

Springfield, OR 97477

Phone: (541) 726-2396

Fax: (541) 747-7348

From: Cory Engel [mailto:Cory.C.ENGEL@wrdd.state.or.us]

Sent: Thursday, November 03, 2005 10:46 AM

To: DAVIS Chuck; Jeffrey Ziller

Cc: Dwight.W.FRENCH@wrdd.state.or.us

Subject: Re: draft language for PFO for S-85336, Fish and Wildlife comments

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Thank you.

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

At 06:29 PM 11/2/2005, you wrote:

Dear Cory,

Greg Corbin forwarded the draft for this application that you are working on for us. I would like to offer some clarifying language to paragraph three. Jeff Ziller and I discussed this today and it is my intent to clarify that the minimum flows of 1000 cfs at (USGS) gage 14163900 near Walterville are related to the Cedar Creek 4.1 cfs diversion portion of our application. I suggest that the language be modified to read as follows (the inserted language is bold, underlined, and italics):

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actual rate of appropriation into Cedar Creek under this permit, or 1,400 cfs plus the actual rate of appropriation under this permit, whichever is greater. In the event that EWEB's license from FERC is rescinded, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to the FERC-required minimum bypass flow plus the actual rate of appropriation for both diversions under this permit, or 1,400 cfs plus the actual rate of appropriation under this permit, whichever is greater.

I believe the proposed changes capture that ODF wants their 1400 cfs instream right through this section of the river if the Walterville Dam goes away and that there is approximately 1000 cfs plus our Cedar Creek diversion, while the dam remains, between the Cedar Creek diversion and where the Walterville tailrace flow returns to the river one mile upstream from SUB's Thurston Wellfield .

Charles Davis

Water Quality Manager

Springfield Utility Board

202 S. 18th St.

Springfield, OR 97477

Phone: (541) 726-2396

Fax: (541) 747-7348

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Subject: RE: draft language for PFO for S-85336, Fish and Wildlife comments
Date: Thu, 3 Nov 2005 11:36:32 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: draft language for PFO for S-85336, Fish and Wildlife comments
Thread-Index: AcXgptAwphcoZVzoQWehQno3l80dfgABVSTQ
From: "DAVIS Chuck" <ChuckD@subutil.com>
To: "Cory Engel" <Cory.C.ENGEL@wrd.state.or.us>,
"Jeffrey Ziller" <Jeffrey.S.Ziller@state.or.us>
Cc: <Dwight.W.FRENCH@wrd.state.or.us>, "ARRERA Chuck" <ChuckA@subutil.com>,
"Corbin, Greg" <GDCORBIN@stoel.com>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.7 required=5.0 tests=BAYES_00,
HTML_FONTCOLOR_UNKNOWN,HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level:

-->

Dear Cory,

I am sincerely sorry for any problem my attempt for clarification has caused.

The intent of the added sentence you referred to in #2 below is that we address ODFW's 1400 cfs water right in the unlikely event that EWEB's FERC license is rescinded. This language was intended to clarify the draft language. Will the following change accomplish the clarification?

In the event that EWEB's license from FERC is rescinded, the permittee may divert water under this permit only when flow in the McKenzie River, as measured at USGS gage 14163900, is greater than or equal to 1,400 cfs plus the actual rate of appropriation under this permit, whichever is greater.

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Fax: (541) 747-7348

From: Cory Engel [mailto:Cory.C.ENGEL@wrд.state.or.us]
Sent: Thursday, November 03, 2005 10:46 AM
To: DAVIS Chuck; Jeffrey Ziller
Cc: Dwight.W.FRENCH@wrд.state.or.us
Subject: Re: draft language for PFO for S-85336, Fish and Wildlife comments

Chuck and Jeff,

This is in response to Chuck's e-mail of yesterday evening, in which he requested that we make modifications to ODFW's bypass flow condition. This request raises two sets of issues:

1. Administrative procedures.

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To: "DAVIS Chuck" <ChuckD@subutil.com>, "Jeffrey Ziller"
<Jeffrey.S.Ziller@state.or.us>
From: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
Subject: Re: draft language for PFO for S-85336, Fish and Wildlife comments
Cc: Dwight French
Bcc: f\Specific applications\SUB
Attached:

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X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Subject: draft language for PFO for S-85336, Fish and Wildlife comments
Date: Wed, 2 Nov 2005 18:29:19 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: draft language for PFO for S-85336, Fish and Wildlife comments
Thread-Index: AcXgHmTPXdw9gig7Qwm92nDrFnG5WA==
From: "DAVIS Chuck" <ChuckD@subutil.com>
To: <Cory.C.ENGEL@wrd.state.or.us>
Cc: "Corbin, Greg" <GDCORBIN@stoel.com>, "ARRERA Chuck" <ChuckA@subutil.com>, <Jeffrey.S.Ziller@state.or.us>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on kettle.wrd.state.or.us
X-Spam-Status: No, hits=-0.7 required=5.0 tests=BAYES_10,HTML_60_70,HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level:

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Water Quality Manager

Springfield Utility Board

202 S. 18th St.

Springfield, OR 97477

Phone: (541) 726-2396

Fax: (541) 747-7348



Gossler Farms Nursery

ROGER GOSSLER
ERIC GOSSLER
MARJORY GOSSLER

SPECIALIZING IN MAGNOLIAS AND COMPANION PLANTS

PHONE (541) 746-3922 • FAX (541) 744-7924

March 31, 2005

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

RE: Cedar Creek Water rights application

As a representative for the Cedar Creek Irrigation District, I am writing to you in support of the application for 4.1 CFS from the McKenzie River. This will aid in maintaining the creek for all parties involved. This is an important waterway and this application will help insure its long-term survival. The creek contains roughly 8 miles of riparian habitat, supporting many species of wildlife. Therefore this application is critical to assist in maintaining flows year round.

The irrigation district is also looking forward to partnering with Springfield Utility Board in the operation of Cedar Creek. We feel this will help increase community awareness on the importance of this waterway.

If you need to contact me, I would be open to discuss any of the issues surrounding the creek.

Sincerely,

Eric Gossler
Cedar Creek Irrigation District
(541)746-3922

RECEIVED

APR 05 2005

WATER RESOURCES DEPT.
SALEM, OREGON



SPRINGFIELD UTILITY BOARD

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

October 25, 2005

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

RE: Application File G-15242

Dear Mr. Engel:

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

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

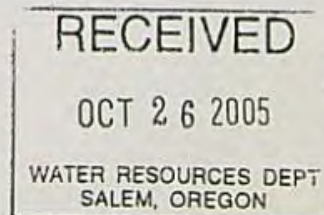
Please call me at (541) 726-2396 if you have any questions.

Sincerely,

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

CA: cjc

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



PFO CHECKLIST

Application #: S-85336 Applicant: SPRINGFIELD UTILITY BOARD PFO week: 536

- ✓ Shortcomings preventing PFO? Y / ☒ Should process continue? ☒ / N
- ✓ IR Date 5/16/03 Public Notice Date 5/20/03 Comments received? ☒ / N APPLICANT
CCSO
CWOB
- ✓ Was additional information requested in the IR? ☒ N If so, do we now have enough info to do the PFO? ☒ / N
- ✓ Was the application filed after 10/23/99? Y / ☒ (If not, add A date requirement)
- ✓ B.O.R. or Doug Co. project Y / ☒ Contract in file? N contract # _____
- ✓ IR identifies as DEQ 303d? Y / ☒ NA Comments received? Y / N _____
- ✓ Is second gw review necessary? Y / N / ☒ Complete? Y / N
- ✓ Water Availability ☒ OK / REDONE / NA y/n
- ✓ Have conflicts been addressed? Y / N / ☒ _____
- ✓ Changes from IR determinations _____
Amendment - 12/10/2004 from 37/3 to 35.9/4.1 + FL/WE
~~Amendment - 12/10/2004 from 37/3 to 35.9/4.1 + FL/WE~~
- ✓ Copy to _____
\$10 - ⁴⁰ PAMEL GOSLIER, COWING CO. ID, 1200 W. 10TH AVE, SPOKANE OR 97475-9691
\$10 - THOMAS BUCKHAUSE, WJWB, POB 10148, EUGENE OR 97440-2148

✓ Fees	Base Fee	Water Amount (Q)
	\$100 / \$150	1" CFS/AF
	☒ \$250 / \$300	<u>150</u>
		<u>39</u> Addl @ <u>\$75</u> + <u>2925</u>
	<u>250</u> (base)	<u>3075</u> (Q)
		= <u>3325</u> (total exam fee)

EXAM FEE REQUIRED	<u>3325</u>	RECORDING FEE REQUIRED	\$175 / ☒ \$250
EXAM FEE PAID	<u>3325</u>	RECORDING FEE PAID	<u>0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>250</u>

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

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IR CHECKLIST

Application #: S-85336

Diversion Info:

County: Lane

Basin: 2

WID#: 528

Township 17 South, Range 2 West, Section 26 NW 1/4 SW 1/4

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

Groundwater Review

a. PSI A B C D River/Stream Name _____

b. Groundwater Availability A B C

c. Is the well located in a GWLA or CGWA or TIN R3E Sec 20, 21, 28, 29? Y / N (If in an area include map showing POD)

20. Are there conflicting rights? Y / ☒ N / NA MU.

30. Allowed under Basin Program Y / ☒ N Limitations? Y / ☒ N MU - 405 690-502-0080 (1)(c) SMOGELIN AUGMENTATION - NO

40. Withdrawn? Y / ☒ N season allowed _____

50. SWW Y / ☒ N (if Y notify state parks) _____

60. Surface Water Availability ☒ (80% Ave flow / 50% storage) NA OIC

70. DIVISION 3 ☒ Y / ☒ N / NA Above Bonn Y / N (7/17/92) Below Bonn ☒ Y / N (4/8/94) Statewide ☒ Y / N (6/3/94) map date _____
(see S:\groups\wr\Resource Center - permits\forms\ir\mailing lists.wpd)

80. Rate/Duty/Season Requested 40 CFS y/n
Allowable OK w/ PARRON'S CONSERVING

90. B.O.R. or Doug Co. project Y / ☒ N contract # _____

100. M&R Condition S ($\leq 0.1 \leq 9.2$), M (≥ 0.1 or ≤ 1.5 CFS, or ≥ 9.2 or ≤ 100 Aft) ☒ L ($\geq 1.5 \geq 100$)
If the use is Municipal or involves temperature control (such as Nursery Use) use ☒ Large condition.

110. Land use approval ☒ OK'd ☒ needs approval ☒ county notified ☒ NA

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

130. DOA 1010 (4d) ☒ Y / ☒ N 303D Y / ☒ N IN GEOGRAPHIC UMATILLA Y / ☒ N BOTTLED WATER Y / ☒ N
(cc: Paul Measeles) (cc: DEQ Regional Manager) (cc: CTUIR) (cc: DOA Food Safety Division)

140. Is the use located within Oregon Streamflow Restoration Area? Y / ☒ N / NA

150. Letter format = ☒ ~~Long~~ = ☒ Limited = ☒ Bad = ☒ Bad w/ IRshort = ☒ Bad w/ HC Opportunity

160. Conditions necessary SEE PARRON'S E-MAIL

170. CWRE, representative, etc. to notify ☒ Y / ☒ N ODFW: JEFF ZILMER

DEQ: JOHN BLANCHARD

DOA: PAUL MEASELES

Name: Cory Engel

Date: May 7, 2003

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PFO CHECKLIST

- ✓ 1. IR Date: 5/16/03 Public Notice Date 5/20/03 Comments Received? Y/N (Dev 33 only)
- ✓ 2. Was additional information requested in the IR? Y/N If so, do we now have enough info to do the PFO? Y/N
- ✓ 3. Was the application filed before October 23, 1999? Y/N (If so, add A date requirement.)
- ✓ 4. Changes from IR: Dev 33 conditions per Bureau (DFO) & Ziller (ODFW)
~~ADD COMMENTS~~
INCLUDE FINAL ORDER SPECIFICATIONS (B-17) (S-17)

✓ 5. Copy to:

✓ 6. Fees:

Base Fee: Water Amount:

\$100 or 1st CFS/AF: 150
\$250 39 Addl @ 75: + 2925
200 + 3075 = 3325

EXAM FEE REQUIRED: 3325
EXAM FEE PAID: 3325
STILL OWED: 0

RECORDING FEE REQUIRED: 250
RECORDING FEE PAID: 0
STILL OWED: 250

TEXT BOX

Name: Cory Engel

Date: 6/24/04

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

Cory,

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

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

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

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

Doug

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


X-Sender: engelccc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Fri, 27 Jun 2003 09:15:23 -0700
To: Douglas.M.PARROW@wrd.state.or.us, Dwight.W.FRENCH@wrd.state.or.us,
Adam.P.SUSSMAN@wrd.state.or.us
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: UPDATE: Springfield Utility Board - 85336
Cc: Cory.C.ENGEL@wrd.state.or.us

Per our previous discussions, earlier this month, I sent a letter to Ken Cerotsky at SUB to inform him that unless they can provide more information to document the need for 40 cfs, we're likely to limit their application to 9.35 cfs.

I got a call from him the other day. He said that, where the application indicates that it is intended to satisfy municipal needs until "2017+", that was intended to mean "some year after 2017", rather than "2017", thus the high rate. He will be sending information to document exactly how long this rate is intended to last them, with new population/need projections.

Doug, I expect I'll be running this by you again after the new information comes in.

Cory Engel
Water Right Specialist
503-378-8455 x324

From: "Doug Parrow" <Douglas.M.PARROW@state.or.us>
To: "Cory Engel" <Cory.C.ENGEL@wrd.state.or.us>
Subject: RE: Springfield Utility Board, S-85336
Date: Wed, 7 May 2003 14:10:11 -0700
X-Mailer: Microsoft Outlook IMO, Build 9.0.6604 (9.0.2911.0)
Importance: Normal

Cory,

The Springfield Utility Board has an approved water management and conservation plan. An update of the plan is required by June 20, 2005.

The form M indicates that SUB expects the requested permit to satisfy demands until 2017. However, the plan indicates that, with the existing water rights, the 2017 deficit would be 6.04 mgd (9.35 cfs)--far less than the 37 cfs dedicated to municipal use under the application. Additionally, the demand forecasts in the plan include those of the Rainbow Water District which has also recently applied for new permits. While the plan does not identify the McKenzie River diversions as a preferred supply option, the plan does identify the need for additional supply.

I do not recommend a condition requiring a water management and conservation plan. However, I do recommend a condition such as the following:

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

The 450 million gallons is based on the form M peak season demand with a 17 percent increase described in the plan as needed by 2017.

Doug

> -----Original Message-----

> From: Cory Engel [mailto:Cory.C.ENGEL@wrd.state.or.us]

> Sent: Wednesday, May 07, 2003 9:24 AM

> To: Douglas.M.PARROW@wrd.state.or.us

> Cc: Cory.C.ENGEL@wrd.state.or.us

> Subject: Springfield Utility Board, S-85336

>

>

> Doug,

>

> I put a copy of this application in (what I think is) your "in"
> box in your

> office. It needs to be looked at for a determination of whether
> modification to their existing management/conservation plan are
> necessary,

> and whether the 37 CFS of the application dedicated to municipal use is

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Wed, 07 May 2003 09:23:31 -0700
To: Douglas.M.PARROW@wrd.state.or.us
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: Springfield Utility Board, S-85336
Cc: Cory.C.ENGEL@wrd.state.or.us

Doug,

I put a copy of this application in (what I think is) your "in" box in your office. It needs to be looked at for a determination of whether modification to their existing management/conservation plan are necessary, and whether the 37 CFS of the application dedicated to municipal use is reasonable. (An additional 3 CFS are intended to serve as mitigation for a group of groundwater applications for uses which would have PFSI.)

Sometime in the intermediate future (probably next month), Marc Norton will be doing some additional work involving SUB- and EWEB-related files, presumably including making a determination as to whether the 3-CFS portion of S-85336 will be adequate to mitigate for the impacts of SUB's groundwater applications.

I hope to proceed with an IR of S-85336 within the next couple of weeks, so that all of SUB's applications are at the same level of processing.

Thanks.

Cory Engel
Water Right Specialist
503-378-8455 x324

WATER RESOURCES DEPARTMENT

DIVISION 502

WILLAMETTE BASIN PROGRAM

690-502-0080

McKenzie River Subbasin

The McKenzie River Subbasin includes the McKenzie River and tributaries above confluence with the Willamette River:

- (1) Surface water classification:
 - (e) Except as specified in subsection (a) of this section, the McKenzie River main stem down-stream from Paradise Campground near river mile 73 (Sec 9, T16S, R6E) is classified only for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement, off-channel power development in conjunction with storage and public instream uses;

690-502-0010

Definitions

- (15) "Municipal Use" means the delivery and use of water *through the water service system of an incorporated municipality* or a nonprofit corporation and includes quasi-municipal uses as defined in OAR 690-011.
- (18) "Public Instream Use" means the public use of water *where there is no diversion or other means of physical control over the water*. Public instream uses include, but are not limited to, recreation, conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, wetlands other than those referred to in section (21) of this rule and any other ecological values, pollution abatement or navigation.

X-Sender: frenchdw@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.0.9
Date: Thu, 29 May 2003 16:19:09 -0700
To: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>
Subject: Re: SUB sw mitigation for gw
X-Security: MIME headers sanitized on funnel
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

I agree with you that some investigation of the ...170(8) is appropriate. We may or may not choose to go this route however but the background on this will be helpful no matter what.
Dwight

At 03:22 PM 5/29/2003, you wrote:
Dwight,

I checked the application and confirmed that I did originally consult Parrow on this application and incorporated his suggested conditioning; I just forgot. (How unlike me.)

I went ahead and got his opinion on the question of whether the proposed mitigation is "municipal use", and whether SUB's ownership of the Cedar Creek headgate has a bearing on that.

He said that he did not like the idea of calling this municipal use. The definition says municipal use is "the delivery and use of water through the water service system of an incorporated municipality". Doug found relevance in the fact that the definition says "~~the~~ water service system" as opposed to "a water service system". He says that the singular reference strongly suggests that it refers to the one water service system, or at least the primary water service system of the municipality; therefore, the intent of the rule only deals with a municipality's potable water delivery system, and that it excludes uses such as this one.

I think his reasoning is sound, and would add that I think the word "service" in the definition is relevant. The placement of this word is easily understood in the context of a municipality's potable water system, which is used to provide water "service" to individual customers. I think we would be hard-pressed to say that the "water system" that SUB proposes to use is in fact a "water service system", even if they own the diversion works, because water is not being "served" to anyone.

He preferred the ORS 537.170(8) route. I agree, and I think we can examine the application under those criteria, but until I do that review, I'm not prepared to say I think it would be in the public interest to issue a permit.

What do you think about all this?

Cory Engel

Sections

TOWNSHIP	TWP_CHAR	RANGE	RNG_CHAR	SECTION	LINK1
17	S	2	W	26	Well Logs

Records Found: 1

County

COUNTY	FIPS
Lane	41039

Records Found: 1

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHONE
2	NW	4068592	6357	Mike Mattick	Central Lane Justice Court, 220 North Fifth	Springfield	97477	541-687-362

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
2	528	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

Place of Use (Willamette)

APPLICATION	CERTIFICAT	PERMIT	PRIORITY	CERT_PERM	USE	PERMIT_CHA	CATEGORY	P_A_S	STATUS	CERT_NU
S 45647	45769	S 33411	19681213	45769 S 33411	IR	S	3	P	V	45769

Records Found: 1

NO 303 D



Water Availability for WID 528

jump to:

- [home](#)
- [commission](#)
- [water law](#)
- [water rights](#)
- [surface water](#)
- [ground water](#)
- [maps](#)
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- [publications](#)
- [links](#)
- [staff](#)
- [file pickup](#)
- [intranet](#)

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- [search](#)
- [oregon online](#)
- [comments](#)

WATER AVAILABILITY TABLE

Water Availability as of 5/ 7/2003 for

MCKENZIE R > WILLAMETTE R - AB ~~MOUTH~~ **I-5 BRIDGE**

Watershed ID #: 528 Basin: WILLAMETTE Exceedance Level: 80
Time: 15:18 Date: 05/07/2003

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	182	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	183	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4	30200321	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
5	528	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Water Availability as of 5/ 7/2003 for

MCKENZIE R > WILLAMETTE R - AB MOUTH

Watershed ID #: 528 Basin: WILLAMETTE Exceedance Level: 80
Time: 15:18 Date: 05/07/2003

Item Watershed ID Stream Name

1	181	WILLAMETTE R > COLUMBIA R - AT MOUTH
2	182	WILLAMETTE R > COLUMBIA R - AB MOLALLA R
3	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000
4	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174
5	528	MCKENZIE R > WILLAMETTE R - AB MOUTH

LIMITING WATERSHEDS

Water Availability as of 5/ 7/2003 for

MCKENZIE R > WILLAMETTE R - AB MOUTH

Watershed ID #: 528 Basin: WILLAMETTE Exceedance Level: 80
Time: 15:18 Date: 05/07/2003

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	3500.0
2	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	3610.0
3	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	3390.0
4	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	2730.0
5	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	2200.0
6	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	1610.0
7	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	796.0
8	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	437.0
9	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	396.0
10	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	513.0
11	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	1540.0
12	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	3140.0
Stor	528	MCKENZIE R > WILLAMETTE R - AB MOUTH	YES	2380000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #:

181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	27500.00	1960.00	336.00	25200.00	0.00	1500.00	23700.00
2	30000.00	7250.00	332.00	22400.00	0.00	1500.00	20900.00
3	28500.00	6880.00	322.00	21300.00	0.00	1500.00	19800.00
4	25400.00	6590.00	310.00	18500.00	0.00	1500.00	17000.00
5	20700.00	3940.00	269.00	16500.00	0.00	1500.00	15000.00
6	11000.00	1690.00	460.00	8850.00	0.00	1500.00	7350.00
7	6280.00	1660.00	434.00	4190.00	0.00	1500.00	2690.00
8	4890.00	1460.00	403.00	3030.00	0.00	1500.00	1530.00
9	4930.00	1090.00	394.00	3450.00	0.00	1500.00	1950.00
10	5990.00	355.00	221.00	5410.00	0.00	1500.00	3910.00
11	12700.00	502.00	273.00	11900.00	0.00	1500.00	10400.00
12	24800.00	640.00	334.00	23800.00	0.00	1500.00	22300.00
Stor	19700000	2030000	247000	17500000	0	1090000	16400000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #:

181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1699.38	0.00	334.78	100.31	7.20	23.73	91.63	38.92	2300.00
2	6986.07	0.00	334.78	100.31	7.20	23.73	91.63	38.92	7580.00
3	6593.24	6.39	334.79	100.31	7.20	23.73	94.02	41.90	7200.00
4	6261.38	42.40	334.79	100.31	7.20	23.73	90.58	41.90	6900.00
5	3373.72	290.42	330.93	100.30	7.05	23.72	65.26	21.36	4210.00
6	442.09	581.23	911.32	100.30	6.90	23.73	64.93	20.85	2150.00
7	13.92	994.63	891.98	95.02	6.90	23.72	43.08	20.57	2090.00
8	2.01	780.13	891.98	95.02	6.90	22.32	41.68	20.57	1860.00
9	0.72	385.22	890.73	100.25	6.90	22.32	55.14	20.83	1480.00
10	0.38	27.52	327.82	100.30	6.90	22.33	55.78	34.58	576.00
11	194.59	0.00	334.78	100.30	7.20	23.73	76.59	38.01	775.00
12	377.39	0.00	334.78	100.31	7.20	23.73	91.24	38.92	974.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #:

181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #:

181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

-----ISWRs-----								
APP #	181A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
2	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
3	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
4	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
5	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
6	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
7	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
8	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
9	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
10	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
11	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #:

182

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	21400.00	1720.00	240.00	19400.00	0.00	1500.00	17900.00
2	23200.00	6910.00	237.00	16100.00	0.00	1500.00	14600.00
3	22400.00	6700.00	234.00	15500.00	0.00	1500.00	14000.00
4	19900.00	6360.00	228.00	13300.00	0.00	1500.00	11800.00
5	16600.00	3700.00	216.00	12700.00	0.00	1500.00	11200.00
6	8740.00	1260.00	388.00	7090.00	0.00	1500.00	5590.00
7	4980.00	1110.00	355.00	3520.00	0.00	1500.00	2020.00
8	3830.00	979.00	329.00	2520.00	0.00	1500.00	1020.00
9	3890.00	729.00	334.00	2830.00	0.00	1500.00	1330.00
10	4850.00	251.00	188.00	4410.00	0.00	1500.00	2910.00
11	10200.00	349.00	219.00	9630.00	0.00	1500.00	8130.00
12	19300.00	395.00	240.00	18700.00	0.00	1500.00	17200.00
Stor	15200000	1820000	194000	13200000	0	1090000	12100000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 5/ 7/2003 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182 Basin: WILLAMETTE Exceedance Level: 80
Time: 15:18 Date: 05/07/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1520.00	0.00	250.00	85.70	6.46	18.00	64.60	21.30	1970.00
2	6702.85	0.00	249.78	85.66	6.46	17.96	64.61	21.26	7150.00
3	6479.23	4.32	249.78	85.66	6.46	17.96	66.56	21.26	6930.00
4	6116.16	28.52	249.78	85.66	6.46	17.96	63.12	21.26	6590.00
5	3297.07	198.41	245.93	85.65	6.46	17.96	56.26	6.01	3910.00
6	419.86	397.81	656.31	85.65	6.46	17.97	56.26	6.01	1650.00
7	3.79	676.19	636.97	80.37	6.46	17.97	34.50	5.73	1460.00
8	1.96	527.45	636.97	80.37	6.46	16.56	33.10	5.73	1310.00
9	0.66	261.55	640.22	85.60	6.46	16.56	46.56	5.99	1060.00
10	0.20	18.70	244.32	85.65	6.46	16.56	48.01	19.74	440.00
11	123.78	0.00	249.78	85.65	6.46	17.97	63.43	21.26	568.00
12	188.68	0.00	249.78	85.66	6.46	17.96	64.61	21.26	634.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 5/ 7/2003 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182 Basin: WILLAMETTE Exceedance Level: 80
Time: 15:18 Date: 05/07/2003

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 5/ 7/2003 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182 Basin: WILLAMETTE Exceedance Level: 80
Time: 15:18 Date: 05/07/2003

ISWRs								
APP #	182A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							

1	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
2	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
3	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
4	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
5	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
6	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
7	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
8	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
9	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
10	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
11	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	18400.00	1880.00	72.00	16400.00	0.00	1300.00	15100.00
2	20100.00	7070.00	69.90	13000.00	0.00	1300.00	11700.00
3	19600.00	6860.00	67.90	12700.00	0.00	1300.00	11400.00
4	18000.00	6520.00	64.70	11400.00	0.00	1300.00	10100.00
5	15500.00	3810.00	58.10	11600.00	0.00	1300.00	10300.00
6	8310.00	1330.00	93.20	6890.00	0.00	1300.00	5590.00
7	4710.00	1100.00	85.20	3530.00	0.00	1300.00	2230.00
8	3620.00	1010.00	65.50	2550.00	0.00	1300.00	1250.00
9	3680.00	834.00	70.90	2780.00	0.00	1300.00	1480.00
10	4650.00	413.00	53.10	4180.00	0.00	1300.00	2880.00
11	9400.00	513.00	60.20	8830.00	0.00	1300.00	7530.00
12	16700.00	553.00	71.90	16100.00	0.00	1300.00	14800.00
Stor	13500000	1900000	50200	11500000	0	942000	10600000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1500.00	0.00	341.00	59.20	3.39	12.60	20.30	19.40	1960.00
2	6683.24	0.00	341.48	59.15	3.39	12.62	20.32	19.43	7140.00
3	6470.39	3.05	341.48	59.15	3.39	12.62	21.42	19.43	6930.00
4	6111.12	18.93	341.56	59.15	3.39	12.62	18.87	19.43	6590.00
5	3295.56	139.52	337.66	59.15	3.39	12.62	17.77	4.68	3870.00
6	419.27	281.48	623.55	59.15	3.39	12.62	17.77	4.68	1420.00
7	3.78	478.84	621.28	55.55	3.39	12.62	4.87	4.45	1180.00
8	1.96	370.81	621.24	55.55	3.39	12.62	4.87	4.45	1070.00
9	0.66	184.35	622.99	59.11	3.39	12.62	16.93	4.65	905.00
10	0.18	13.22	341.24	59.15	3.39	12.62	17.72	18.40	466.00
11	118.12	0.00	341.48	59.15	3.39	12.62	19.22	19.43	573.00
12	168.18	0.00	341.48	59.15	3.39	12.62	20.32	19.43	625.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

ISWRs								
APP #	183A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
2	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
3	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
4	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
5	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
6	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
7	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
8	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
9	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
10	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
11	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00
12	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Watershed ID #: 30200321

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Month	Natural	CU + Stor	CU + Stor	Expected	Reserved	Instream	Net
	Stream	Prior to	After	Stream	Stream	Water	Water

	Flow	1/1/93	1/1/93	Flow	Flow	Rights	Available
1	17300.00	1260.00	24.20	16000.00	0.00	1750.00	14300.00
2	17400.00	4180.00	23.60	13200.00	0.00	1750.00	11400.00
3	15800.00	4450.00	23.50	11300.00	0.00	1750.00	9570.00
4	13800.00	4150.00	23.50	9620.00	0.00	1750.00	7870.00
5	11400.00	2420.00	27.30	8950.00	0.00	1750.00	7200.00
6	7350.00	792.00	36.30	6520.00	0.00	1750.00	4770.00
7	4100.00	607.00	24.30	3470.00	0.00	1750.00	1720.00
8	2960.00	560.00	19.50	2380.00	0.00	1750.00	630.00
9	2960.00	470.00	29.00	2460.00	0.00	1750.00	711.00
10	3550.00	166.00	19.80	3360.00	0.00	1750.00	1610.00
11	8170.00	251.00	19.60	7900.00	0.00	1750.00	6150.00
12	19100.00	268.00	23.90	18800.00	0.00	1750.00	17100.00
Stor	7460000	1170000	17800	6270000	0	1270000	5000000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Watershed ID #: 30200321

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1110.00	0.00	115.00	45.70	0.01	5.83	13.50	0.19	1290.00
2	4020.78	0.00	114.59	45.66	0.01	5.83	13.46	0.20	4200.00
3	4295.95	1.49	114.59	45.66	0.01	5.83	14.56	0.20	4480.00
4	3985.63	9.23	114.67	45.66	0.01	5.83	14.56	0.20	4180.00
5	2203.05	68.47	114.61	45.66	0.01	5.83	13.46	0.20	2450.00
6	283.14	138.17	342.21	45.66	0.01	5.83	13.46	0.20	829.00
7	3.50	236.13	341.91	42.99	0.01	5.83	1.34	0.00	632.00
8	1.39	186.14	341.92	42.99	0.01	5.83	1.34	0.00	580.00
9	0.61	91.68	341.65	45.66	0.01	5.83	13.40	0.20	499.00
10	0.07	6.56	114.42	45.66	0.01	5.83	13.40	0.20	186.00
11	91.93	0.00	114.59	45.66	0.01	5.83	12.36	0.20	271.00
12	112.01	0.00	114.59	45.66	0.01	5.83	13.46	0.20	292.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Watershed ID #: 30200321

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 5/ 7/2003 for

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

Watershed ID #: 30200321

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

-----ISWRs-----									
APP #	183B	184A	0	0	0	0	0	0	MAXIMUM
Status	Cert.	App.							
1	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
2	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
3	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
4	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
5	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
6	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
7	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
8	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
9	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
10	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
11	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00
12	1300.00	1750.00	0.00	0.00	0.00	0.00	0.00	0.00	1750.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 5/ 7/2003 for

MCKENZIE R > WILLAMETTE R - AB MOUTH

Watershed ID #:

528

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	5040.00	512.00	2.77	4520.00	0.00	1030.00	3500.00
2	5850.00	1210.00	2.76	4640.00	0.00	1030.00	3610.00
3	5630.00	1210.00	2.82	4420.00	0.00	1030.00	3390.00
4	5020.00	1270.00	2.84	3750.00	0.00	1030.00	2730.00
5	4000.00	769.00	3.06	3230.00	0.00	1030.00	2200.00
6	2990.00	353.00	4.53	2630.00	0.00	1030.00	1610.00
7	2160.00	335.00	4.55	1820.00	0.00	1030.00	796.00
8	1790.00	324.00	4.40	1460.00	0.00	1030.00	437.00
9	1730.00	305.00	4.15	1420.00	0.00	1030.00	396.00
10	1830.00	289.00	2.72	1540.00	0.00	1030.00	513.00
11	2850.00	286.00	2.73	2560.00	0.00	1030.00	1540.00
12	4450.00	286.00	2.76	4160.00	0.00	1030.00	3140.00
Stor	3560000	428000	2420	3120000	0	743000	2380000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 5/ 7/2003 for

MCKENZIE R > WILLAMETTE R - AB MOUTH

Watershed ID #:

528

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	226.00	0.00	277.00	10.10	0.00	0.89	0.56	0.00	515.00
2	921.27	0.00	277.44	10.12	0.00	0.89	0.56	0.00	1210.00
3	924.87	0.28	277.44	10.12	0.00	0.89	0.62	0.00	1210.00
4	976.81	1.72	279.14	10.12	0.00	0.89	0.62	0.00	1270.00
5	468.82	12.80	278.84	10.12	0.00	0.89	0.62	0.00	772.00
6	41.09	25.87	279.25	10.12	0.00	0.89	0.62	0.00	358.00
7	3.47	44.91	279.35	10.12	0.00	0.89	0.56	0.00	339.00
8	1.39	35.63	279.35	10.12	0.00	0.89	0.56	0.00	328.00
9	0.59	17.41	279.25	10.12	0.00	0.89	0.56	0.00	309.00
10	0.00	1.24	278.84	10.12	0.00	0.89	0.56	0.00	292.00
11	0.10	0.00	277.44	10.12	0.00	0.89	0.56	0.00	289.00
12	0.16	0.00	277.44	10.12	0.00	0.89	0.56	0.00	289.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 5/ 7/2003 for

MCKENZIE R > WILLAMETTE R - AB MOUTH

Watershed ID #:

528

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 5/ 7/2003 for

MCKENZIE R > WILLAMETTE R - AB MOUTH

Watershed ID #:

528

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:18

Date: 05/07/2003

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

9	1025.00	1025.00	0.00	0.00	0.00	0.00	0.00	1025.00
10	1025.00	1025.00	0.00	0.00	0.00	0.00	0.00	1025.00
11	1025.00	1025.00	0.00	0.00	0.00	0.00	0.00	1025.00
12	1025.00	1025.00	0.00	0.00	0.00	0.00	0.00	1025.00

1

*Paul R. Cleary, Director**Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496*

X-Sender: stahrkl@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Thu, 08 Apr 2004 08:45:16 -0700
To: Cory Engel <Cory.C.ENGEL@wrđ.state.or.us>
From: Ken Stahr <Kenneth.L.STAHR@wrđ.state.or.us>
Subject: Re: question about a certificate

Cory,

The right in question is not reflected in the WARS program. Power rights are considered non-consumptive. The only exception would be when the diversion and place of use (power plant) are in different water availability basins. An example of this exists in the lower Hood River Basin.

Ken

At 08:08 AM 4/7/2004 -0700, you wrote:

Ken,

Certificate 27662

(http://stamp.wrd.state.or.us/apps/misc/vault/vault.php?cert_nbr=27662&submit=Search) was issued to EWEB for a McKenzie River diversion for hydroelectric power generation. It incorporates a special order ([http://stamp.wrd.state.or.us/apps/misc/vault/vault.php?spor_volnbr=8&spor pag enbr=264&submit=Search](http://stamp.wrd.state.or.us/apps/misc/vault/vault.php?spor_volnbr=8&spor_pag enbr=264&submit=Search)) which incorporates the terms of a protest settlement agreement requiring certain minimum flows to be maintained at EWEB's POD.

I don't think the minimum flows should have any bearing on WARS, since they are a condition of use, not an instream water right. (In other words, no streamflow is technically protected anywhere except at the point of diversion, and even then they are only protected from a single user; other water right holders are not obligated to honor the minimum flows. It seems to me that new proposals to use water with POD's at other points on the McKenzie should not be affected by the conditions on EWEB's water right.) Do the water availability tables in WARS reflect these minimum flows in any way? It doesn't look to me like they do, but I want to double-check.

Thanks.

Cory Engel
Water Right Application Caseworker
503-986-0813

X-Sender: matticmj@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 6.0.2.0
Date: Wed, 28 Apr 2004 17:12:21 -0700
To: "Megan Finnessy" <mckenziwc@callatg.com>,
 <Richard.H.Hayes@nwp01.usace.army.mil>, <cgottfried@ci.springfield.or.us>,
 <ChuckD@subutil.com>, <ggrier@efn.org>, <Jeffrey.S.Ziller@state.or.us>,
 <jwelsh@pacinfo.com>, <Karl.Morgenstern@EWEB.Eugene.OR.US>
From: Michael Mattick <Michael.J.MATTICK@wr.d.state.or.us>
Subject: SUBs 40 cfs application
Cc: Cory.C.ENGEL@wr.d.state.or.us

Greetings to all,

The application is S-85336.

There were a few things about this application that didn't make sense to me. I now see why, I was misunderstanding where the water would be diverted from the McKenzie River and at what rate.

The application is for 40 cfs, with 37 for municipal use and 3 for streamflow augmentation, to mitigate the impact proposed wells would have on the Creek. The 3 cfs would flow through the diversion structures and Cedar Creek. The 37 cfs would be diverted from the McKenzie directly to a (yet to be built) treatment plant in the SW of Section 26, T 17 S, R 2 W.

This site is still above the mouth of Cedar Creek. It is also about 3/4 of a mile below the Walterville Canal out flow. It would not exacerbate the dewatering of the McKenzie as it would take place after the EWEB hydropower water has come back in. This water would NOT flow down Cedar Creek.

The 3 cfs would come into the system and that would "help", but: 1) it is still only 3 cfs (yesterday I measured 5.8 cfs in the canal and Eric later removed an obstruction in the channel that may have been impeding the flow some); 2) at this point, the Water Resources Department is not inclined to issue this part of the permit on the technical grounds that Streamflow Augmentation is not a classified use. Bart MCKee at SUB told me he thought their lawyers had addressed that, but Water Rights Specialist in Salem with the file said he had not received anything. I will alert SUB.

Thats all for now.
Thanks Everyone,
MM

My main message is don't count on the SUB application as they may not be asking for enough water there anyway and they may not get that.

FYI, the classified uses in this section of the McKenzie are: only for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement, off-channel power development in conjunction with storage and public instream uses.

X-Sender: matticmj@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 6.0.2.0
Date: Wed, 31 Mar 2004 18:37:35 -0800
To: Cory Engel <Cory.C.ENGEL@wrđ.state.or.us>
From: Michael Mattick <Michael.J.MATTICK@wrđ.state.or.us>
Subject: Re: S-85336, Springfield Utility Board

Hey Cory,

I love this application. But I can't find it. I think I gave my copy to Marc Norton when he and I went out there last August. Yeah, thats it, I gave it to Marc.

Re your questions:

1. Jeff Z is right. The Cedar Creek Diversion is in the dewatered stretch, about 2 + miles above the return flow.

✓ 2. Hmmn, lets see. The IWR cert.59757 is a one of those with funny language, it protects 1025 cfs at the I-5 bridge and some flow throughout the basin but it does not say what that ought to be further up. The 1025 is gonna always be met.

✓ Then there is an IWR further up, cert 59758, that protects flows of 1400 cfs in the river above Vida, so that does not apply here.

The question is a bit complicated. The WRD issued EWEB a water right cert 27662 for 975 cfs for hydropower, but subject to the conditions in a special order issued Sept 17, 1954, which I can't put my hands on right now. I presume that that has some minimum bypass flows.

Then this project just went through a FERC relicensing process, which may have additional federal min bypass requirements. I guess I need to see what is required by the WRD right. and if ther4 are any new FERC conditions which ODFW could assert under the the nebulous IWR

Fortunately, there is a gage on the River below Waterville and we should be able to see what the bypass flows have been.

My position, There is water available, but it bears further scrutiny.

3. The Mitigation idea, probably a hard egg for EWEB to swallow with some mitigation for lost power production to them. That probably won't go anywhere, but Jeff works with SUB and EWEB staff regularly so maybe he knows something.

On top of all this, I know that someone has been putting 10 to 25 cfs into Cedar Creek through this diversion for years. I have put my foot down and said no more without a water right and given everyone until June 30 to show me some progress. Right now, Rick Hayes from the COR and Megan Finnessey from the Watershed Council are trying to evaluate options (no one wants me to shut down "Cedar Creek") they may get a Limited License app together to carry them through some planning phases, right now I think SUB will want a time out on the app to allow the CORPs to carry out a planning effort.

I'll be in Salem Thursday so maybe we can chat, and I could use another copy of the app/map/IR.

See Ya,

STATE OF OREGON
COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF EUGENE by
EUGENE WATER & ELECTRIC BOARD

of 500 East 4th Ave., Eugene, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of McKenzie R., Jameson Cr., and Storage Pond constructed under Permit No. R-1640 a tributary of Willamette River for the purpose of hydro-electric power

under Permit No. 23041 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 2, 1947 for 500 cfs., August 14, 1950 for 100 cfs., August 24, 1951 for 2.0 cfs., and June 25, 1953 for 375.0 cfs.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 977.0 cubic feet per second, being 975.0 cfs. from McKenzie River and 2.0 cfs. from Jameson Creek,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, T. 17 S., R. 1 W., W.M. NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T. 17 S., R. 1 W., W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

Power Plant
NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 29
T. 17 S., R. 1 W., W.M.

This right is subject to the terms and conditions of Special Order of the State Engineer, dated September 17, 1954, and by reference made a part hereof. - Sp. Ord. Vol. 8, Pg 264-266

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. OCTOBER 21 1960

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27662

A-22597

BEFORE THE STATE ENGINEER OF OREGON

Lane County

IN THE MATTER OF)
APPLICATION NO. 22597)
IN THE NAME OF THE)
CITY OF EUGENE)

O R D E R

APPROVING APPLICATION &

DISMISSING PROTEST

On June 2, 1947, the City of Eugene by Eugene Water and Electric Board, Eugene, Oregon, filed an application for a permit to appropriate 500 c.f.s. of water from the McKenzie River for the development of hydroelectric power. This application is designated in the records of the State Engineer as Application No. 22597. The application contains a statement that the 500 c.f.s. of water is in addition to 1600 c.f.s. of water of which it is claimed that a right for 1200 c.f.s. of water was initiated prior to 1909 but is not yet adjudicated, and 400 c.f.s. of water as evidenced by a certificate recorded in Volume 7, at Page 6671, State Record of Water Right Certificates. On August 14, 1950, the application was amended by the addition of 100 c.f.s. of water thereby increasing the total applied for to 600 c.f.s. of water, and on August 24, 1951, it was again amended to include 2 c.f.s. of water from Jameson Creek. On June 25, 1953 the application was further amended by the addition of 375 c.f.s. of water, making a total of 975 c.f.s. of water from McKenzie River and 2 c.f.s. of water from Jameson Creek.

On June 23, 1947, The Fish Commission of Oregon filed a protest signed by Arnie J. Suomela, Master Fish Warden, objecting to the proposed project. In this protest it is alleged that this project would incur great losses to the fishery resources of the state because the McKenzie River is the most important producer of Spring Chinook Salmon in the Willamette River system.

On April 6, 1954 an agreement, dated January 18, 1954, between the City of Eugene, by and through the Eugene Water and Electric Board, and the State of Oregon, by and through the Oregon State Game Commission and the Fish Commission of Oregon, was filed in the office of the State Engineer, which agreement contains

provisions for certain limitations and minimum flows and authorizes the State Engineer to include these provisions in any permit approving Application No. 22597.

This agreement sets forth that if the operation of the pumped storage must be altered in the future, all parties will confer to determine mutually agreeable methods of meeting the situation and of maintaining adequate flows in the river.

It was also agreed that the following schedule of minimum flows would be maintained:

May	- 1,000 cubic feet per second
June	- 800 cubic feet per second
July 1 through 15	- 750 cubic feet per second
July 16 through 31	- 500 cubic feet per second
August	- 500 cubic feet per second
September	- 425 cubic feet per second (except as a greater flow is required, up to a maximum of 500 cubic feet per second, in order to maintain water temperatures at Hendricks Bridge not in excess of 60° F.)
October to May	- 350 cubic feet per second

The methods of measurement to be used are those which are in current common use by the U. S. Geological Survey, and at a point as near as practical to the point of diversion.

As a further condition of this agreement the Oregon State Game Commission and the Fish Commission of Oregon would withdraw their formal objection to the application.

NOW, THEREFORE, it hereby is ORDERED that Application No. 22597 for the appropriation of 975 c.f.s. of water from the McKenzie River and 2 c.f.s. of water from Jameson Creek be and the same hereby is approved, subject to the terms of the agreement dated January 18, 1954;

It is FURTHER ORDERED that the protest filed by the Fish Commission of Oregon, signed by Arnie J. Suomela, Master Fish Warden, be and the same is hereby dismissed.

Dated at Salem, Oregon, this 17th day of September, 1954.

Chas. E. Stricklin
CHAS. E. STRICKLIN
State Engineer

STATE OF OREGON
COUNTY OF LANE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of MCKENZIE RIVER, a tributary of the WILLAMETTE RIVER, in the WILLAMETTE BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE MCKENZIE RIVER AND ITS TRIBUTARIES ABOVE THE INTERSECTION OF THE MCKENZIE RIVER AND INTERSTATE HIGHWAY 5, MEASURED AT SAID INTERSECTION.

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MAY 24, 1962.

The right is limited to not more than 1025 cubic feet per second throughout the year.

This instream water right shall not have priority over domestic or livestock uses or waters to be legally stored or legally released from storage.

Witness the signature of the Water Resources Director affixed this 17th day of May 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59757.

MF528

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Wed, 31 Mar 2004 16:15:49 -0800
To: Michael.J.MATTICK@wrd.state.or.us
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: S-85336, Springfield Utility Board
Cc: Cory.C.ENGEL@wrd.state.or.us

Mike,

S-85336 is the application intended to provide 40 cfs for municipal use to be diverted from McKenzie R into Cedar Cr, 3 cfs of which is intended to mitigate for

I spoke with Jeff Ziller about this application yesterday (3/30) since we had not gotten any comments from ODFW about this diversion yet. He remarked that the head of Cedar Creek is definitely between a 2500 CFS (I think) diversion and discharge points, that the remaining flow in the McKenzie in that reach is around the 1000 CFS mark, and that no water is available for any further diversions due to the instream water right. He further mentioned that this use might be allowable if SUB works out a deal with EWEB wherein EWEB agrees to reduce their water use by 40 CFS to make up for SUB's diversion. (Apparently EWEB's diversion is part of the 2500 cfs?)

As a result of this conversation, I have a few questions for you:

1. I believe you had mentioned at one time that the Cedar Creek headgate is downstream from the return discharge, which contradicts what Ziller had to say about it. What am I missing here?
2. Related question: There is 390 or so CFS available in the McKenzie according to WARS. However, that may not take into account massive dewatering of a limited stream reach; the WARS tables may not be accurate for the reach between the large diversion and discharge. If the proposed diversion is in fact in the dewatered reach, can you tell me whether water is available to support additional uses at the POD?
3. If the diversion is in the dewatered reach and water is not available, what are your thoughts on Ziller's mitigation idea?

I expect to get his written comments soon, although he said he was going to contact SUB to discuss it first.

Cory Engel
Water Right Application Caseworker
503-986-0813

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application # S-85336

Priority Date: 11/8/02

Use(s): MUNICIPAL

Rate: 40 CFS

County: LANE

Township: 17 S

Range: 2 W

Section: 26 & 27

POD $\frac{1}{4}$ $\frac{1}{4}$: SW/NW

POU $\frac{1}{4}$ $\frac{1}{4}$: SEE MAP

OK Applicant/Organization Name, Mailing Address and Telephone Number. If applicant is other than a private landowner, Organizations section must be completed.

OK Source and tributary listed

OK Property ownership indicated? If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is locatedor..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE:** An easement or agreement DOES NOT need to be submitted at this time, but will be required before a permit will be issued.

OK If a groundwater application...is the groundwater development section completed?

OK Proposed Use of the water.... Is each proposed use identified?

OK Has the appropriate "Supplemental Form" for each proposed use been completed?

NA Form I (Irrigation)

OK Form M (Municipal or Quasi-Municipal)

NA Form R (Mining)

NA Form Q (Commercial or Industrial)

NA Spring Description Sheet (if source is a Spring)

OK Amount of water from each source listed in GPM, CFS or AF?

OK Acreage being proposed, if applicable.

OK Season being requested by applicant.

- OK The **water management section** has been completed? If system has not been designed, the applicant may estimate this information.
- OK **Resource protection system** completed on Surface Water application?
- OK Are the **dates of construction** indicated? If system already completed, applicant should indicate **existing**.
- OK Is the **application signed in ink by the applicant**? If the application is in the name of an organization or corporation, the authorized agent must sign the application.
- OK Is a **copy of the deed, land sales contract or title insurance policy included**? We cannot accept a copy of the tax bill.
- OK A **completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed? *Does the use on land-use form match the proposed use on the application?*
- OK Does the map meet map requirements of OAR 690-310-050?

OK Town, Range, Sec, $\frac{1}{4}$ and Tax Lot #

OK Scale of the Map

OK Reference corner on map

OK North Directional Symbol

OK $\frac{1}{4}$ $\frac{1}{4}$'s clearly identified

OK POD clearly identified

OK POU clearly identified

OK Location Coordinates for each POD

OK **Location of House, if Domestic**

OK **Number of acres per $\frac{1}{4}$ $\frac{1}{4}$, if Irrigation**

OK **Location of Bldg, if Comm/Indus**

OK **Location of Stock Tanks, if Livestock**

OK **Muni/Quasi-Muni Service Boundaries**

OK **Other**

OK **Correct fees enclosed?**

Base Fee \$250.00

Total Paid \$3,325.00

plus \$150.00

plus \$2,925.00

Total Amount of
Water Requested: 40 CFS

Total Exam Fee \$3,325.00

Total Exam Fee \$ 3,325.00

Recording Fee \$ 175.00 TO BE RECEIVED

Completeness Check by: ROGER WRIGHT

Date: 11/8/02

interoffice MEMORANDUM

To: Dwight French
From: Cory Engel
Date: June 29, 2004
Subject: Springfield Utility Board PFOs

1. What did our IR say?
2. Did they respond in some way to help w/ these options?

Attached are draft PFOs for SUB. These PFOs reflect the most obvious course of action when taking the applications at face value. The result of such a review is approval of the municipal portion of S-85336 and denial of the streamflow augmentation/mitigation part. That in part leads to the proposed rejection of applications G-15241, G-15243, and G-15244.

There are scenarios under which these applications could be approved. I've brainstormed them below. These have varying degrees of viability, and there are pros and cons to all solutions, which we can discuss if you want.

Have them choose 1 or 3 or drop the 3 cfs.

I. S-85336 (mitigation part)

A. To overcome basin program:

1. Have applicant change the character of use to a use or uses allowed in 690-502, such as fish life, wildlife, pollution abatement, or some combination

OR 2. Call it municipal use

OR 3. Get a basin program exception

Expansion

may be but they haven't asked

II. G-15241, G-15243, and G-15244

A. To overcome basin program:

1. accept the shorter season allowed by the basin program
- OR 2. Consider Cedar Creek to be McKenzie main stem rather than a trib, since most or all of its water originates in the McKenzie (artificial diversion)
- OR 3. Get a basin program exception

Does Cedar Creek have its own specific BP limits? NO

AND B. To overcome Division 33

1. Amend S-85336 to 4.1 cfs for mitigation to match what Marc Norton says is necessary
- AND 2. Get S-85336 approved per "I" above
- AND 3. Get ODFW to buy off on the applications based on the mitigation

They need to amend

★ Have they presented information that disputes our call on this issue in the IR?

I think we should figure out II A2 - NO GO then set up a meeting for them to make choices.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-85336

Prior to issuance of a permit, recording fees in the amount of \$250.00 must be submitted to the Department. In order to increase Department efficiency and expedite the processing of your application, please submit the necessary fees prior to the protest deadline of **August 27, 2004**. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **August 27, 2004**, issuance of a permit may be delayed.

Proposed Final Order

Summary of Recommendation: The Department proposes that the attached draft permit be issued for municipal use with conditions, and that the use of water for streamflow augmentation in Cedar Creek be denied on the basis that it is not allowed by the Willamette Basin Program.

Application History

On November 8, 2002, BART MCKEE submitted an application for SPRINGFIELD UTILITY BOARD to the Department for the following water use permit:

- Amount and use of water: 40.0 CUBIC FEET PER SECOND (CFS), BEING 37.0 CFS FOR MUNICIPAL USE AND 3.0 CFS FOR STREAMFLOW AUGMENTATION
- Source of water: MCKENZIE RIVER, A TRIBUTARY OF WILLAMETTE RIVER
- Area of proposed use: MUNICIPAL USE: WITHIN THE SERVICE AREA BOUNDARY OF SPRINGFIELD UTILITY BOARD; STREAMFLOW AUGMENTATION: WITHIN THE CHANNEL OF CEDAR CREEK

On May 16, 2003, the Department mailed the applicant notice of its Initial Review, determining that "The use of 37.0 CUBIC FEET PER SECOND from MCKENZIE RIVER for MUNICIPAL USE may be allowed year-round. However, 3.0 CUBIC FEET PER SECOND FOR STREAMFLOW AUGMENTATION IN CEDAR CREEK is not allowable. At this stage of processing, it appears unlikely that a permit approving this application would include streamflow augmentation." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On May 20, 2003, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- 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 MUNICIPAL USE. It does not allow STREAMFLOW AUGMENTATION (OAR 690-502-0080(1)(e)).

Senior water rights exist on MCKENZIE RIVER, A TRIBUTARY OF WILLAMETTE RIVER, or on downstream waters.

MCKENZIE RIVER, A TRIBUTARY OF WILLAMETTE RIVER is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) during the full season requested.

The Department finds that the rate requested for MUNICIPAL USE, 37.0 CFS, is an acceptable amount.

The purpose of the streamflow augmentation portion of the application is to mitigate the impacts to surface water by the use of wells proposed under pending applications G-15241, G-15243, and G-15244. Following an evaluation of those applications, including a technical analysis prepared for the applicant by Western Groundwater Services LLC, the Department issued Proposed Final Orders containing findings that the likely impact to Cedar Creek is 4.1 CFS (1.78 CFS by G-15241, 1.28 CFS by G-15243, and 1.04 CFS by G-15244). The Department therefore finds that the rate

requested for STREAMFLOW AUGMENTATION, 3.0 CFS, is not likely to be sufficient to mitigate the impacts of the water use proposed under applications G-15241, G-15243, and G-15244.

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.

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 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.

The use may be restricted if it results in depletion of water levels in Oregon chub ponds on Big Island.

In addition to other measuring and reporting conditions, the permittee must install a totalizing flow meter.

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.

MUNICIPAL USE is allowed in the Willamette Basin Plan. STREAMFLOW AUGMENTATION is not allowed in the Willamette Basin Plan.

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 with regard to MUNICIPAL USE, but not STREAMFLOW AUGMENTATION.

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 with regard to MUNICIPAL USE, as noted above. The presumption has not been overcome by a preponderance of evidence that MUNICIPAL USE will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for MUNICIPAL USE; MUNICIPAL USE will not result in injury to existing water rights; and MUNICIPAL 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 July 13, 2004

Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

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

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

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final

order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **August 27, 2004**.

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

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

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

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun at 503-986-0824.

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

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

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

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

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

APPLICATION FILE NUMBER: S-85336

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

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 37.0 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 8, 2002

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

THE PLACE OF USE IS LOCATED WITHIN THE SERVICE AREA BOUNDARY OF SPRINGFIELD UTILITY BOARD.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee 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; provided however, where the meter 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.

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 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.

The use may be restricted if it results in depletion of water levels in Oregon chub ponds on Big Island.

STANDARD CONDITIONS

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

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2008. 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 _____, 2004

DRAFT - THIS IS **NOT** A PERMIT

Phillip C. Ward, Acting Director
Water Resources Department

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 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

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.

Flow Meter Specifications and Installation Guidelines

- (1) A flow meter shall meet the following specifications
 - (a) A flow meter shall be of the velocity-propeller type or shunt line venturi type with enclosed propeller made of non-corrosive materials. Other types of flow meters may be used with the written approval of the Water Resources Director;
 - (b) A flow meter shall have a rated accuracy of plus or minus 2 percent of actual flow for all rates of flow within the range of flow for which the meter is designed. The flow meter shall register the full range of discharge from the source of water for which it is to be used;
 - (c) The register head of the flow meter shall have a visual, recording, mechanical, digital totalizer located on or adjacent to the flow meter and shall be equipped with a test sweep hand so that flow rate can be quickly determined. The register face shall be protected by a suitable plate or cover;
 - (d) Units of water measurement shall be in acre-feet, cubic feet, or gallons. The totalizer shall read directly in the above-described units. Flow meters recording in acre-feet shall read to the nearest 1/10th acre-foot, and the decimal multiplier shall be clearly indicated on the face of the register head;
 - (e) The totalizing part of the flow meter shall have a sufficient capacity to record the quantity of water authorized to be pumped over a period of 2 years;
 - (f) Both the register and the flow meter unit shall be provided with a method of sealing with a wire or lead seal to prevent unauthorized tampering with the placement or position of the flow meter.
- (2) The flow meter installation shall be as follows
 - (a) The flow meter shall be installed in accordance with manufacturer's specifications and in such a manner that there shall be a full pipe of water at all times during which water is being pumped;
 - (b) There shall be no turnouts or diversions between the source of water and the flow meter installation;
 - (c) The flow meter shall be placed in the pipe not less than five pipe diameters downstream from any valve, elbow, or other obstruction which might create turbulent flow, or install straightening vanes as recommended by the flow meter manufacturer. There shall also be at least one pipe diameter of unobstructed flow on the downstream side of the flow meter;
 - (d) All in-line saddle flow meters equipped with U-bolt fasteners shall be provided with a sealing wire and lead seal near the terminal ends of the U-bolt following the complete installation of the flow meter;
 - (e) The flow meter and register shall not be locked in a building which would prevent access to the register. The register or flow meter shelter may be equipped with a lock to prevent tampering or breakage, provided that a lock is used and for which the watermaster has a key;
 - (f) Provisions shall be made for rating of the flow meter in accordance with the manufacturers specifications;
 - (g) The flow meter installation is subject to inspection and approval by the Director;
 - (h) In the case of artesian wells which flow at various times, the flow meter shall be installed in a manner which will measure both pumped and flowing discharges.
- (3) Flow meters shall be kept clear of debris or other foreign or vegetative growth which could impede their operation. All flow meters shall be lubricated as specified by the manufacturer.

Mailing List for PFO Copies

Application #S-85336

PFO Date July 13, 2004

Original mailed to:

Applicant: BART MCKEE; SPRINGFIELD UTILITY BOARD, 202 S 18TH ST, SPRINGFIELD, OR 97477; **include Flow Meter Specifications and Installation Guidelines sheet for this copy only**

Copies sent to:

1. WRD - File # S-85336
2. Water Availability: Ken Stahr

PFO copy already sent via e-mail to:

WRD - Watermaster # 2 (~~William E. FERBER~~ *Michael Matlick* ~~@wrdd.state.or.us~~)
Regional Manager: NWR (Dave.E.JARRETT@wrdd.state.or.us)

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

CASEWORKER: engelcc

WEEK 468

Form 2 - Lower Columbia/Statewide

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: May 16, 2003 Deadline Date: ASAP Application # S-85336

Applicant's Name: SUB

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: _____ Status: Sensitive, Threatened, Endangered

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

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

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

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

NO / YES

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

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

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

NO / YES [690-33-330(3)]

Which conditions are recommended? _____

(Try to select conditions from the Menu of Conditions)

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

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

If YES, please explain: _____

5) If a permit is issued, what fish screen, bypass or other conditions should be included in the permit?

ODFW Representative: Name: Jeff Ziller Signature: _____ Date: _____

WRD Contact: Caseworker: Cory Engel, Water Rights Division
503-986-0813 / Fax: 503-986-0901 / e-mail: Cory.C.ENGEL@wrdr.state.us

ODFW PUBLIC INTEREST REVIEW SHEET

Page 2

Application # S-85336 Applicant's Name: SUB

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO / YES Species: _____
Other: _____

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

2) Will the proposed use result in a loss of habitat? NO / YES

3) Can conditions be applied to mitigate the impact to the loss of habitat? NO / YES

Which conditions are recommended? _____

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?
NO / YES

If YES, please explain: _____

5) If a permit is issued, what fish screen, bypass or other conditions should be included in the permit?

ODFW Representative: Name: Jeff Ziller Signature: _____ Date: _____

WRD Contact: Caseworker: Cory Engel, Water Rights Division
503-986-0813 / Fax: 503-986-0901 / e-mail: Cory.C.ENGEL@wrdr.state.us

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.
- pispc** 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.

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Wed, 02 Jul 2003 15:18:34 -0700
To: Jeffrey.S.Ziller@state.or.us, Michael.J.MATTICK@wrd.state.or.us
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: Springfield Utility Board, S-85336
Cc: Cory.C.ENGEL@wrd.state.or.us

Hello!

We don't have a record of your response to our Initial Review of this application dated May 16, 2003. If you intend to comment, please submit your comment as soon as possible.

If you need any additional information about the application, please do not hesitate to ask.

Mr. Cory C. Engel
Water Right Specialist
Oregon Water Resources Department
503-378-8455, extension 324
FAX: 503-378-6203
Cory.C.ENGEL@wrd.state.or.us
<http://www.wrd.state.or.us/>

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

Hi Cory,

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

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

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

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

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

Jeffrey S. Ziller
District Fish Biologist

Jeff,

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

with numbers corresponding to those in your letter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This raises several questions:

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

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

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

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

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

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

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

(The actual standard language for this condition reads "The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows." However, in this case we're concerned not only about the source stream--McKenzie River--but also Cedar Creek, and theoretically there is also the possibility that a quality reduction could result from something other than "reduced flows".)

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

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

Thanks.

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

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

Content-Type: APPLICATION/DEFANGED; name="Ziller, Jeff.19433DEFANGED-vcf"

Content-Description: Ziller, Jeff.vcf

Content-Disposition: attachment; filename="Ziller, Jeff.19433DEFANGED-vcf"



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

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

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

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

Jeffrey S. Ziller
District Fish Biologist

Jeff,

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

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

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

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

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

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

implemented on Cedar Creek.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This raises several questions:

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

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

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

have happened anyway.

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

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

(The actual standard language for this condition reads "The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows." However, in this case we're concerned not only about the source stream--McKenzie River--but also Cedar Creek, and theoretically there is also the possibility that a quality reduction could result from something other than "reduced flows".)

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

Thanks.

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

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Thu, 08 Apr 2004 08:49:40 -0700
To: Jeffrey.S.Ziller@state.or.us
From: Cory Engel <Cory.C.ENGEL@wrld.state.or.us>
Subject: Springfield Utility Board, S-85336
Cc: Cory.C.ENGEL@wrld.state.or.us
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07

Jeff,

A couple of weeks ago I called you about SUB's pending surface water application for municipal use and streamflow augmentation in Cedar Creek, to see if you wanted to comment on the application. You told me that you were going to talk to SUB about possibly working with EWEB to reduce EWEB's diversion for the Walterville project to mitigate for a diversion into Cedar Creek, and that you would subsequently make any comments you have.

Please keep in mind that you are under no obligation to negotiate an agreement between SUB and EWEB to make this diversion work. If in fact the diversion would be harmful to fish, then the proper course of action would be to provide that information in a comment to WRD, along with identification of conditions or mitigation options that you believe would satisfactorily address those fish issues (as requested on the Div 33 comment form, a copy of which is attached). If you do that, then we will proceed with a Proposed Final Order which will take those comments under advisement. The applicant will have an opportunity to address concerns if the PFO is not positive.

This application is long overdue for processing, and we'll have to proceed soon. How close are you to providing comments?

Thanks.



S85536-SUB.pdf

Mr. Cory C. Engel
Water Right Appl
Oregon Water Res
725 Summer St NE
Salem OR 97301-1
Phone: 503-986-0
Fax: 503-986-090
<http://www.wrd.s>

LEFT MSG FOR ZILLER
TO GET COMMENTS
3/23 9AM.
OUT UNTIL 3/29.

4/19/04 - ZILLER WILL
COMMENT AFTER MEETING
W/ SUB & OTHER AFFECTED
PARTIES ON 4/20.

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Thu, 08 Apr 2004 08:49:40 -0700
To: Jeffrey.S.Ziller@state.or.us
From: Cory Engel <Cory.C.ENGEL@wrđ.state.or.us>
Subject: Springfield Utility Board, S-85336
Cc: Cory.C.ENGEL@wrđ.state.or.us
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07

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This application is long overdue for processing, and we'll have to proceed soon. How close are you to providing comments?

Thanks.



S85536-SUB.pdf

Mr. Cory C. Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE
Salem OR 97301-1271
Phone: 503-986-0813
Fax: 503-986-0901
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4/19/04 - ZILLER WILL
COMMENT AFTER MEETING
W/ SUB & OTHER INTERESTED
PARTIES ON 4/20.

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Thu, 27 May 2004 13:40:36 -0700
To: "Jeff Ziller" <jeffrey.s.ziller@STATE.OR.US>
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: S-85336, Springfield Utility Board

Jeff,

I'm afraid I can't wait any longer for your comments on this application. I intend to proceed with Proposed Final Orders on SUB's applications. If you have any comments to make, you need to make them now in order for them to be considered.

Thanks.

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

X-Mailer: Novell GroupWise Internet Agent 6.5.2 Beta
Date: Fri, 28 May 2004 12:55:47 -0700
From: "Jeff Ziller" <Jeffrey.S.Ziller@state.or.us>
To: ENGEL Cory C <Cory.C.ENGEL@state.or.us>
Subject: Re: S-85336, Springfield Utility Board
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07

That's fine Cory. The Cedar Creek water issue is very complicated and I don't believe we have enough information to make any substantial comments. Because the analysis is not there, we have to assume that SUB will not be directly entraining fish (screens are in order) or drying up the Oregon chub ponds on Big Island (does the USFWS get a chance to review?). If WRD believes there is enough water, I don't believe ODFW can object very strenuously. I think there will be a lot more on this waterway in the coming months.

Jeffrey S. Ziller
District Fish Biologist
Oregon Department of Fish and Wildlife
541-726-3515 x26
Jeffrey.S.Ziller@state.or.us
<http://www.dfw.state.or.us/SouthWillamette>

>>> Cory Engel <Cory.C.ENGEL@state.or.us> 5/27/2004 1:40:36 PM >>>
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I'm afraid I can't wait any longer for your comments on this application. I intend to proceed with Proposed Final Orders on SUB's applications. If you have any comments to make, you need to make them now in order for them to be considered.

Thanks.

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

MEMORANDUM

To: S-85336 Application File
From: Cory Engel
Date: May 9, 2005
Subject: Summary of Division 33 comments

In preparation for a conversation with Greg Corbin at Stoel Rives (the applicant's attorney), I have summarized comments provided by ODFW and DEQ with regard to OAR 690-33. Statements made by ODFW and DEQ, if not modified by additional comment, will result in only one added condition each:

ODFW: 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.

DEQ: The permittee shall maintain the diversion works in good working order.

Greg Corbin stated that Jeff Ziller at ODFW has stated that fish screening should not be necessary, and that he would ask Jeff to reverse his earlier comment.

*Superseded.
SEE 7/18/2005 ENGEL.*

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

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

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

X-Content-Security: [kettle.wrd.state.or.us] original Content-Type was text/x-vcard;
Content-Type: APPLICATION/DEFANGED; name="Ziller, Jeff.26940DEFANGED-vcf"
Content-Description: Ziller, Jeff.vcf
Content-Disposition: attachment; filename="Ziller, Jeff.26940DEFANGED-vcf"



Ziller, Jeff.26940DEFANGED-vcf



SUB comments 5_31_05.doc



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

SPRINGFIELD FIELD OFFICE

3150 Main Street

Springfield, OR 97478

Voice (541) 726-3515

FAX (541) 726-2505

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

June 9, 2005

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



Dear Mr. Engel:

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

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

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

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

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

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

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

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

Sincerely,

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

BURR Rachel, 04:17 PM 7/2/03 -0700, RE: questions on two applications

X-Security: MIME headers sanitized on funnel

See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

Subject: RE: questions on two applications

Date: Wed, 2 Jul 2003 16:17:25 -0700

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

<58498AC4FB74D74BB2E653BACAC22C106C4335@DEQMAIL.deq.state.or.us>

Thread-Topic: questions on two applications

Thread-Index: AcNA5luRd4Z4N7gIRyGxWGTN7EwpIwAATUzw

From: "BURR Rachel" <Rachel.Burr@state.or.us>

To: "ENGEL Cory C" <Cory.C.ENGEL@state.or.us>

Thanks Cory for the information. The task of reviewing these water rights application is pretty difficult sometimes considering the limited amount of information that is available, I do appreciate you checking further on my concerns. In light of this new information it appears the applicant has a method to return water to Cedar Creek that is adequate and will not affect the hydraulics of the stream. With this in mind I would like to withdraw my comment regarding the methodologies used by SUB to return water to Cedar Creek. Regarding the head gate it would be prudent to included as a condition regular maintenance on the head gate to ensure that it is functioning properly, likely SUB already does this but thought I should offer it.

In response to your question about my request for a "study" of Cedar Creek, perhaps I should have been more delicate when stating that I would like to see a study; actually my hope was that the applicant would consider monitoring Cedar Creek (suppose it was more of a suggestion than a condition) therefore remove my comment regarding further study. Also Cory thought I might add that I did find out that EWEB has several water quality monitoring sites along Cedar Creek, not sure if perhaps some of their data could be used to evaluate the conditions of Cedar Creek but it may be an option. The person I spoke with at EWEB does have a dialogue with SUB so I am sure they will discuss Cedar Creek in the future.

Lastly Cory it certainly appears that my determination of conditions for projects will need to be reined in a bit. I feel sometimes that this process is so streamlined that we sometimes miss the big picture and more could be done to protect water quality. But I do understand your concerns about additional conditions that are outside of the ones WRD offers. In the future I will only add new conditions when I feel there is a dire need for additional action.

Regarding the comments on the Coquille Tribes application, funny I was about to call you and edit my comments on the conditions I suggested. I was able to speak with Mike Grey just a few minutes ago and received a tremendous amount of information regarding these two sites and Mike indicated that there is likely not going to be any water quality issues that could affect Coos Bay. Mike also stated that the fish passage issues have already been resolved. With all this in mind I can feel

comfortable withdrawing my conditions regarding monitoring and fish passage issues. Cory next time I will not send the review until I have talked to everybody that has knowledge of the area. This was kind of of a rush job and it certainly shows considering I did not get all the information required to provide an accurate review. Hope this covers everything Cory. Call if you have more questions.

Rachel Burr

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

From: ENGEL Cory C
Sent: Wednesday, July 02, 2003 3:15 PM
To: BURR Rachel
Cc: ENGEL Cory C; MATTICK Michael J
Subject: questions on two applications

Rachel,

I have questions about your recent comments on two applications:

1. S-85336, Springfield Utility Board:

This application proposes to send 3.0 cfs water from the McKenzie River through Cedar Creek downstream past SUB's well field, where they intend to appropriate water via their wells under separate groundwater applications. In your comment on this application, you said:

"I would like to see more study on impacts to Cedar Creek. The introduction of 3 cfs of water into Cedar Creek could cause turbidity issues and potentially erosion of stream bank. Suggest returning water to Cedar Creek using several sites for return."

I have spoken with the applicant's attorney, who informed me that the intended means of diversion into Cedar Creek is an existing headgate at McKenzie River. He also stated that he thought the flow in Cedar Creek was often more than 3 cfs, and at some times of the year, perhaps several times that rate. It occurred to me that, given those facts, your concerns about turbidity may be assuaged. (It seems to me that diversion via headgate, particularly an existing one, would be less likely to cause substantial increased turbidity and erosion than, for example, a discharge via pipe into Cedar Creek; it may even cause less turbidity and erosion than several piped discharges.)

I have the following questions:

a. Generally speaking, does this new information cause you to change your previous recommendation?

b. Please elaborate on what you would like to see with regard to "study on impacts to Cedar Creek". We rely heavily on DEQ expertise to

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Wed, 02 Jul 2003 15:15:13 -0700
To: Rachel.Burr@state.or.us
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: questions on two applications
Cc: Cory.C.ENGEL@wrd.state.or.us, Michael.J.MATTICK@wrd.state.or.us
X-Security: MIME headers sanitized on funnel
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

Rachel,

I have questions about your recent comments on two applications:

1. S-85336, Springfield Utility Board:

This application proposes to send 3.0 cfs water from the McKenzie River through Cedar Creek downstream past SUB's well field, where they intend to appropriate water via their wells under separate groundwater applications. In your comment on this application, you said:

"I would like to see more study on impacts to Cedar Creek. The introduction of 3 cfs of water into Cedar Creek could cause turbidity issues and potentially erosion of stream bank. Suggest returning water to Cedar Creek using several sites for return."

I have spoken with the applicant's attorney, who informed me that the intended means of diversion into Cedar Creek is an existing headgate at McKenzie River. He also stated that he thought the flow in Cedar Creek was often more than 3 cfs, and at some times of the year, perhaps several times that rate. It occurred to me that, given those facts, your concerns about turbidity may be assuaged. (It seems to me that diversion via headgate, particularly an existing one, would be less likely to cause substantial increased turbidity and erosion than, for example, a discharge via pipe into Cedar Creek; it may even cause less turbidity and erosion than several piped discharges.)

I have the following questions:

a. Generally speaking, does this new information cause you to change your previous recommendation?

b. Please elaborate on what you would like to see with regard to "study on impacts to Cedar Creek". We rely heavily on DEQ expertise to address issues relating to water quality, and generally do not undertake further study of quality issues after this stage of application processing. If you intend that the applicant should be required to commission a study, then I'll need more information in order to enable the applicant to comply. For example, what would be the specific goal of the study? Who will evaluate its results? Should it be completed prior to permit issuance, or as a condition of a permit, and if the latter, should it be completed and evaluated before water use may begin? What will possible outcomes be (e.g. could it result in cancellation of the permit)?

c. If you do not wish to alter your recommendation that the permittee be required to discharge water into Cedar Creek at several points (given that there apparently already exists a headgate at McKenzie River > Cedar Creek which sometimes delivers substantially more than 3 cfs of water into Cedar Creek), please provide more specific information to ensure that the permittee's compliance has the desired result. For example, how many discharge points should be required? Should there be a maximum rate of flow at each point? Should the points of discharge have a minimum distance between them? Also note that this may cause some difficulty to the applicant, depending on whether they have legal access to lands over which they would have to transport water to additional discharge points.

I suspect that the Watermaster, Mike Mattick, is familiar with this diversion. I am copying this message to him so that he may give feedback to us if he has anything to offer; you may wish to communicate with him directly if you need more information about the physical diversion.

2. R-85411 & R-85412, Coquille Indian Tribe

Thanks for your quick response on these applications. In your comment, you said:

"Would like to see monitoring of water quality in both Tarheel Creek and Fourth Creek. Especially at the point where these two streams enter Coos Bay."

Similarly to your SUB recommendation above, it isn't clear to me how this is to be implemented. If you intend that the *applicant* should be required to monitor water quality, then I'll need more information in order to enable the applicant to comply. For example, what would be the specific goal of the monitoring? Will the applicant be required to submit water quality results? Who will evaluate them? Does monitoring equipment need to be installed prior to water use or at any time prior to issuance of a water right certificate? What equipment or methods should be used? What will possible outcomes be (e.g. could it result in cancellation of the permit)?

Also, again, it is possible that the applicant may not have access to the point where these two streams enter Coos Bay.

Thanks for your time on these. As you can tell, it can be quite difficult for us to process comments that go beyond recommendations for specific permit conditions and the specific reasons for those permit conditions. For that reason, we prefer that your recommendations be limited to conditions that are either from the menu on the back of the form when possible, and when customized conditions are warranted, that you provide the exact wording you would like to see.

Thanks.

Mr. Cory C. Engel
Water Right Specialist

DIVISION 33 APPLICATION REVIEW SHEET FOR USE BY DEQ

Blanchard

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

Date: 5/16/03 21 day Deadline Date: 6/6/03 Application # S-85336

Applicant's Name: Springfield Utility Board

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

Explain: McKenzie River listed for temperature.

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

Explain:

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

If YES, how?

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)

rispe, odfw, b57,

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: Intake must have fish screen to avoid harming listed fish species. Riparian area must be intact, removal of vegetation could cause temperature increase and increased sedimentation.

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

I would like to see more study on impacts to Cedar Creek. The introduction of 3 cfs of water into Cedar Creek could cause turbidity issues and potentially erosion of stream bank. Suggest returning water to Cedar Creek using several sites for return.

DEQ Representative: Name: John Blanchard

Signature: Rachel Ann Burr Date: 6/11/03

WRD Contact: Caseworker: Cory Engel, Water Rights Division

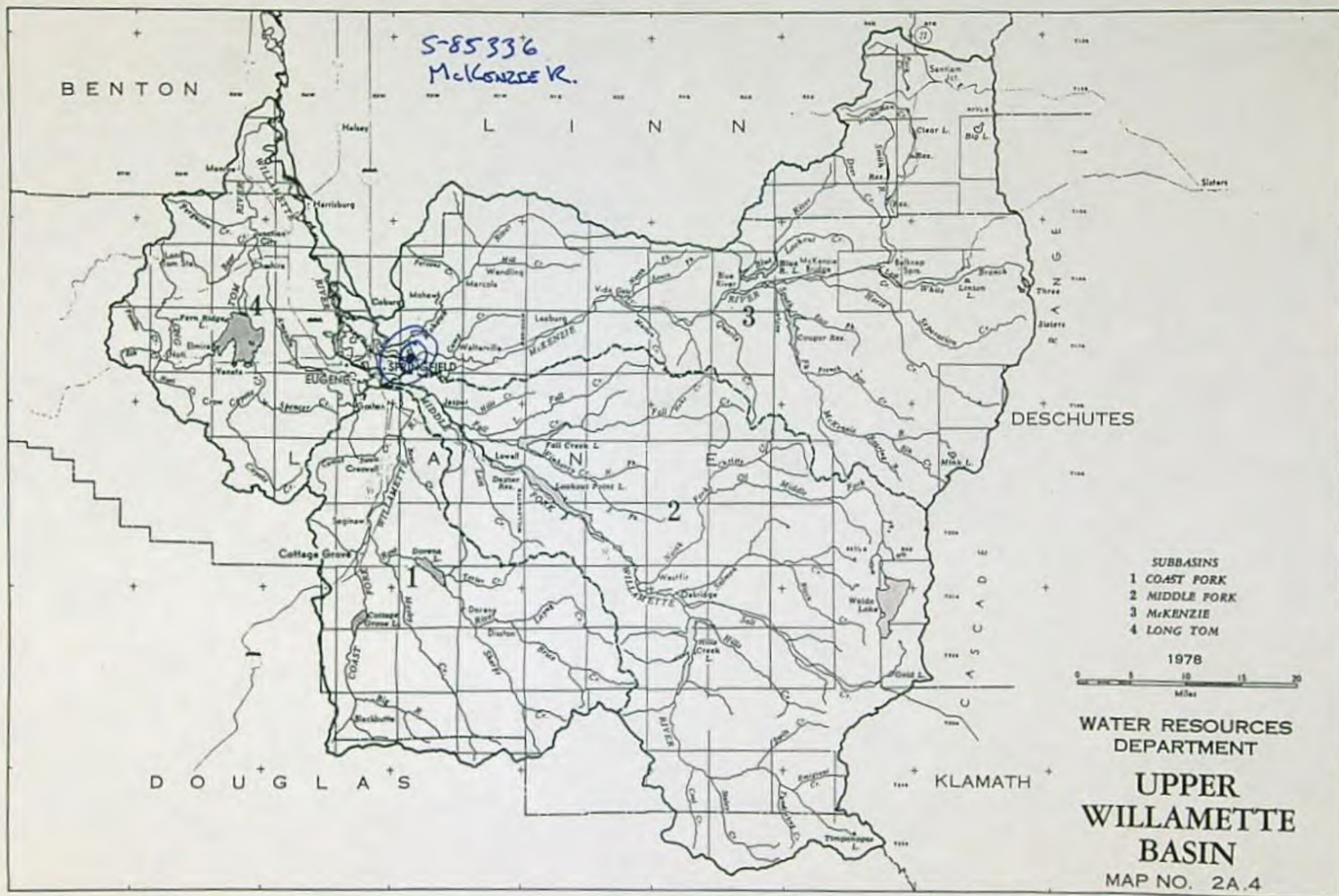
503-378-8455 ext: 324 / Fax: 503-378-6203 / e-mail: Cory.C.ENGEL@wrdr.state.us

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Revised: 02/26/02

MAY 19 2003

DEQ - MEDFORD



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.



SPRINGFIELD UTILITY BOARD

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

October 12, 2005

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

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

Dear Mr. Engel:

The Springfield Utility Board intends to complete construction of proposed works for the above referenced surface and groundwater applications. All construction will be completed within 20 years from the date of permit issue.

In the first quarter of 2006, SUB will be constructing the first phase of transmission mains sized to accommodate the new water source designated in these applications. Due to timing of ODOT paving projects on Highway 126, it is necessary that we install these mains in anticipation of receiving water rights.

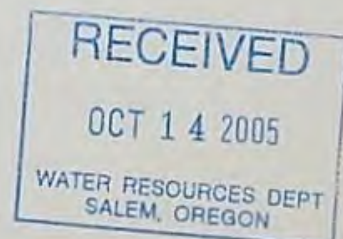
Please call me at (541) 726-2396 if you have any questions.

Sincerely,

Charles C. Arrera PE
Director of Water Engineering and Operations

CA:mkm

cc: Greg Corbin, Stoel Rives





SPRINGFIELD UTILITY INC.

250 A STREET, PO BOX 900
SPRINGFIELD, OREGON 97477-0077

Address Service Requested



7003 3110 0000 9515 7545



02 1A
0004377828
\$ 04.42⁰
OCT 13 2005
MAILED FROM ZIP CODE 97477

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



Oregon

Theodore R. Kulongoski, Governor

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

September 1, 2005

Chuck Arrera
Springfield Utility Board
202 S 18th St
Springfield OR 97477

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

Mr. Arrera:

The Department is currently in the process of reviewing your applications for permits to use water for municipal use. House Bill 3038 (HB3038), which became effective on June 29, 2005, amended ORS 537.230 and ORS 537.630 to provide the applicant of a permit for a municipal water use a maximum of 20 years to commence and complete construction of proposed works. In order to comply with HB3038, please submit a statement providing the number of years (not to exceed 20 years) you need to complete construction from the date of permit issuance.

Please submit this information no later than 60 days from date of this letter.

To be in compliance with the statute, you may request up to 20 years to complete construction from the date of permit issuance, but no longer.

Should you have any questions regarding your application, please call me at (503) 986-0813.

Sincerely,

Mr. Cory Engel
Water Right Application Caseworker

c: File
Watermaster District #2
Greg D. Corbin, Stoel Rives (via fax to 503-220-2480)



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

May 3, 2005

Greg D Corbin
Stoel Rives
900 SW 5th Ave Ste 2600
Portland OR 97204

RE: Springfield Utility Board applications S-85336, G-15241, G-15242, G-15243, G-15244

Mr. Corbin:

This is in response to your letter dated April 28, 2005, in which you requested that the administrative hold on the above-referenced applications be extended for an additional six months.

Your request is approved. The Department will not take further action on your application until October 26, 2005, unless issues raised by Oregon Department of Fish and Wildlife are resolved sooner.

Sincerely,

Dwight French
Water Right Application Section Manager

c: Files



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APR 29 2005
WATER RESOURCES DEPT
SALEM, OREGON

900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

April 28, 2005

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

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

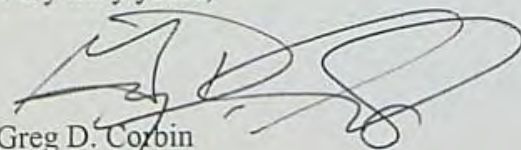
Re: Springfield Utility Board Applications S-85336, G-15241, G-15242, G-15243, and G-15244

Dear Cory:

Thank you for your letter dated April 18, 2005 regarding the Springfield Utility Board's ("SUB") water right applications. As you note in your letter, the current administrative hold period for the above-referenced applications expires April 30, 2005. SUB hereby requests that the Department extend the administrative hold period for these applications for six months to allow sufficient time to work through the issues raised in your letter. In particular, SUB is working with Jeff Ziller at the Oregon Department of Fish and Wildlife to address that agency's earlier comments on the applications. SUB is hopeful that it can resolve the issues raised in those comments shortly. According, SUB also requests that if those issues are resolved before the expiration of an additional six month administrative hold period, then the Department proceed to process SUB's applications S-85336, G-15241, G-15243, and G-15244 without further delay. SUB will continue to deal with application G-15242 separately.

I appreciate your attention to this matter. Please contact me if you have any questions.

Very truly yours,


Greg D. Corbin

cc: Mr. Dwight French
Mr. Chuck Arrera
Mr. David Filippi



Eugene Water & Electric Board

500 East 4th Avenue / Post Office Box 10148
Eugene, Oregon 97440-2148
541-484-2411 Fax 541-484-3762

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APR 11 2005

WATER RESOURCES DEPT
SALEM, OREGON

April 7, 2005

Oregon Water Resources Commission
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Request for Exception from the Willamette Basin Program for Springfield Utility Board's Groundwater Permit Applications G-15241, G-15243, and G-15244; Amended Surface Water Application S-85336

Dear Commissioners:

The Springfield Utility Board (SUB) has requested an exception from the Willamette Basin Program in order to avoid extreme hardship as provided for in ORS 536.295. As a neighboring municipal water supplier, EWEB would like to express our support of SUB's request for an exemption.

EWEB agrees with SUB that failure to grant the exception will cause SUB extreme hardship, both financially and by creating difficulty and uncertainty in providing safe and reliable water sources for a growing municipal population.

EWEB, SUB, and Rainbow Water District are currently exploring the feasibility of a regional water supply agreement that outlines a regional approach for primary and emergency back-up water for the Eugene-Springfield metropolitan area. Granting this exception will be helpful in developing a regional approach for adequate and safe drinking water supplies for human consumption in this area.

Thank you for your consideration of our input on this important matter.

Sincerely,

Thomas Buckhouse
Director, Water & Steam Division

cc: Dwight French, OWRD
Chuck Arrera, SUB



Oregon

Theodore R. Kulongoski, Governor

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

April 18, 2005

Chuck Arrera
Springfield Utility Board
202 S 18th St
Springfield OR 97477

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

Mr. Arrera:

My letter of July 9, 2004 to Bart McKee laid out a plan which included options that would enable the Department to issue Proposed Final Orders for Springfield Utility Board's (SUB's) applications proposing approval. In essence, that plan included three elements:

1. Achieving consistency with the Willamette Basin Program for application S-85336. Two options were presented: requesting a basin program exception, or amending application S-85336. SUB resolved this issue by amending the application on December 10, 2004.
2. Achieving consistency with the Willamette Basin Program for applications G-15241, G-15243, and G-15244. Two options were presented: accepting the shorter period of use required by the basin program, or requesting a basin program exception. As you are aware, the Oregon Water Resources Commission (WRC) resolved this issue on April 14 by authorizing the Department to consider the applications notwithstanding basin program limitations.
3. Achieving consistency with OAR Chapter 690, Division 33 for applications G-15241, G-15243, and G-15244. Previously, Oregon Department of Fish & Wildlife (ODFW) indicated that the proposed use of water will result in a loss of essential habitat of upper Willamette spring Chinook salmon, a threatened species under the Endangered Species Act. ODFW recommended that if the proposed use would reduce streamflow in Cedar Creek or McKenzie River (which it would), the applicant should be required to contract for the release of stored water from upstream reservoirs to mitigate the reduction. However, that is not a viable option, because the water in upstream reservoirs is not stored for that purpose. My July 9, 2004 letter suggested working with ODFW to determine conditions under which these applications may be approved, something that



900 S.W. Fifth Avenue, Suite 2600
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main 503.224.3380
fax 503.220.2480
www.stoel.com

April 4, 2005

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

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

Re: Letter of Support for Springfield Utility Board Basin Program Exception

Dear Dwight:

Per our telephone conversation, enclosed is an original letter from Gossler Farms Nursery expressing support for the Springfield Utility Board's ("SUB") request for an exception to the Willamette Basin Program. Please include the letter with materials provided to the Water Resources Commission for its consideration of SUB's request on April 14, 2005.

Very truly yours,

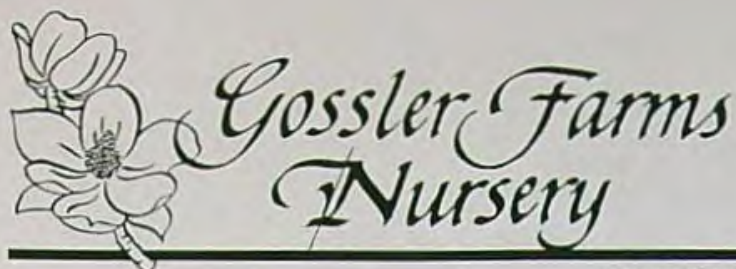
Greg D. Corbin

Enclosure

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APR 05 2005

WATER RESOURCES DEPT.
SALEM, OREGON



ROGER GOSSLER
ERIC GOSSLER
MARJORY GOSSLER

SPECIALIZING IN MAGNOLIAS AND COMPANION PLANTS

PHONE (541) 746-3922 • FAX (541) 744-7924

March 31, 2005

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

RE: Cedar Creek Water rights application

As a representative for the Cedar Creek Irrigation District, I am writing to you in support of the application for 4.1 CFS from the McKenzie River. This will aid in maintaining the creek for all parties involved. This is an important waterway and this application will help insure its long-term survival. The creek contains roughly 8 miles of riparian habitat, supporting many species of wildlife. Therefore this application is critical to assist in maintaining flows year round.

The irrigation district is also looking forward to partnering with Springfield Utility Board in the operation of Cedar Creek. We feel this will help increase community awareness on the importance of this waterway.

If you need to contact me, I would be open to discuss any of the issues surrounding the creek.

Sincerely,

Eric Gossler
Cedar Creek Irrigation District
(541)746-3922

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WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

January 7, 2005

Greg D Corbin
Stoel Rives
900 SW 5th Ave Ste 2600
Portland OR 97204

RE: Springfield Utility Board applications S-85336, G-15241, G-15242, G-15243, G-15244

Mr. Corbin:

This is in response to your letter dated December 10, 2004, in which you requested that the administrative hold on the above-referenced applications be extended until at least April 30, 2005.

Your request is approved.

If you have any questions, please feel free to call me at 503-986-0819.

Sincerely,

Dwight French
Water Right Application Section Manager

c: Files



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

February 7, 2005

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

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

**Re: Updated Request for Exception from the Willamette Basin Program for Springfield
Utility Board's Groundwater Permit Applications G-15241, G-15243, and G-15244;
Request to Amend Surface Water Permit Application S-85336**

Dear Mr. French:

This office represents the Springfield Utility Board ("SUB") in connection with the above-referenced water right permit applications. This letter represents SUB's request that, pursuant to ORS 536.295, the Oregon Water Resources Commission (the "Commission") allow the Oregon Water Resources Department ("OWRD" or the "Department") to consider SUB's groundwater permit applications G-15241, G-15243, and G-15244 (collectively the "Groundwater Applications") notwithstanding the Willamette Basin Program (the "WBP") classification for Cedar Creek, a tributary of the McKenzie River. As you know, the Department has made a preliminary determination that the Groundwater Applications have the potential for substantial interference with Cedar Creek. The Groundwater Applications are for year-round municipal use. Under the WBP, Cedar Creek is classified for municipal use only for nine months of the year.

SUB also is hereby requesting to amend its surface water right permit application S-85336 (the "Surface Application") as described in Section II below. The Surface Application is integral to approval of the Groundwater Applications and SUB's master water development plan (the "Master Plan"), a copy of which is on file with the Department, because a portion of the Surface Application provides water to mitigate potential interference with Cedar Creek caused by water withdrawals under the Groundwater Applications. We intend to follow up with you regarding this correspondence, but would anticipate that the Commission may consider this matter at its next regularly scheduled Commission meeting.

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**WATER RESOURCES DEPT
SALEM, OREGON**

Oregon
Washington
California
Utah
Idaho



Mr. Dwight French
February 7, 2005
Page 2

I. Background

A. SUB's Operations and Water Development Plans

SUB is a customer-owned electric and water utility serving the greater Springfield, Oregon community. Collectively SUB and the Rainbow Water District ("RWD") serve approximately 55,000 customers from groundwater wells and surface water sources. SUB owns the vast majority of wells supplying the SUB/RWD territory. Even with an active water conservation and demand management program currently in place, SUB must develop additional water supplies to continue meeting the needs of the Springfield area into the future. According to its Water Conservation Plan (the "WCP"), a copy of which is on file with the Department, SUB's system is currently inadequate to provide future projected water needs with an adequate reserve capacity. WCP tbl 4-3. The current water supply deficit relative to need will increase over time unless SUB is able to develop additional water supply capacity. WCP fig 4-2.

To meet current and future demands, the Master Plan anticipates adding new wells to the SUB/RWD system out to 2017. The wells associated with the Groundwater Applications are integral to the Master Plan. Without developing these additional sources, SUB must find alternate, and largely more expensive and less reliable, sources of water to continue meeting customer demands.

B. SUB's Groundwater Applications

Consistent with the Master Plan and WCP, SUB filed the Groundwater Applications on November 8, 2000. Application G-15241 is for year-round appropriation of 1.78 cubic feet per second ("cfs") of municipal use water from two wells (0.89 cfs from each) located in the Cedar Creek basin. Application G-15243 is for year-round appropriation of 4.91 cfs of municipal use water from four wells (1.34 cfs from three wells and 0.89 cfs from the fourth well) located within the McKenzie River basin. Application G-15244 is for year-round appropriation of 4.02 cfs of municipal use water from three wells (1.34 cfs from each well) located within the McKenzie River basin.¹

¹ SUB filed a fourth groundwater permit application on November 8, 2000 that was designated G-15242. That application is on administrative hold pending a final decision on the Groundwater Applications. SUB is not requesting an exception from the WBP for G-15242 at this time but reserves the right to do so.

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**WATER RESOURCES DEPT
SALEM, OREGON**



Mr. Dwight French
February 7, 2005
Page 3

C. The Department's Reviews of SUB's Applications and SUB's Response

The Department issued initial reviews of the Groundwater Applications on February 9, 2001. It found that the amount of municipal use groundwater to be appropriated from each well is available year-round and allowed under the WBP. OAR 690-502-0160(2). For two of the Groundwater Applications (G-15243 and G-15244), the Department determined that the proposed groundwater use has the potential to interfere substantially with the McKenzie River and, therefore, that those applications must also be consistent with the WBP limits applicable to the McKenzie River. Water from the McKenzie River for municipal use is available year-round. Accordingly, the Department gave applications G-15243 and G-15244 favorable reviews.

The Department reached a different conclusion in its initial review for application G-15241. It found that the proposed use has the potential to interfere substantially with Cedar Creek and, therefore, that application G-15241 must also be consistent with the WBP surface water limits applicable to Cedar Creek. OAR 690-009-0040(2). Cedar Creek is classified for municipal use only from October 1 through June 30. OAR 690-502-0080(1)(d). Application G-15241 for year-round use thus is inconsistent with the WBP classification for Cedar Creek during the three-month period from July 1 to September 30. Accordingly, the Department indicated that it likely would not issue a permit for application G-15241.

On May 21, 2001, SUB provided additional information to the Department to address the issue of potential interference with Cedar Creek (G-15241). SUB explained that Cedar Creek, which begins and ends on the McKenzie River, is essentially a side channel of the McKenzie River composed entirely of McKenzie River water. As noted, McKenzie River water is classified for municipal use and available year-round. However, recognizing that the issue of connectivity between the wells proposed in the Groundwater Applications and the nearby surface water bodies is complex, SUB requested that the Department place the Groundwater Applications on administrative hold while it had an independent consultant study the relationship between the wells and surface water sources. The Department granted the administrative holds.² During the administrative hold period, SUB and its consultant, Mark Cunnane of Western Groundwater Services, worked with the Department's hydrogeologist Marc Norton to resolve whether the proposed wells would substantially interfere with surface water sources. Mr. Cunnane's report, supplemented in October 2002, determined that the use proposed in the Groundwater Applications

² SUB has requested and received administrative holds for all of its water right permit applications, including G-15241, G-15242, G-15243, G-15244, and S-85336. They are currently on hold until April 30, 2005.

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WATER RESOURCES DEPT
SALEM, OREGON



Mr. Dwight French
February 7, 2005
Page 4

had the potential to affect 7.7 cfs of stream flow in the McKenzie River and 2.995 cfs in Cedar Creek.

Following completion of Mr. Cunnane's report, SUB and its representatives met with Mr. Norton in Salem to discuss options for addressing the potential for interference with Cedar Creek that could result from water withdrawals proposed under the Groundwater Applications. As a means of fully addressing any potential interference, Mr. Norton expressed support for the option of SUB submitting a new application for a surface water right from the McKenzie River, and then having SUB divert water under such a surface water right from the McKenzie River and into Cedar Creek. Although such an approach would take time and add cost to the groundwater diversions, Mr. Norton agreed that such an approach would fully compensate for any interference effect that the Groundwater Applications might have on Cedar Creek, and it would avoid further debate over the existence or extent of the potential for interference.

Based on Mr. Cunnane's report and the additional discussions with the Department described above, on November 6, 2002 SUB filed the Surface Application for year-round diversion of 37.0 cfs of water from the McKenzie River for municipal use, and 3.0 cfs from the McKenzie River for stream flow augmentation in Cedar Creek, for a total of 40.0 cfs from the McKenzie River. The 3.0 cfs of stream flow augmentation was meant to mitigate for stream flow depletion in Cedar Creek associated with the Groundwater Applications.

On May 16, 2003, the Department issued its initial review of the Surface Application. The Department determined that 40.0 cfs of water from the McKenzie River is available year-round but that stream flow augmentation in Cedar Creek is not an allowed use under the WBP. It also determined that the proposed 3.0 cfs of stream flow augmentation in Cedar Creek is not a "municipal use" because Cedar Creek is not a "water service system of an incorporated municipality." OAR 690-502-0010(15).³

³ "Municipal Use" is defined as "the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR 690-011." *Id.* SUB believes the Department's determination that the 3.0 cfs of flow augmentation in the Surface Application is not a "municipal use" is an overly narrow reading of the Commission's definition. However, because SUB is amending the Surface Application as proposed by the Department from 3.0 cfs of stream flow augmentation to 4.1 cfs of instream use for fish life and wildlife (see Section II below), SUB is not at this time challenging or seeking a reconsideration of that determination. SUB reserves the right to challenge the Department's determination if the Commission does not grant SUB's request for an exception to

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WATER RESOURCES DEPT
SALEM, OREGON



Mr. Dwight French
February 7, 2005
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Finally, in October 2003 the Department conducted a final review of the Groundwater Applications. It found that the proposed wells appropriate water from unconfined sands and gravel within one-quarter mile of a surface water source (Cedar Creek and McKenzie River). Under OAR 690-009-0040, the Department assumes that wells of such type are hydraulically connected to the surface water source. The Department found that the proposed uses in the Groundwater Applications would affect a total of 4.1 cfs of Cedar Creek's flow.

D. The Department's Proposals for Approving SUB's Permit Applications

On July 9, 2004, the Department wrote to inform SUB that it was prepared to issue Proposed Final Orders (the "PFOs") for the Groundwater Applications and Surface Application. The Department indicated that the PFOs would find that the Groundwater Applications and stream flow augmentation portion of the Surface Application should not be issued.⁴ The Department's letter discussed options that SUB might pursue to allow approval of the Groundwater Applications and Surface Application.

The Department proposed for the Surface Application that SUB either (1) amend the application from 3.0 cfs instream use for flow augmentation to 4.1 cfs instream use "to some other in-stream use or combination of uses, which are allowed by the basin program (e.g., fish life, wildlife)," or (2) petition the Commission "to allow the Department to consider the application notwithstanding the basin program, pursuant to ORS 536.295." As is explained in Section II below, SUB is electing to amend the Surface Application as proposed by the Department.

The Department proposed for the Groundwater Applications that SUB either (1) accept the period of use for Cedar Creek allowed under the WBP, which is three months less than the year-round use applied for, or (2) seek an exception from the Commission to allow the Department to

the WBP and the Department does not approve the Groundwater Applications and the Surface Application, as amended herein.

⁴ The Department's letter states: "As you may recall, on May 16, 2003 the Department issued Initial Reviews (IRs) of these applications indicating it was unlikely that a permit would be issued." As is described above, that statement is only partially correct. The Department's letter dated May 16, 2003 indicated only that application G-15241 had received a negative IR. The Department first indicated that all of SUB's applications would receive negative recommendations in its letter dated July 9, 2004.

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consider the application notwithstanding the WBP. As is explained in Section III below, SUB is electing to seek an exception from the WBP for the Groundwater Applications.

II. Amendment of the Surface Application

To the extent necessary to obtain approval of the Groundwater Applications, SUB hereby requests to amend the Surface Application as proposed by the Department, that is, surface water permit application S-85336 should be amended from 37.0 cfs of municipal use and 3.0 cfs for streamflow augmentation to 35.9 cfs for municipal use and 4.1 cfs instream use for fish life and wildlife in Cedar Creek. The 4.1 cfs instream use portion of the Surface Application will fully mitigate any potential impacts on Cedar Creek from the wells proposed in SUB's Groundwater Applications. As the Department indicated in its July 9, 2004 letter, with this amendment to the Surface Application the Department can propose issuance of the permit. This approach to mitigation is consistent with the approach proposed in discussions between Mr. Norton, SUB, and SUB's representatives described above.

III. Exception from the Willamette Basin Program for Permit Applications G-15241, G-15243, and G-15244

As noted above, SUB has invested in a Master Plan to direct development that will allow it to continue meeting customer needs and accommodate projected population and economic growth in the greater Springfield area. The Groundwater Applications and Surface Application are integral to the current phase of the Master Plan. Moreover, the Surface Application, which fully mitigates any impacts to Cedar Creek that may occur as a result of approving the Groundwater Applications, also will provide a net benefit to Cedar Creek by placing up to 4.1 cfs of instream water for fish and wildlife use in that system. Failure to approve the Groundwater Applications would cause an extreme hardship for SUB and its customers and would obviate SUB's need to place water instream in Cedar Creek.

SUB qualifies for an exception to the WBP because the exception is necessary to avoid extreme hardship. ORS 536.295(1)(e). Although "extreme hardship" is not defined by the statute or the Department's rules, or explained in any Oregon case law, the Department and Commission have considered the term to include a situation in which "the failure to allow the use would cause financial or other burdens to a water user that could not be easily overcome." See Exhibit F, *OWRD, Memorandum to Water Resources Commission, Request for an Exception to the Willamette Basin Program Due to Extreme Hardship (ORS 536.295(1)(e)) by Pleasant Valley*

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Golf Club (May 15, 1995). Thus the burden does not require a showing of complete economic unfeasibility or impossibility.

The "other burdens" that may be considered under the extreme hardship analysis include burdens placed on those who depend on the water use but are not themselves the applicant for a basin program exception. This aspect of the analysis is illustrated by the staff report provided to the Commission in connection with the Greenberry Irrigation District's ("GID") request for an exception to the WBP. See OWRD, *Memorandum to Water Resources Commission, Request for an Exception to the Willamette Basin Program Due to Extreme Hardship [ORS 536.295(1)(e)] by Greenberry Irrigation District* (February 14, 2003). GID requested an exception from the WBP for irrigation use, a non-classified use in that region of the Willamette River, that would act as a "bridge" water right while GID arranged to use stored water, a classified use, under contract with the U.S. Bureau of Reclamation. Failure to grant the exception would have financially impacted GID because without a stable water supply it could not obtain financing to construct the irrigation system necessary to supply its patrons. Equally important, however, was that the farmers who rely on GID water, and the people those farms employ, could all suffer financial hardship if GID did not receive an exception from the WBP. According to the staff report, "failure to allow the exception to the basin program would cause extreme hardship due to loss of the economic viability of farms within GID and the potential loss of jobs." *Id.* at 4. Thus the Department and the Commission have recognized that the extreme hardship analysis reaches to those affected by the failure to grant an exception even if they are not the applicant for the basin program exception.

To the analysis in these prior Commission decisions SUB adds another element of the test for extreme hardship: the level of hardship that must be shown ought to be related to the level of resource impact that the proposed use might cause. In a situation such as the present one, in which the threat to the Willamette River Basin's values is negligible because SUB is able to fully mitigate for potential impacts to Cedar Creek, the level of hardship required should be correspondingly reduced.

In the present case, the level of financial hardship that would be caused by denial of the Groundwater Applications would be "extreme," because failure to approve them would result in SUB losing its investment of time and money in the well fields, and that failure is certain to require more time and an even greater financial expenditure to replace the lost capacity.⁵ As

⁵ SUB notes that its investment to date in the wells that are the subject of the Groundwater Applications easily exceeds \$1 million. If SUB cannot put those wells to use, it will have to develop additional wells or seek water from other sources to meet its customers' needs. Thus

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noted above, the Master Plan calls for developing additional water supply to keep pace with growth in SUB's service area. SUB has no choice but to find new water supplies. Moreover, the hardship created by any delay serves to increase the likelihood that SUB will not be able to meet customer demand and will have to pass along to its rate payers the costs of additional water supply development.

Similar to the GID situation discussed above, denial of the Groundwater Applications also would create an additional type of extreme hardship, namely, an inability to provide a safe, adequate water supply to the residences and businesses that rely on SUB for water. As noted above, the proposed use is not classified for the three-month period from July 1 through September 30. This three-month period is critically important to SUB as a water utility responsible for supplying municipal water to residential and business customers because the period often corresponds with SUB's peak annual demand. An inability to meet that demand would lead to water shortages in the Springfield area and place the local population at risk of not having an adequate water supply.⁶ Water shortages would affect SUB's ability to supply clean, safe water to residential and business customers, causing an extreme hardship over which those customers would have little or no control. Water shortages also would cause extreme hardship by degrading water reserves for fire protection. Such shortages could result in loss of property or life. Thus the use during the three-month period not classified under the WBP is necessary to ensure public health, welfare, and safety for Oregonians in the greater Springfield area, and SUB's inability to supply water for those purposes would cause an extreme hardship for SUB and the local population.⁷

SUB will have lost its current investment and still need to invest an equal or greater amount to replace the lost groundwater use.

⁶ The legislature has found as part of the state's water supply policy that "the availability of an adequate water supply is essential to the continued health and safety of all Oregonians." ORS 536.241(1). The legislature's concern over the link between water supply and public health is evident elsewhere in ORS chapter 536. See, e.g., ORS 536.238(1)(d) ("The potential for a future shortage of water poses serious risks to public health, safety and welfare and therefore is a matter of statewide concern."). To the extent that municipal use also includes domestic use or other forms of human consumption, that use also is given priority treatment by the legislature. ORS 536.310(12) (in resolving conflict between uses "preference shall be given to human consumption purposes over all other uses").

⁷ After discussion with Department staff, SUB has decided to base this request for exception on ORS 536.295(1)(e). SUB reserves the right to raise other bases for its request for exception, pursuant to ORS 536.295(1), in the event the Commission were to determine that the exception is not warranted under ORS 536.295(1)(e).

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IV. Consistency with the Willamette Basin Program's General Policies

The Groundwater Applications also satisfy the exception statute's requirement that the proposed use be consistent with the general policies of the WBP. ORS 536.295(4). The proposed use is not inconsistent with any of the WBP's policies, and it is specifically consistent with at least two of those policies.

A. Groundwater Management

One of the Commission's policies for the Willamette Basin is to "[m]inimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water." OAR 690-502-0020(2)(d). SUB has repeatedly made every effort to work with the Department to avoid impairing surface water uses. For example, SUB's response to the Department's initial reviews of the Groundwater Applications was to commission a study of the potential hydraulic connection between the proposed groundwater wells and nearby surface water sources. The report that resulted from that study identified a potential for interaction between the aquifer from which the wells appropriate water and Cedar Creek. To alleviate and fully mitigate that potential interaction, SUB filed the Surface Application, which included 3.0 cfs of instream use in Cedar Creek, and as amended will include 4.1 cfs of instream use. Approval of the Surface Application will ensure that approval of the Groundwater Applications will not impair surface water uses from Cedar Creek.

B. Municipal and Domestic Water Systems

Another of the Commission's policies for the Willamette Basin is to "[s]upport coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." OAR 690-502-0020(3). SUB's activities, including the Groundwater Applications, are consistent with this policy. SUB has extensively invested in coordinated water service planning as evidenced by the Master Plan and WCP. Through the Master Plan, SUB has coordinated efficient water system planning and cost-effective water supply development with RWD. Through the WCP, SUB has identified water conservation opportunities within its service territory and has actively pursued implementing those opportunities. Together the Master Plan and WCP represent SUB's substantial investment in water service planning "to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." *Id.*

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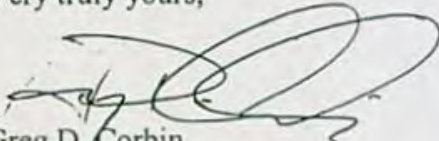
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V. Conclusion

In conclusion, SUB requests that, pursuant to ORS 536.295, the Commission allow the Department to consider SUB's year-round Groundwater Applications notwithstanding the WBP classification that Cedar Creek water is available for only nine months of the year. SUB also hereby requests that its Surface Application be amended as described above. Approval of SUB's amended Surface Application will fully mitigate any potential interference between the Groundwater Applications and Cedar Creek.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,



Greg D. Corbin

cc: Mr. Chuck Arrera, Springfield Utility Board
Mr. David E. Filippi, Stoel Rives LLP

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**WATER RESOURCES DEPT
SALEM, OREGON**



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December 10, 2004

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

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

Re: Request for Exception from the Willamette Basin Program for Springfield Utility Board's Groundwater Permit Applications G-15241, G-15243, and G-15244; Request to Amend Surface Water Permit Application S-85336

Dear Mr. French:

This office represents the Springfield Utility Board ("SUB") in connection with the above-referenced water right permit applications. This letter represents SUB's request that, pursuant to ORS 536.295, the Oregon Water Resources Commission (the "Commission") allow the Oregon Water Resources Department ("OWRD" or the "Department") to consider SUB's groundwater permit applications G-15241, G-15243, and G-15244 (collectively the "Groundwater Applications") notwithstanding the Willamette Basin Program (the "WBP") classification for Cedar Creek, a tributary of the McKenzie River. As you know, the Department has determined that the Groundwater Applications have the potential for substantial interference with Cedar Creek. The Groundwater Applications are for year-round municipal use. Under the WBP, Cedar Creek is classified for municipal use only for nine months of the year.

SUB also is hereby amending its surface water right permit application S-85336 (the "Surface Application") as described in Section II below. The Surface Application is integral to approval of the Groundwater Applications and SUB's master water development plan (the "Master Plan"), a copy of which is on file with the Department, because a portion of the Surface Application provides water to mitigate interference with Cedar Creek potentially caused by the Groundwater Applications. We intend to follow up with you regarding this correspondence, but would anticipate that the Commission may consider this matter at its next regularly scheduled Commission meeting.



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I. Background

A. SUB's Operations and Water Development Plans

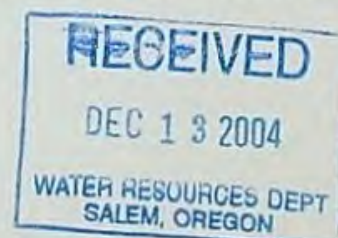
SUB is a customer-owned electric and water utility serving the greater Springfield, Oregon community. Collectively SUB and the Rainbow Water District ("RWD") serve approximately 55,000 customers from groundwater wells and surface water sources. SUB owns the vast majority of wells supplying the SUB/RWD territory. Even with an active water conservation and demand management program currently in place, SUB must develop additional water supplies to continue meeting the needs of the Springfield area into the future. According to its Water Conservation Plan (the "WCP"), a copy of which is on file with the Department, SUB's system is currently inadequate to provide future projected water needs with an adequate reserve capacity. WCP tbl 4-3. The current water supply deficit relative to need will increase over time unless SUB is able to develop additional water supply capacity. WCP fig 4-2.

To meet current and future demands, the Master Plan anticipates adding new wells to the SUB/RWD system out to 2017. The wells associated with the Groundwater Applications are integral to the Master Plan. Without developing these additional sources, SUB must find alternate, and largely more expensive and less reliable, sources of water to continue meeting customer demands.

B. SUB's Groundwater Applications

Consistent with the Master Plan and WCP, SUB filed the Groundwater Applications on November 8, 2000. Application G-15241 is for year-round appropriation of 1.78 cubic feet per second ("cfs") of municipal use water from two wells (0.89 cfs from each) located in the Cedar Creek basin. Application G-15243 is for year-round appropriation of 4.91 cfs of municipal use water from four wells (1.34 cfs from three wells and 0.89 cfs from the fourth well) located within the McKenzie River basin. Application G-15244 is for year-round appropriation of 4.02 cfs of municipal use water from three wells (1.34 cfs from each well) located within the McKenzie River basin.¹

¹ SUB filed a fourth groundwater permit application on November 8, 2000 that was designated G-15242. That application is on administrative hold pending a final decision on the Groundwater Applications. SUB is not requesting an exception from the WBP for G-15242 at this time but reserves the right to do so.





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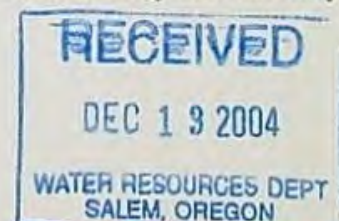
C. The Department's Reviews of SUB's Applications and SUB's Response

The Department issued initial reviews of the Groundwater Applications on February 9, 2001. It found that the amount of municipal use groundwater to be appropriated from each well is available year-round and allowed under the WBP. OAR 690-502-0160(2). For two of the Groundwater Applications (G-15243 and G-15244), the Department determined that the proposed groundwater use has the potential to interfere substantially with the McKenzie River and, therefore, that those applications must also be consistent with the WBP limits applicable to the McKenzie River. Water from the McKenzie River for municipal use is available year-round. Accordingly, the Department gave applications G-15243 and G-15244 favorable reviews.

The Department reached a different conclusion in its initial review for application G-15241. It found that the proposed use has the potential to interfere substantially with Cedar Creek and, therefore, that application G-15241 must also be consistent with the WBP surface water limits applicable to Cedar Creek. OAR 690-009-0040(2). Cedar Creek is classified for municipal use only from October 1 through June 30. OAR 690-502-0080(1)(d). Application G-15241 for year-round use thus is inconsistent with the WBP classification for Cedar Creek during the three-month period from July 1 to September 30. Accordingly, the Department indicated that it likely would not issue a permit for application G-15241.

On May 21, 2001, SUB provided additional information to the Department to address the issue of potential interference with Cedar Creek (G-15241). SUB explained that Cedar Creek, which begins and ends on the McKenzie River, is essentially a side channel of the McKenzie River composed entirely of McKenzie River water. As noted, McKenzie River water is classified for municipal use and available year-round. However, recognizing that the issue of connectivity between the wells proposed in the Groundwater Applications and the nearby surface water bodies is complex, SUB requested that the Department place the Groundwater Applications on administrative hold while it had an independent consultant study the relationship between the wells and surface water sources. The Department granted the administrative holds.² During the administrative hold period, SUB and its consultant, Mark Cunnane of Western Groundwater Services, worked with the Department's hydrogeologist Marc Norton to resolve whether the proposed wells would substantially interfere with surface water sources. Mr. Cunnane's report, supplemented in October 2002, determined that the use proposed in the Groundwater Applications

² SUB has requested and received administrative holds for all of its water right permit applications, including G-15241, G-15242, G-15243, G-15244, and S-85336. They are currently on hold until January 31, 2005.





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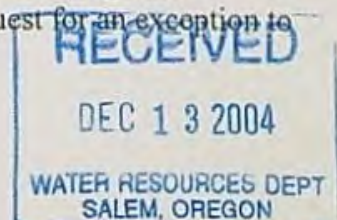
had the potential to affect 7.7 cfs of stream flow in the McKenzie River and 2.995 cfs in Cedar Creek.

Following completion of Mr. Cunnane's report, SUB and its representatives met with Mr. Norton in Salem to discuss options for addressing the potential for interference with Cedar Creek that could result from water withdrawals proposed under the Groundwater Applications. As a means of fully addressing any potential interference, Mr. Norton expressed support for the option of SUB submitting a new application for a surface water right from the McKenzie River, and then having SUB divert water under such a surface water right from the McKenzie River and into Cedar Creek. Although such an approach would take time and add cost to the groundwater diversions, Mr. Norton agreed that such an approach would fully compensate for any interference effect that the Groundwater Applications might have on Cedar Creek, and it would avoid further debate over the existence or extent of the potential for interference.

Based on Mr. Cunnane's report and the additional discussions with the Department described above, on November 6, 2002 SUB filed the Surface Application for year-round diversion of 37.0 cfs of water from the McKenzie River for municipal use, and 3.0 cfs from the McKenzie River for stream flow augmentation in Cedar Creek, for a total of 40.0 cfs from the McKenzie River. The 3.0 cfs of stream flow augmentation was meant to mitigate for stream flow depletion in Cedar Creek associated with the Groundwater Applications.

On May 16, 2003, the Department issued its initial review of the Surface Application. The Department determined that 40.0 cfs of water from the McKenzie River is available year-round but that stream flow augmentation in Cedar Creek is not an allowed use under the WBP. It also determined that the proposed 3.0 cfs of stream flow augmentation in Cedar Creek is not a "municipal use" because Cedar Creek is not a "water service system of an incorporated municipality." OAR 690-502-0010(15).³

³ "Municipal Use" is defined as "the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR 690-011." *Id.* SUB believes the Department's determination that the 3.0 cfs of flow augmentation in the Surface Application is not a "municipal use" is an overly narrow reading of the Commission's definition. However, because SUB is amending the Surface Application as proposed by the Department from 3.0 cfs of stream flow augmentation to 4.1 cfs of instream use for fish life and wildlife (*see* Section II below), SUB is not at this time challenging or seeking a reconsideration of that determination. SUB reserves the right to challenge the Department's determination if the Commission does not grant SUB's request for an exception to





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Finally, in October 2003 the Department conducted a final review of the Groundwater Applications. It found that the proposed wells appropriate water from unconfined sands and gravel within one-quarter mile of a surface water source (Cedar Creek and McKenzie River). Under OAR 690-009-0040, the Department assumes that wells of such type are hydraulically connected to the surface water source. The Department found that the proposed uses in the Groundwater Applications would affect a total of 4.1 cfs of Cedar Creek's flow.

D. The Department's Proposals for Approving SUB's Permit Applications

On July 9, 2004, the Department wrote to inform SUB that it was prepared to issue Proposed Final Orders (the "PFOs") for the Groundwater Applications and Surface Application. The Department indicated that the PFOs would find that the Groundwater Applications and stream flow augmentation portion of the Surface Application should not be issued.⁴ The Department's letter discussed options that SUB might pursue to allow approval of the Groundwater Applications and Surface Application.

The Department proposed for the Surface Application that SUB either (1) amend the application from 3.0 cfs instream use for flow augmentation to 4.1 cfs instream use "to some other in-stream use or combination of uses, which are allowed by the basin program" (e.g., fish life, wildlife), or (2) petition the Commission "to allow the Department to consider the application notwithstanding the basin program, pursuant to ORS 536.295." As is explained in Section II below, SUB is electing to amend the Surface Application as proposed by the Department.

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consider the application notwithstanding the WBP. As is explained in Section III below, SUB is electing to seek an exception from the WBP for the Groundwater Applications.

II. Amendment of the Surface Application

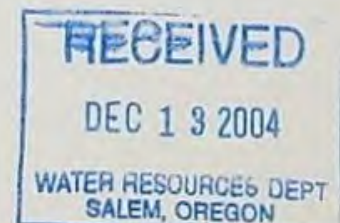
To the extent necessary to obtain approval of the Groundwater Applications, SUB hereby amends the Surface Application as proposed by the Department, that is, surface water permit application S-85336 should be amended from 37.0 cfs of municipal use and 3.0 cfs for streamflow augmentation to 35.9 cfs for municipal use and 4.1 cfs instream use for fish life and wildlife in Cedar Creek. The 4.1 cfs instream use portion of the Surface Application will fully mitigate any potential impacts on Cedar Creek from the wells proposed in SUB's Groundwater Applications. As the Department indicated in its July 9, 2004 letter, with this amendment to the Surface Application the Department can propose issuance of the permit. This approach to mitigation is consistent with the approach proposed in discussions between Mr. Norton, SUB, and SUB's representatives described above.

III. Exception from the Willamette Basin Program for Permit Applications G-15241, G-15243, and G-15244

Pursuant to ORS 536.295, SUB hereby requests an exception from the WBP because the period of use for municipal water from Cedar Creek not classified in the WBP (1) will be of short duration during each year, (2) is necessary to ensure public health, welfare, and safety, (3) is necessary to avoid extreme hardship, and (4) will provide a public benefit.

A. The Water Use Will Be of Short Duration During Each Year

The Commission may allow the Department to consider an application for a water use not classified in the WBP if the proposed use will be of short duration during each year. ORS 536.295(1)(a). SUB's proposed year-round use of water in the Groundwater Applications exceeds the WBP classified period of use for Cedar Creek by three months. The WBP allows for municipal use from Cedar Creek between October 1 and June 30 of each year. OAR 690-502-080(1)(d). Thus allowing the full year-round use proposed in the Groundwater Applications is inconsistent with the WBP classification for Cedar Creek from July 1 through September 30. The Department has determined that it must assume that a portion of the use in the Groundwater Applications (4.1 cfs) will substantially interfere with Cedar Creek. OAR 690-009-0040.





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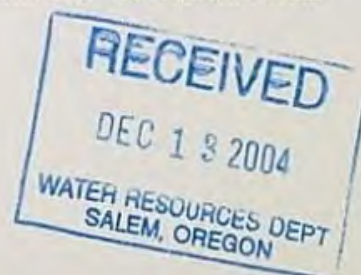
The statute does not define "short duration." The legislature thus did not predetermine the period of use that the Commission may determine to be of short duration for purposes of the exception request. On its face a three-month period would appear to be of "short duration" as it accounts for only a quarter of the year. SUB also suggests that the context in which ORS 536.295 appears should guide the Commission in determining whether a water use is of "short duration" for purposes of ORS 536.295(1)(a). The statutes that appear in the section of chapter 536 dealing with water resources administration (ORS 536.220 to 536.540) declare many of the state's policies concerning water resource development. These policy statements guided the Commission in first adopting the basin programs and therefore properly guide the Commission in considering exceptions to the basin programs. SUB therefore suggests that so long as the period of a proposed use not classified by a basin program is consistent with the policies set out in ORS 536.220 to 536.540, the Commission may find that the proposed use is of "short duration" and allow the Department to consider approving the use.

SUB's proposed year-round use in the Groundwater Applications is not inconsistent with any of the state's water resource policies as declared in ORS 536.220 to 536.540 and is specifically consistent with one of the principal policies that guide water resource planning—the policy of using the state's waters to encourage and maintain economic development. This policy is expressed throughout chapter 536. For example, the legislature has declared:

"The maintenance of the present level of the economic and general welfare of the people of this state and the future growth and development of this state for the increased economic and general welfare of the people thereof are in large part dependent upon a proper utilization and control of the water resources of this state, and such use and control is therefore a matter of greatest concern and highest priority." ORS 536.220(1)(a).⁵

It is well understood that a municipality cannot maintain its economic base or provide for future growth without adequate water supply to meet the various municipal water needs on which such growth depends. As discussed above, the Groundwater Applications are integral components of the Master Plan to develop new water supply to keep pace with growth in the greater Springfield area. Implementing the Master Plan is necessary for the "future growth and development of [the

⁵ This policy also is expressed in other statements in ORS chapter 536. *See, e.g.,* ORS 536.238(1)(a) ("The water resources of the state are critical to the economic and recreational well-being of the people of Oregon.").





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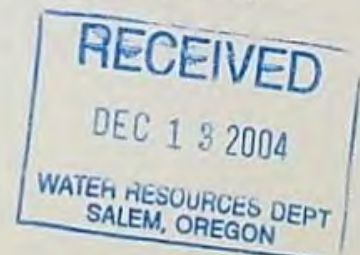
Springfield area] for the increased economic and general welfare of the people thereof." ORS 536.220(1)(a).

In the case of the Groundwater Applications, the proposed uses are necessary to allow SUB to continue meeting municipal demand in the greater Springfield area. The Master Plan anticipates additional development of groundwater resources to keep pace with growth in the area, which directly maintains and supports the economic base and future growth in the area. Denial of the Groundwater Permits, and in particular denial of the proposed year-round use, places this economic base and future growth at risk. Under these circumstances, the Commission should find that the uses proposed in the Groundwater Applications are of "short duration" for purposes of granting an exception to the WBP.

B. The Water Use Is Necessary to Ensure Public Health, Welfare, and Safety

The Commission may allow the Department to consider an application for a water use not classified in the WBP if the proposed use is "necessary to ensure public health, welfare and safety." ORS 536.295(1)(d). As noted above, the proposed use is not classified for the three-month period from July 1 through September 30. This three-month period is of critical importance to SUB as a water utility responsible for supplying municipal water to domestic and business customers because it often corresponds with SUB's peak annual demand. An inability to meet that demand would lead to water shortages in the Springfield area. The legislature has found as part of the state's water supply policy that "the availability of an adequate water supply is essential to the continued health and safety of all Oregonians." ORS 536.241(1).⁶ Water shortages would affect SUB's ability to supply clean, safe water to domestic and business customers. Water shortages also would affect public welfare and safety by degrading water reserves for fire protection. Thus the use is necessary to ensure public health, welfare, and safety for Oregonians in the greater Springfield area.

⁶ The legislature's concern over the link between water supply and public health is evident elsewhere in ORS chapter 536. See, e.g., ORS 536.238(1)(d) ("The potential for a future shortage of water poses serious risks to public health, safety and welfare and therefore is a matter of statewide concern."). To the extent that municipal use also includes domestic use or other forms of human consumption, that use also is given priority treatment by the legislature. ORS 536.310(12) (in resolving conflict between uses "preference shall be given to human consumption purposes over all other uses").





Mr. Dwight French
December 10, 2004
Page 9

C. The Water Use Is Necessary to Avoid Extreme Hardship

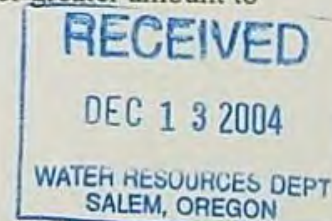
SUB also qualifies for an exception to the WBP because the exception is necessary to avoid extreme hardship. ORS 536.295(1)(e). Although "extreme hardship" is not defined by the statute or the Department's rules, or explained in any Oregon case law, the Department has considered the term to include a situation in which "the failure to allow the use would cause financial or other burdens to a water user that could not be easily overcome." See Exhibit F, *OWRD, Memorandum to Water Resources Commission, Request for an Exception to the Willamette Basin Program Due to Extreme Hardship (ORS 536.295(1)(e)) by Pleasant Valley Golf Club* (May 15, 1995). Thus the burden does not require a showing of complete economic unfeasibility or impossibility.

To the Pleasant Valley decision SUB adds another element of the test for extreme hardship: the level of hardship that must be shown ought to be related to the level of resource impact that the proposed use might cause. In a situation such as the present one, in which the threat to the Willamette River Basin's values is negligible because SUB is able to fully mitigate for potential impacts to Cedar Creek, the level of hardship required should be correspondingly reduced. In the present case, the level of hardship that would be caused by denial of the permit applications would be "extreme," because failure to approve the applications would result in lost investment of time and money in the well fields, and is certain to require more time and an even greater expenditure to replace the lost capacity.⁷ As noted above, the Master Plan calls for developing additional water supply to keep pace with growth in SUB's service area. SUB has no choice but to find new water supplies, and any delay serves to increase the likelihood that SUB will not be able to meet customer demand and will have to pass along to its rate payers the costs of additional water supply development.

D. The Use Will Provide a Public Benefit

Finally, SUB qualifies for an exception from the WBP because the municipal use will provide a public benefit. ORS 536.295(1)(f). In this case the public benefit of the Groundwater Applications is to provide clean, safe water to SUB's customers and to provide water to support the economic growth of the Springfield area. As is discussed above, public health and economic

⁷ SUB notes that its investment to date in the wells that are the subject of the Groundwater Applications easily exceeds \$1 million. If SUB cannot put those wells to use, it will have to develop additional wells or seek water from other sources to meet its customers' needs. Thus SUB will have lost its current investment and still need to invest an equal or greater amount to replace the lost groundwater use.





Mr. Dwight French
December 10, 2004
Page 10

development are key components of the state's water resource planning policies. When, as here, a use supports such policies, and is not inconsistent with other state policies, the Commission should find that the proposed use will provide a public benefit.

IV. Consistency with the Willamette Basin Program's General Policies

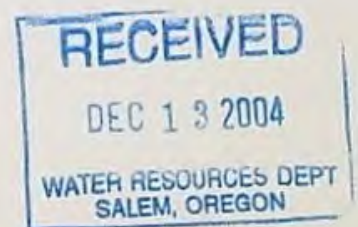
The Groundwater Applications also satisfy the exception statute's requirement that the proposed use be consistent with the general policies of the WBP. ORS 536.295(4). The proposed use is not inconsistent with any of the WBP's policies, and it is specifically consistent with at least two of those policies.

A. Groundwater Management

One of the Commission's policies for the Willamette Basin is to "[m]inimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water." OAR 690-502-0020(2)(d). SUB has repeatedly made every effort to work with the Department to avoid impairing surface water uses. For example, SUB's response to the Department's initial reviews of the Groundwater Applications was to commission a study of the potential hydraulic connection between the proposed groundwater wells and nearby surface water sources. The report that resulted from that study identified a potential for interaction between the aquifer from which the wells appropriate water and Cedar Creek. To alleviate and fully mitigate that potential interaction, SUB filed the Surface Application, which included 3.0 cfs of instream use in Cedar Creek, and as amended will include 4.1 cfs of instream use. Approval of the Surface Application will ensure that approval of the Groundwater Applications will not impair surface water uses from Cedar Creek.

B. Municipal and Domestic Water Systems

Another of the Commission's policies for the Willamette Basin is to "[s]upport coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." OAR 690-502-0020(3). SUB's activities, including the Groundwater Applications, are consistent with this policy. SUB has extensively invested in coordinated water service planning as evidenced by the Master Plan and WCP. Through the Master Plan, SUB has coordinated efficient water system planning and cost-effective water supply development with RWD. Through the WCP, SUB has identified water conservation opportunities within its service territory and has actively pursued implementing those opportunities. Together the Master Plan and WCP represent SUB's substantial investment in water





Mr. Dwight French
December 10, 2004
Page 11

service planning "to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin." *Id.*

V. Conclusion

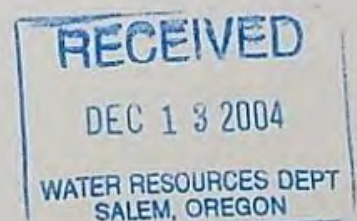
In conclusion, SUB requests that, pursuant to ORS 536.295, the Commission allow the Department to consider SUB's year-round Groundwater Applications notwithstanding the WBP classification that Cedar Creek water is available for only nine months of the year. SUB also hereby amends the Surface Application as described above. Approval of SUB's amended Surface Application will fully mitigate any potential interference between the Groundwater Applications and Cedar Creek.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Greg D. Corbin

cc: Mr. Chuck Arrera, Springfield Utility Board
Mr. David E. Filippi, Steel Rives LLP





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DEC 13 2004
WATER RESOURCES DEPT
SALEM, OREGON

900 S.W. Fifth Avenue, Suite 2600
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December 10, 2004

GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

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

Re: Springfield Utility Board Applications S-85336, G-15241, G-15242, G-15243, and G-15244

Dear Cory:

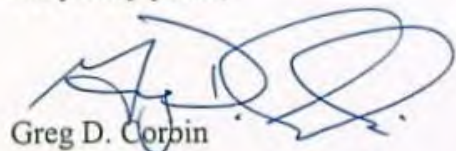
Thank you for your letter dated December 8, 2004 informing me that Springfield Utility Board's ("SUB") request for a basin program exception will be presented at the April 14-15, 2005 Water Resources Commission ("Commission") meeting. I submitted SUB's request for an exception from the Willamette Basin Program to the Department today.

As you note in your letter, the current administrative hold period for the above-referenced applications expires January 31, 2005. To allow the Commission to consider the matter before the Department takes any final action, SUB hereby requests that the Department extend the administrative hold period for these applications until at least April 30, 2005.

Finally, please note that Ken Cerotsky is no longer with SUB. Chuck Arrera is the correct contact at SUB for this matter.

I appreciate your attention to this matter. Please contact me if you have any questions.

Very truly yours,



Greg D. Corbin

cc: Mr. Dwight French
Mr. Chuck Arrera
Mr. David Filippi



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

December 8, 2004

Greg D Corbin
Stoel Rives
900 SW 5th Ave Ste 2600
Portland OR 97204

RE: Springfield Utility Board applications S-85336, G-15241, G-15242, G-15243, G-15244

Mr. Corbin:

In light of your client's stated interest in pursuing an exception to the Willamette Basin Program from the Water Resources Commission (WRC), please be informed that the agenda for the January WRC meeting is full.

If you would like the matter presented at the April 14-15, 2005 meeting, please make your request in writing prior to January 31, 2005. Please also note that the current administrative hold on these applications expires January 31, 2005 as well, so if you make such a request, it should include a request to extend the administrative hold until at least April 30, 2005.

If you have any questions, please feel free to call me at 503-986-0813.

Sincerely,

Mr. Cory C. Engel
Water Right Application Caseworker

c. Ken Cerotsky
Springfield Utility Board
202 South 18th St
Springfield OR 97477-5240

Files



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

October 25, 2004

Greg Corbin
Stoel Rives LLP
900 SW 5th Ave Ste 2600
Portland OR 97204

RE: Springfield Utility Board applications S-85336, G-15241, G-15242, G-15243, & G-15244

Mr. Corbin:

This is in response to your letter dated October 18, 2004, in which you requested that the above-referenced applications be placed on administrative hold to allow the applicant time to address issues raised by the Department in its initial review of applications S-85336, G-15241, G-15243, and G-15244, by pursuing an exception to the basin program at the next scheduled Water Resources Commission meeting. The next Commission meeting will be held January 13-14, 2005.

Your request is approved. The Department will not proceed with Proposed Final Order for these applications until after Monday, January 31, 2005.

If you have any questions, please feel free to call me at 503-986-0819.

Sincerely,

Dwight French
Water Right Application Section Manager

c: Files



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OCT 19 2004

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SALEM, OREGON

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GREG D. CORBIN
Direct (503) 294-9632
gdcorbin@stoel.com

October 18, 2004

VIA FACSIMILE AND MAIL (503) 986-0904

Mr. Dwight French
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Springfield Utility Board Applications S-85336, G-15241, G-15242, G-15243, and G-15244

Dear Mr. French:

Pursuant to requests by Springfield Utility Board ("SUB"), the Water Resources Department (the "Department") placed each of the above referenced permit applications on administrative hold to allow SUB additional time to address issues raised by the Department in its initial review ("IR") of applications S-85336, G-15241, G-15243, and G-15244. These permit applications and application G-15242 should be considered together as they are part of SUB's larger water development program.

In letters dated July 9, 2004 and August 19, 2004 from Mr. Cory Engle, the Department stated that a barrier to approving the applications is the Department's position that certain aspects of the applications are inconsistent with the Willamette Basin Program. The letters also suggest that an option for removing this barrier is to petition the Water Resources Commission (the "Commission") under ORS 536.295 to allow the Department to consider approving the applications notwithstanding the Willamette Basin Program. SUB is willing to proceed to petition the Commission as outlined in the Department's letters. Accordingly, SUB will provide to you under separate cover a letter detailing the reasons that the Commission should grant a petition to allow the Department to consider approving the applications notwithstanding the Willamette Basin Program, and the reasons the Department should approve the applications pursuant to ORS 536.295.

The Department's administrative hold on application G-15242 expired July 31, 2004, and the Department's administrative holds for applications S-85336, G-15241, G-15243, and G-15244 expire today. Pursuant to my conversation with Cory Engle earlier today, SUB hereby requests

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Mr. Dwight French
October 18, 2004
Page 2

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that the Department extend the administrative hold for all five of these applications pending completion of the petition process under ORS 536.295. SUB anticipates providing to the Department by the end of this month sufficient information and reasons for pursuing the petition process. SUB will work with the Department to prepare a timely petition that the Commission can consider and act on at its next regularly scheduled meeting following the meeting currently scheduled for October 21-22, 2004.

Please do not hesitate to contact me or David Filippi, (503) 294-9529, of this office if you have any questions.

Very truly yours,

Greg D. Corbin

cc: Mr. Chuck Arrera (Fax: (503) 747-7348)
Mr. David Filippi



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
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fax 503.220.2160
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October 18, 2004

GREG D. CORBIN
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gdcorbin@stoel.com

VIA FACSIMILE AND MAIL (503) 986-0904

Mr. Dwight French
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Springfield Utility Board Applications S-85336, G-15241, G-15242, G-15243, and G-15244

Dear Mr. French:

Pursuant to requests by Springfield Utility Board ("SUB"), the Water Resources Department (the "Department") placed each of the above referenced permit applications on administrative hold to allow SUB additional time to address issues raised by the Department in its initial review ("IR") of applications S-85336, G-15241, G-15243, and G-15244. These permit applications and application G-15242 should be considered together as they are part of SUB's larger water development program.

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The Department's administrative hold on application G-15242 expired July 31, 2004, and the Department's administrative holds for applications S-85336, G-15241, G-15243, and G-15244 expire today. Pursuant to my conversation with Cory Engle earlier today, SUB hereby requests

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Mr. Dwight French
October 18, 2004
Page 2

that the Department extend the administrative hold for all five of these applications pending completion of the petition process under ORS 536.295. SUB anticipates providing to the Department by the end of this month sufficient information and reasons for pursuing the petition process. SUB will work with the Department to prepare a timely petition that the Commission can consider and act on at its next regularly scheduled meeting following the meeting currently scheduled for October 21-22, 2004.

Please do not hesitate to contact me or David Filippi, (503) 294-9529, of this office if you have any questions.

Very truly yours,

Greg D. Corbin

cc: Mr. Chuck Arrera (Fax: (503) 747-7348)
Mr. David Filippi

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OCT 19 2004

WATER RESOURCES DEPT
SALEM, OREGON



300 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
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fax 503 220 2480
www.stoel.com

Name:	Fax No.	Company/Firm	Phone No.
TO: Dwight French	(503) 986-0904	WRD	
Chuck Arrera	(503) 747-7348		

Name:	Sender's Direct Dial:	Sender's Direct Email:
FROM: Greg D. Corbin	(503) 294-9632	gdcorbin@stoel.com

Client:	Matter:
---------	---------

Date: October 18, 2004

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COMMENTS:

*Prepare
Approve letter
after ~~next~~ hold for two weeks
1st/2005 WRC meeting.*

my sig. That DGH

*WRC TENTATIVE 1/13-14/05
CONFIRM W/ CENNY 10/25
ADMIN HOLD EXTEND TO 2/5*

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Oregon

Theodore R. Kulongoski, Governor

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

August 19, 2004

FAXED
8/19 1:15

David E. Filippi
Stoel Rives
900 SW 5th Ave Ste 2600
Portland OR 9720

Via fax (503-220-2480)
and First Class Mail

RE: Springfield Utility Board Applications S-85336, G-15241, G-15243, & G-15244

Dear Mr. Filippi,

This is in response to your August 13, 2004 letter in which you requested an administrative hold to provide time to engage in activities necessary to resolve issues identified in my July 9, 2004 letter. Your request is approved. The Department will not process Applications S-85336, G-15241, G-15243, or G-15244 until after October 18, 2004, unless you request that we proceed sooner.

Following further internal discussion of the question of whether the proposed streamflow augmentation can be characterized as municipal use, we have concluded that the determination of the May 16, 2003 initial review of S-85336 was correct. The initial review stated that

The Willamette Basin Program (OAR 690-502-0010(15)) defines "municipal use" as "the delivery and use of water through the water service system of an incorporated municipality". Because the 3.0 CFS of water proposed for streamflow augmentation would not be delivered through the water service system of an incorporated municipality, it is not municipal use under the Willamette Basin Program.

To expand on the initial review letter, we've determined that, because the means of conveyance--Cedar Creek, a natural waterway--is neither owned nor controlled by City of Springfield, it is not the water service system of an incorporated municipality.

However, as noted in my July 9 letter, we believe that this problem may be overcome by amending the streamflow augmentation portion of the application to propose fish life, wildlife, and/or pollution abatement instead. These uses are explicitly allowed by the basin program, and should adequately mitigate for groundwater pumping impacts if the portion of the application's 40 CFS dedicated to fish life, wildlife, and/or pollution abatement is increased to 4.1 CFS. If application S-85336 is amended in these ways, that should allow us to propose approval of that application, and will overcome one of the obstacles--insufficient mitigation--to approval of applications G-15241, G-15243, and G-15244.

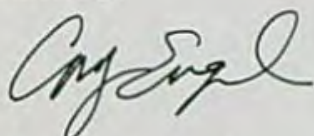
Remaining obstacles to approval of the ground water applications are:

1. The Willamette Basin Program does not allow the proposed use during the period July 1 through September 30 (OAR 690-502-0080(1)(d)). This may be overcome either by accepting the shorter season allowed by the basin program or by petitioning the Water Resources Commission to allow the Department to consider approving the application year-round notwithstanding the basin program, pursuant to ORS 536.295.
2. The Oregon Department of Fish and Wildlife (ODFW) stated under OAR 690-033 that the proposed use of water may effect the essential habitat of upper Willamette spring Chinook salmon, a threatened species under the Endangered Species Act. This obstacle may be overcome by working with ODFW to determine conditions under which these applications may be approved. It may be that the proposed modifications to S-85336 will help in this regard. Again, I recommend contacting Jeff Ziller at 503-726-3515 x26 to discuss this issue (if you haven't already).

With regard to the meeting we discussed, I hope that these clarifications have eliminated its necessity. However, if you would still like to meet, Dwight French and I are currently available next week during the following times: 10am to 4pm on the 23rd and 26th; 8am to 12 pm on the 24th, and 8am to 10am on the 27th. If you and your clients would prefer it, we would be happy to conduct the meeting by conference call to avoid the need travel.

If you have any questions, please feel free to call me at 503-986-0813.

Sincerely,



Mr. Cory C. Engel
Water Right Application Caseworker

c: Bart McKee, Springfield Utility Board (via fax only: 541-747-7348)

FAXED
8/19 1:15



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
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fax 503.220.2480
www.stoel.com

August 13, 2004

DAVID E. FILIPPI
Direct (503) 294-9529
defilippi@stoel.com

VIA FACSIMILE NO. (503) 986-0904
AND U.S. MAIL

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

Re: Administrative Hold for Applications S-85336, G-15241, G-15243, and G-15244

Dear Mr. Engel:

Thank you for returning my call today. As we discussed and pursuant to your correspondence of July 9, 2004, I am hereby requesting on behalf of the Springfield Utility Board ("SUB") that the Oregon Water Resources Department (the "Department") place the above-referenced applications on administrative hold for the purpose of resolving the remaining issues identified in your July 9 correspondence. The purpose of this request is to allow time for representatives of SUB to meet with you and others at the Department to discuss the remaining issues and take action as appropriate following the meeting. Assuming the meeting is scheduled in the next couple of weeks as we discussed, we do not anticipate that SUB will require more than 60 days to address the remaining issues.

I understand that you will contact me on Monday to establish a date and time for the proposed meeting. Please contact me if you have any questions.

Very truly yours,

David E. Filippi

cc (via facsimile): Mr. Chuck Davis
Mr. Bart McKee

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AUG 16 2004

WATER RESOURCES DEPT
SALEM, OREGON

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Washington
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Name:	Fax No.	Company/Firm	Phone No.
TO: Cory Engel	(503) 986-0904	OWRD	

Name:	Sender's Direct Dial:	Sender's Direct Email:
FROM: David E. Filippi	(503) 294-9529	defilippi@stoel.com

Client:	Matter:
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Date: August 13, 2004

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COMMENTS:

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SALEM, OREGON



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August 13, 2004

DAVID E. FILIPPI
Direct (503) 294-9529
defilippi@stoel.com

**VIA FACSIMILE NO. (503) 986-0904
AND U.S. MAIL**

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

Re: Administrative Hold for Applications S-85336, G-15241, G-15243, and G-15244

Dear Mr. Engel:

Thank you for returning my call today. As we discussed and pursuant to your correspondence of July 9, 2004, I am hereby requesting on behalf of the Springfield Utility Board ("SUB") that the Oregon Water Resources Department (the "Department") place the above-referenced applications on administrative hold for the purpose of resolving the remaining issues identified in your July 9 correspondence. The purpose of this request is to allow time for representatives of SUB to meet with you and others at the Department to discuss the remaining issues and take action as appropriate following the meeting. Assuming the meeting is scheduled in the next couple of weeks as we discussed, we do not anticipate that SUB will require more than 60 days to address the remaining issues.

I understand that you will contact me on Monday to establish a date and time for the proposed meeting. Please contact me if you have any questions.

Very truly yours,

David E. Filippi

cc (via facsimile): Mr. Chuck Davis
Mr. Bart McKee

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Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

July 9, 2004

Bart McKee
Springfield Utility Board
202 S 18th St
Springfield, OR 97477

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

Mr. McKee,

The Oregon Water Resources Department (hereafter referred to as "the Department") is currently preparing to issue Proposed Final Orders (PFOs) for the referenced pending applications. As you may recall, on May 16, 2003 the Department issued Initial Reviews (IRs) of these applications indicating it was unlikely that a permit would be issued. In our continuing review, considering the applications in their current forms will result in negative PFOs for the ground water applications and the mitigation portion of S-85336. However, it may be possible for you to modify the applications such that they meet requirements for approval.

S-85336

This application proposed the use of 37.0 cubic feet per second (CFS) for municipal use and 3.0 CFS for streamflow augmentation to mitigate the expected impacts of the appropriation of water proposed under applications G-15241, G-15243, & G-15244.

The Department has determined that while the use of 37.0 CFS for municipal use is likely allowable, the proposed use of water for streamflow augmentation is not a classified use in the Willamette Basin Program (OAR 690-502-0080(1)(e)). If Springfield Utility Board (SUB) intends to pursue the streamflow augmentation portion of this application, this problem may be remedied in one of two ways:

1. Amend the application to modify the character of use from streamflow augmentation to some other in-stream use or combination of uses, which are allowed by the basin program. (Examples include fish life, wildlife, and pollution abatement.)
2. Petition the Water Resources Commission to allow the Department to consider the application notwithstanding the basin program, pursuant to ORS 536.295.

G-15241, G-15243, & G-15244

These applications propose the use of water from wells for municipal use. Following an evaluation of the application including a review of information provided by SUB, the Department has determined that the use of water from these wells would have the potential to substantially interfere with Cedar Creek and McKenzie River. The combined interference is estimated to be 4.1 CFS.

The Department has determined that there exist two impediments to approval of your applications in their current form: the Willamette Basin Program does not allow the proposed use during the period July 1 through September 30 (OAR 690-502-0080(1)(d)), and pursuant to OAR 690-033, the Oregon Department of Fish and Wildlife (ODFW) has indicated that the proposed use of water may effect the essential habitat of upper Willamette spring Chinook salmon, a threatened species under the Endangered Species Act. To approve the applications, both of these impediments must be overcome.

Your options with regard to the basin program include:

1. Accept the shorter season allowed by the basin program.
2. Petition the Water Resources Commission to allow the Department to consider approving the application year-round notwithstanding the basin program, pursuant to ORS 536.295.

To overcome OAR 690-033, it will likely be necessary to accomplish all of the following:

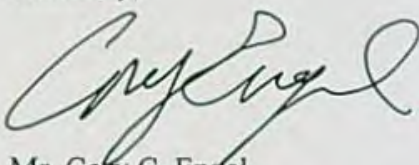
1. Put S-85336 on a path to approval as described above to mitigate for impacts to Cedar Creek.
2. Amend S-85336 from 37.0 CFS for municipal and 3.0 CFS for streamflow augmentation to 35.9 CFS for municipal and 4.1 CFS for the portion intended to augment Cedar Creek flows (though the character of in-stream use may be modified as described above). This will ensure that the estimated impacts to Cedar Creek are fully mitigated.
3. Work with ODFW to determine conditions under which these applications may be approved. In March of 2001, ODFW suggested that if the proposed use would reduce streamflow, the applicant should be required to contract for the release of stored water from upstream reservoirs. However, that is not a viable option, because the water in upstream reservoirs is not stored for that purpose. Jeff Ziller, ODFW's current District Biologist, has recently suggested conditions with regard to application S-85336 relating to fish screening and avoidance of depletion of Big Island Oregon chub ponds; it may be that Mr. Ziller can also recommend conditions under which these applications may be approved. Mr. Ziller may be reached at 503-726-3515 x26.

If you are unable to resolve these issues within 30 days, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your applications will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested, or you do not request an administrative hold by **Monday, August 16, 2004**, we will continue to process your applications in their current form. If your applications are rejected, any fees submitted in excess of the examination fees will be refunded; however, the examination fees are non-refundable and will not be returned. In addition, the priority date associated with your applications will be lost.

If you have any questions, please feel free to call me at 503-986-0813.

Sincerely,



Mr. Cory C. Engel
Water Right Application Caseworker

c: Files
Jeff Ziller, ODFW
Michael Mattick, Watermaster



SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348

July 16, 2003

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Cory Engel
Water Rights Processing Technician
Water Resources Department
158 12th Street, NE
Salem, OR 97301-4172

RE: Application # S-85336, Additional Information, Water Needs Projection

Dear Cory:

You requested additional demand information for the above application. SUB used two independent processes to develop two separate estimates of future water demands.

SUB utilized existing planning and water demand materials contained in its 1999 Master Water Plan to project water demands to the year 2070. As a check on this approach, SUB used population projections from a new Lane Council of Governments (LCOG) project titled Region 2050 to develop a separate projection of water demands.

Listed below is an explanation of the attached water demand information contained in Table 1 through Table 4.

A. SUB BASED PROJECTIONS

- Table 1 - Future Water Demand Using 1999 Water System Master Plan Assumptions, Projected to 2070, Maximum Day Demand and
- Table 3 - Future Water Demand Using 1999 Water System Master Plan Assumptions, Projected to 2070, Peak Hour Demand.

SUB previously submitted its 1999 Master Water Plan to the Department and received Department approval for the plan. The 20-year plan contained projected water demands to the year 2017 and the capital facilities needed to meet the demands. The water demands projected were based on an average growth rate of 1.33% per year applied proportionally to the Springfield area water systems. The average growth factor was used to project growth in service connections (an indicator of population growth), growth in maximum day demands (MDD), and growth in peak hour demands (PH) (see Appendix A, 1999 Plan for detailed methodology). Water conservation was factored into the growth projections. Table 1 summarizes the increase in MDD using the same average growth assumptions but projected to the year 2070. Table 3 summarizes the increase in PH to the year 2070.

Water rights needed by a municipal agency will lay between the water demands defined by the maximum day demand and the peak demands defined by the peak hour. SUB must have secure water rights higher than MDD in order to meet its peak demands. However, some of the peak can be mitigated from operational adjustments and from storage.

B. LCOG BASED PROJECTIONS

Table 2 - Water Demands Using LCOG Population Data, Maximum Day Demand, Table 4 -
Water Demands Using LCOG Population Data, Peak Hour Demand.

For about the last two years, LCOG has been the lead agency in developing a long-term growth management plan for the southern Willamette Valley. The planning process is titled Region 2050. The intent is to broadly define the type and amount of development that may occur in our area by the year 2050 and 2070, and begin identifying ways to influence the development in order to meet quality of life goals defined by the work group. One small part of the exercise included a population projection for the Springfield area in the year 2050 and 2070.

Attached is the document that contains the population projections developed by LCOG for the project. SUB used the population projections for Springfield and applied the historical per capita consumption and peaking factors identified in its 1999 Water Master Plan to the population projections. The result is Table 2--Water Demands Using LCOG Population Data, Maximum Day Demand, and Table 4--Water Demands Using LCOG Population Data, Peak Hour Demand. Growth in population was defined by LCOG as 1.0125% between 2000-2050 and 1.0085% between 2050-2070.

The projections of water demands developed under this approach were very close to the projections of water demands developed using the 1999 SUB Water Master Plan

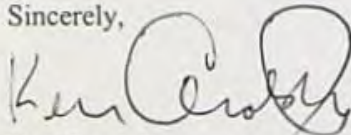
The summarized demand information as compared to existing SUB water rights is shown in Table 5. A water right deficit exists in 2070 using either of the demand project methods.

The primary issue is the amount of new water right to be granted under this pending application. The amount of 40 cfs is requested to meet future demands, assuming some portion of the peak demand will be met from storage or operational adjustments. It is uncertain if this new water right will be sufficient to meet the demands in the area. SUB plans to closely monitor our growth in demands and adjust any future water right applications accordingly.

As an aside, in your letter of June 17, 2003, you stated that our projected deficit would be 9.35 cfs (6.04 MG) in 2017. I believe this figure is one you noticed on page 4-6, Table 4-3 in our 1999 Master Plan. The deficit is not a water right deficit but a facility/developed capacity deficit. The intent of the table was to project the amount of capital improvements SUB needed to meet water demands, such as development of new source.

Please call me if you have any questions about this request.

Sincerely,



Ken Cerotsky
Director - Water Division

KC:mkm

cc: Bart McKee, SUB Project Engineer Water Division
David Filippi

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TABLE 1—FUTURE WATER DEMAND USING 1999 WATER SYSTEM MASTER PLAN ASSUMPTIONS, PROJECTED TO 2070, MAXIMUM DAY DEMAND

GROWTH RATE, WITH CONSERVATION				=	1.0133
YR	MDD (MG)	YR	MDD (MG)	YR	MDD (MG)
2002	24.5	2026	31.7	2050	43.5
2003	24.5	2027	32.1	2051	44.1
2004	24.6	2028	32.6	2052	44.7
2005	24.6	2029	33.0	2053	45.3
2006	24.7	2030	33.4	2054	45.9
2007	24.7	2031	33.9	2055	46.5
2008	25	2032	34.3	2056	47.1
2009	25.3	2033	34.8	2057	47.8
2010	25.7	2034	35.2	2058	48.4
2011	26.0	2035	35.7	2059	49.0
2012	26.4	2036	36.2	2060	49.7
2013	26.7	2037	36.7	2061	50.4
2014	27.1	2038	37.2	2062	51.0
2015	27.4	2039	37.7	2063	51.7
2016	27.8	2040	38.2	2064	52.4
2017	28.2	2041	38.7	2065	53.1
2018	28.5	2042	39.2	2066	53.8
2019	28.9	2043	39.7	2067	54.5
2020	29.3	2044	40.2	2068	55.2
2021	29.7	2045	40.8	2069	56.0
2022	30.1	2046	41.3	2070	56.7
2023	30.5	2047	41.9		= 87.7 CFS
2024	30.9	2048	42.4		
2025	31.3	2049	43.0		

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TABLE 2--FUTURE WATER DEMAND USING LCOG POPULATION DATA, MAXIMUM DAY DEMAND.

USE 1998 SPRINGFIELD POPULATION, 60481 AND 1998 MDD OF 26.65 MG,
GIVES 440.6 GAL/PERSON AT MDD. PROJECT MDD USING LCOG POPULATION,
LCOG POPULATION GROWTH RATE AND 440.6 GALLONS/PERSON AT MAX. DAY

LCOG AVERAGE GROWTH RATE, 2000-2050 = 1.0125
LOCG AVERAGE GROWTH RATE, 2050-2070 = 1.0085
MMD = 440.6

YR	POP.	MDD (MG)	YR	POP.	MDD (MG)	YR	POP.	MDD (MG)
2000	62040	27.3						
2001	62816	27.7						
2002	63601	28.0	2026	85692	37.8	2050	115458	50.9
2003	64396	28.4	2027	86764	38.2	2051	116439	51.3
2004	65201	28.7	2028	87848	38.7	2052	117429	51.7
2005	66016	29.1	2029	88946	39.2	2053	118427	52.2
2006	66841	29.5	2030	90058	39.7	2054	119434	52.6
2007	67676	29.8	2031	91184	40.2	2055	120449	53.1
2008	68522	30.2	2032	92324	40.7	2056	121473	53.5
2009	69379	30.6	2033	93478	41.2	2057	122505	54.0
2010	70246	31.0	2034	94646	41.7	2058	123547	54.4
2011	71124	31.3	2035	95829	42.2	2059	124597	54.9
2012	72013	31.7	2036	97027	42.8	2060	125656	55.4
2013	72913	32.1	2037	98240	43.3	2061	126724	55.8
2014	73825	32.5	2038	99468	43.8	2062	127801	56.3
2015	74748	32.9	2039	100711	44.4	2063	128887	56.8
2016	75682	33.3	2040	101970	44.9	2064	129983	57.3
2017	76628	33.8	2041	103245	45.5	2065	131088	57.8
2018	77586	34.2	2042	104535	46.1	2066	132202	58.2
2019	78556	34.6	2043	105842	46.6	2067	133326	58.7
2020	79538	35.0	2044	107165	47.2	2068	134459	59.2
2021	80532	35.5	2045	108505	47.8	2069	135602	59.7
2022	81538	35.9	2046	109861	48.4	2070	136754	60.3
2023	82558	36.4	2047	111234	49.0			= 93.3 CFS
2024	83590	36.8	2048	112625	49.6			
2025	84635	37.3	2049	114032	50.2			

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TABLE 3—FUTURE WATER DEMAND USING 1999 WATER SYSTEM MASTER PLAN ASSUMPTIONS, PROJECTED TO 2070, PEAK HOUR DEMAND

GROWTH RATE, WITH CONSERVATION = 1.0133
HISTORIC PEAK HR (PH) TO MMD FACTOR = 1.8

YR	MDD (MG)	YR	MDD (MG)	YR	MDD (MG)
2002	24.5	2026	31.7	2050	43.5
2003	24.5	2027	32.1	2051	44.1
2004	24.6	2028	32.6	2052	44.7
2005	24.6	2029	33.0	2053	45.3
2006	24.7	2030	33.4	2054	45.9
2007	24.7	2031	33.9	2055	46.5
2008	25	2032	34.3	2056	47.1
2009	25.3	2033	34.8	2057	47.8
2010	25.7	2034	35.2	2058	48.4
2011	26.0	2035	35.7	2059	49.0
2012	26.4	2036	36.2	2060	49.7
2013	26.7	2037	36.7	2061	50.4
2014	27.1	2038	37.2	2062	51.0
2015	27.4	2039	37.7	2063	51.7
2016	27.8	2040	38.2	2064	52.4
2017	28.2	2041	38.7	2065	53.1
2018	28.5	2042	39.2	2066	53.8
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2021	29.7	2045	40.8	2069	56.0
2022	30.1	2046	41.3	2070	56.7
2023	30.5	2047	41.9		
2024	30.9	2048	42.4		
2025	31.3	2049	43.0		

2070 WATER RIGHT NEEDED = (PH) X 2070 MDD = 1.8 X 56.7 MG = 102.0872 MG
= 157.95 CFS

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TABLE 4—WATER DEMAND USING LCOG POPULATION DATA, PEAK HOUR DEMAND

USE 1998 SPRINGFIELD POPULATION, 60481 AND 1998 MDD OF 26.65 MG,
GIVES 440.6 GAL/PERSON AT MDD. PROJECT MDD USING LCOG POPULATION,
LCOG POPULATION GROWTH RATE AND 440.6 GALLONS/PERSON AT MAX. DAY

LCOG AVERAGE GROWTH RATE, 2000-2050	=	1.0125
LCOG AVERAGE GROWTH RATE, 2050-2070	=	1.0085
MMD	=	440.6
HISTORIC PEAK HR (PH) TO MMD FACTOR	=	1.8

YR	POP.	MDD (MG)	YR	POP.	MDD (MG)	YR	POP.	MDD (MG)
2000	62040	27.3						
2001	62816	27.7						
2002	63601	28.0	2026	85692	37.8	2050	115458	50.9
2003	64396	28.4	2027	86764	38.2	2051	116439	51.3
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2007	67676	29.8	2031	91184	40.2	2055	120449	53.1
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2012	72013	31.7	2036	97027	42.8	2060	125656	55.4
2013	72913	32.1	2037	98240	43.3	2061	126724	55.8
2014	73825	32.5	2038	99468	43.8	2062	127801	56.3
2015	74748	32.9	2039	100711	44.4	2063	128887	56.8
2016	75682	33.3	2040	101970	44.9	2064	129983	57.3
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2019	78556	34.6	2043	105842	46.6	2067	133326	58.7
2020	79538	35.0	2044	107165	47.2	2068	134459	59.2
2021	80532	35.5	2045	108505	47.8	2069	135602	59.7
2022	81538	35.9	2046	109861	48.4	2070	136754	60.3
2023	82558	36.4	2047	111234	49.0			
2024	83590	36.8	2048	112625	49.6			
2025	84635	37.3	2049	114032	50.2			

$$2070 \text{ WATER RIGHT NEEDED} = (\text{PH}) \times 2070 \text{ MDD} = 1.8 \times 60.3 \text{ MG} = \underline{108.457 \text{ MG}}$$

$$= \underline{167.94 \text{ CFS}}$$

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TABLE 5-SUMMARY OF PROJECTIONS

PROJECTION METHOD	PROJECTED WATER DEMAND 2070		PRESENT RIGHTS		PROJECTED DEFICIT	PROPOSED ADDITION
	MG	CSF	MG	CSF	CSF	CSF
TABLE 1-1999 SUB MASTER PLAN, MAXIMUM DAY DEMAND	56.7	87.7	52.99	82	-5.7	40
TABLE 2-LCOG REGION 2050 MAXIMUM DAY DEMAND	60.3	93.3	52.99	82	-11.3	40
TABLE 3-1999 SUB MASTER PLAN, PEAK HOUR DEMAND	102.1	157.9	52.99	82	-75.9	40
TABLE 4-LCOG REGION 2050 PEAK HOUR DEMAND	108.5	167.9	52.99	82	-85.9	40

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TABLE 4-1
SUB and RWD Source Listing

Source Name	Owner	Permit No.	Priority Date	Certificate No.	Water Right Amount (gpm)
East Fork of the Willamette River	SUB	22200	4/1/1953		8,976
Willamette Wellfield	SUB				
No. 8		G-266	6/18/1956	20-27979	896
No. 1		GR-3134	6/16/1959		900
No. 6		GR-3135	6/16/1959		1,250
No. 4		GR-3136	6/16/1959		1,250
No. 3		GR-3137	6/16/1959		1,250
No. 7		GR-3138	6/16/1959		1,250
No. 5		GR-3139	6/16/1959		600
No. 2		GR-3140	6/16/1959		1,250
No. 9		G-3027	8/30/1965	27-35650	400
No. 12		G-3073	11/1/1965		995
No. 11		G-3074	11/1/1965	27-35651	1,478
No. 10		G-3075	11/1/1965	27-35754	1,075
No. 13/15		G-11558	6/4/1991		323
SP Well	SUB	G-9989	7/12/1982	51-56430	797
Maia Well	SUB	G-10349	1/20/1984		1,200
Thurston Wellfield	SUB				
No. 1		G-3267	4/21/1966	34-42085	797
No. 2		G-4570	4/28/1969	34-42086	1,201
No. 3		G-4989	2/10/1972	34-42088	497
No. 4		G-9983	2/4/1982	51-56427	251
Platt Wellfield	SUB				
No. 1		G-9984	2/4/1982	51-56428	251
No. 2		G-9985	2/4/1982	51-56429	448
Weyerhaeuser WF	SUB/RWD				
No. A		G-237	3/29/1956	37-45301	493
No. 1		G-237	3/29/1956	37-45301	806
No. 2		G-237	3/29/1956	37-45301	806
No. D		G-237	3/29/1956	37-45301	403
No. 3		G-2795	12/16/1964		762
Chase Wellfield	RWD				
No. 1		G-2795	12/16/1964	45302	1,122
No. 2		G-2795	12/16/1964	45302	1,122
No. 3		G-47098	9/12/1969	45303	399
No. 4		G-5132	9/1/1970	45304	898
Q Street Well	RWD	G-9945	7/14/1980	65691	700
I-5 Wellfield	RWD				
No. 1					
No. 2					
Sports Way Well	SUB	G-12845	10/13/1995		2,000
TOTAL (gpm)					36,800
TOTAL (mgd)					52.99
TOTAL (cfs)					81.99

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REGION 2050

Sustaining Quality of Life in the Southern Willamette Valley

Yesterday and Today Growth Scenarios Methodology and Assumptions April 2, 2002

The methodology presented in this paper and attachments were used in developing the Yesterday and Today growth scenarios for the Southern Willamette Valley region. This methodology and these assumptions are based on a model prepared by Fregonese Calthorpe Associates, consultants to the Region 2050 process, as modified by the Regional Technical Advisory Committee (RTAC) and the Regional Policy Advisory Board.

The values for the detailed assumptions in the two scenarios are provided in the following attachments.

- ☐ Population Forecasts for UGBs and Outside UGBs in the Southern Willamette Valley
- ☐ Yesterday and Today Scenario Assumptions
- ☐ Yesterday Scenario:
 - ☐ Employment Forecasts
 - ☐ Development Types and Densities
 - ☐ Current Mix of Development Types
 - ☐ Capacity Analysis and Calculation of Expansion Acres
- ☐ Today Scenario:
 - ☐ Employment Forecasts
 - ☐ Development Types and Densities
 - ☐ Current Mix of Development Types
 - ☐ Capacity Analysis and Calculation of Expansion Acres

What is a Growth Scenario?

These scenarios were prepared by LCOG and the RTAC as the Yesterday and Today scenarios for the region. The Yesterday Scenario is a snap-shot of the region in the year 2050 if development patterns continue in the future as they have in the past. The Today Scenario is a snap-shot of the region in the year 2050 if specific local plans and policies are implemented.

The scenarios are not intended to be perfect predictions of the future. They are intended to reflect reasonable approximations of continuing existing conditions and practices and of implementing current policies. The full set of assumptions for the two scenarios are listed in the attachment, "Yesterday and Today Scenario Assumptions."

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What are the Basic Steps in Building a Growth Scenario?

There are three basic steps to building a Growth Scenario.

1. Forecast how many housing units and jobs must be accommodated;
2. Determine existing development capacity, i.e., how much and what type of growth can be accommodated within the current urban growth boundaries (UGBs) and on rural lands; and
3. Determine how and where future UGB expansions will occur, based on assumptions about the amount and location of land (if any) that will need to be urbanized outside of the current UGBs.

Forecast

The first assumption to be decided is the forecast of growth in housing units and jobs between 2000 and 2050. While the specific numbers may be reached either before or after the projected date, the forecast will be used to determine the extent of physical growth required to accommodate the projected population and employment. The regional forecast used in these scenarios will be modified to reflect updated forecasts for Lane County prepared by the state Office of Economic Analysis. The modified forecast used in these scenarios will be used in any alternative future scenarios, in order to measure impacts on comparable elements of each alternative.

Growth in Housing Units

This analysis assumes a regional population of 515,000 in the year 2050. The table below compares the estimated 1950 and 2000 regional population with the 2050 forecast. As shown, the forecast estimates an increase in the region's population of 70% over the next 50 years compared to the increase of 158% over the last 50 years. The population over the last 50 years has increasingly concentrated in cities with a 310% increase in city population and a 25% increase in population outside cities during this timeframe.

1950, 2000, and 2050 Population Southern Willamette Valley Region					
Area	1950	2000	2050	% Change 1950-2000	% Change 2000-2050
Regional Total	117,510	302,741	515,000	+158%	+70%
Population in Cities	54,613	224,011		+310%	-
Population Outside Cities	62,897	78,730		+25%	-
Population in UGBs	N/A	249,992	471,870	-	+89%
Population Outside UGBs	N/A	52,749	43,130	-	-18%

Sources: 1950 Lane County from US Census Bureau,
2000 Region, cities, and UGBs from 2000 US Census Bureau data, adjusted in Lowell and Veneta to reflect their proposed
revisions.
1950 Estimates based on Precinct information from 1950 Census of Population.
2050 Forecast for the Region was prepared by Pacific Northwest Ecosystem Research Consortium.

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This regional forecast was allocated to the UGBs in the region (see table 1).

The regional forecast was developed by the Pacific Northwest Ecosystem Research Consortium, and was based on the projection from the Oregon Office of Economic Analysis (OEA). OEA will be updating their projections in 2002 to adjust for 2000 census data. The UGB projections were arrived at by reviewing the proportion of Lane County population in each UGB, examining the 2000 population figures from U.S. Census data, and consulting with individual jurisdictions about their anticipated growth. For example, the Cities of Veneta, Coburg, and Lowell anticipate a faster rate of growth in the future than in the past due to recent and planned public water and/or wastewater system improvements. These cities' growth rates were adjusted to reflect that of Creswell, a fast growing city that is also close to the metropolitan area.

To forecast housing units, an average household size for 2050 was applied. An average household size of 2.24 was used for the metropolitan area, consistent with the analysis prepared for the 2001 Metropolitan Urban Reserve Analysis. An average household size of 2.4 was used for the small cities, consistent with the recent Marion County project, and reflecting the fact that average household sizes are larger in the smaller cities. In the Eugene-Springfield UGB, a vacancy rate of 3.5 percent was applied to account for unoccupied housing in the metropolitan area.

The density assumptions used in this analysis are identified in the attachments: Yesterday Scenario Development Types and Today Scenario Development Types.

Growth in Jobs

An employment forecast for the region was prepared by LCOG for inclusion in the report, *A Profile of the Southern Willamette Valley*, April 2001. This forecast projected that the region will have a total of 215,000 jobs by the year 2050. This is 85,625 more jobs than the total of 129,375 in 1998, the most recent year employment data for the region are available. This projection was developed by extrapolating the Office of Economic Analysis' (OEA) Lane County 2040 employment projection to 2050 and assuming the region would continue to have the 1998 proportion, 96 percent, of the county's employment. This projection was very close to the employment projection developed independently for the Willamette Valley Alternative Futures project which was 214,790.

This regional forecast was allocated to the UGBs under assumptions in the Yesterday Scenario and under slightly different assumptions in the Today Scenario, as described in the narrative describing the two scenarios (see table 2). In both scenarios, employment forecasts for UGBs and the rural area begin by assuming the proportion of population to jobs in each UGB continues in the future and by controlling these results to the 2050 OEA-based forecast for the region. The forecasts were then adjusted to reflect specific anticipated trends in the Yesterday Scenario (i.e., the continuation of the jobs-housing ratio in Coburg) and the implementation of local economic development policies and anticipated actions in Coburg, Junction City, and Veneta.

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Table 1. Population Forecasts Within UGBs and Outside UGBs in the Southern Willamette Valley

	2000	2050	2070	Change 2000-2070	% Change 2000-2050	%Change 2000-2070	AAGR 2000-2050	AAGR 2050-2070
Metro	222,836	412,207	487,955	265,119	85%	119%	1.24%	0.85%
Eugene	160,796	296,789	351,186	190,390	85%	118%	1.23%	0.85%
Springfield	62,040	115,418	136,769	74,729	86%	120%	1.25%	0.85%
Coburg	969	2,490	3,098	2,129	157%	220%	1.91%	1.10%
Cottage Grove	8,890	17,500	20,944	12,054	97%	136%	1.36%	0.90%
Creswell	3,892	10,000	12,443	8,551	157%	220%	1.91%	1.10%
Junction City	5,858	13,300	16,277	10,419	127%	178%	1.65%	1.02%
Lowell	1,013	2,603	3,239	2,226	157%	220%	1.91%	1.10%
Oakridge	3,246	5,400	6,262	3,016	66%	93%	1.02%	0.74%
Veneta	3,055	7,850	9,768	6,713	157%	220%	1.91%	1.10%
Westfir	233	520	635	402	123%	172%	1.62%	1.00%
Total UGBs	249,992	471,870	560,621	310,629	89%	124%	1.28%	0.87%
Rural Area Outside UGBs	52,749	43,130	39,282	-13,467	-18%	-26%	-0.40%	-0.47%
Total Region:	302,741	515,000	599,904	297,163	70%	98%	1.07%	0.77%

Notes:

The 2000 UGB population estimates are derived by overlaying 2000 census block data on digitized UGBs and regional boundary, with adjustments for Lowell and Veneta to reflect the revised figures those Cities are proposing to the initial census report.

The regional 2050 forecast was prepared by the Pacific Northwest Ecosystems Research Consortium based on the projection from the State Office of Economic Analysis (OEA).

The regional 2050 forecast was allocated to the UGBs based on available population projections from recent local comprehensive plans, facility plans, and buildable lands inventories, adjusted for future growth rates anticipated by the Cities of Lowell, Coburg, and Veneta. As a result of the planned wastewater treatment facility in Coburg and facility improvements in Lowell and Veneta, these cities anticipate having the same growth rate in the future as the City of Creswell.

The 2070 forecast was trended (simple linear regression) based on 2000 data and 2050 forecasts.

Note that the OEA will be adjusting their population projections in 2002 based on 2000 Census data.

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Table 2. 2050 Employment Projections Within and Outside UGBs for the Yesterday Scenario and the Today Scenario

	Yesterday Scenario	Today Scenario
Metro	185,444	184,830
Eugene	146,018	145,534
Springfield	39,426	39,295
Coburg	4,058	3,012
Cottage Grove	5,936	5,936
Creswell	2,635	2,635
Junction City	6,558	7,058
Lowell	376	376
Oakridge	804	804
Veneta	1,359	2,520
Westfir	6	6
Total UGBs	207,177	207,177
Rural area outside UGBs	7,823	7,823
Total Region	215,000	215,000

What is the Existing Development Capacity in the Region?

The development capacity of the existing UGBs was estimated by using the vacant and partially vacant land inventory reported in the Regional Geographic Information System (GIS) for the region. The full set of assumptions used to determine development capacity and to allocate growth are listed in the attached, "Yesterday and Today Scenario Assumptions." The GIS inventory was updated during Phase I of the Region 2050 process. Assumptions about development capacity include current Comprehensive Plan designation, environmental constraints, underbuild factors (i.e., actual built densities as opposed to maximum allowed densities in the zoning code), implementation of the TransPlan nodes, need for additional public facilities, and current infill and redevelopment. Jurisdiction staff reviewed each of these factors and set agreed-upon levels to determine the development capacity of the land.

Current Comprehensive Plan

The Comprehensive Plans provide a general allowable development capacity, the implementation of which is affected by the factors described below. Two pending comprehensive plan changes were assumed in the Today Scenario analysis: the Oaklea Comprehensive Plan Amendment and the UGB expansion for the prison (shown as an expansion area). In addition, the Today Scenario assumes the 54 TransPlan nodes would be designated and developed at assumed densities.

The attached "Today Scenario Development Types and Densities" and "Yesterday Scenario Development Types and Densities" were created to represent the different types of land uses currently allowed in existing comprehensive plans throughout the region. Development types

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were assigned to comprehensive plan designations in each city's plan based on their compatibility with the land uses and assumed housing and employment densities.

Constrained Lands

Lands were considered constrained by environmental constraints and because they are developed (except that the nodes were assumed to accommodate population and employment growth through complete redevelopment of developed lands in addition to development of the vacant land). Each of these factors has an impact on the development capacity of affected parcels. Some are purely physical in their impact, while others are linked with policies that affect their application.

The environmental constraints identified in the attached, "Yesterday and Today Scenario Assumptions" are typically used in buildable lands inventories to determine the development capacity within UGBs. For the metropolitan area, the buildable lands GIS layer used in the 1999 Metropolitan Residential Land and Housing Study was used.

Underbuild

This factor addresses the discrepancy between the comprehensive plan designation, which establishes the allowable density, and the density that is actually being achieved. This factor was based on approved developments during a recent period of time. For the Eugene-Springfield UGB, recent trends on actual densities were reported in the 1999 Metropolitan Residential Lands and Housing Study. In Cottage Grove, the underbuild factor accounted for the current trend of building single-family homes in Multi-family plan designations, as allowed by the existing code. The remaining UGBs were assumed to develop at current densities. Gross densities were assumed to account for the location of non-residential uses on land designated residential, streets and roads.

Public Facilities

The scenarios assume the same percentage of land designated for public facilities, natural resources, and parks and open space as the present. No housing or employment densities were assigned to this development type.

TransPlan Nodes

The Cities of Eugene and Springfield have initiated a process to amend the Metro Plan diagram to designate 29 priority TransPlan nodes. The Today Scenario assumes the 54 nodes identified in TransPlan will be designated and completely redeveloped to the assumed densities over the next 50 years. The density assumptions for nodes were derived from the TransPlan performance measure that 23.3% of all new residential development and 45% of all new employment over the next 20 years locate in the nodes, adjusted to reflect an increase in residential density over that which would be achieved under the current plan designation.

As part of the recent TransPlan adoption process, the designation "ND – Nodal Development" was added to the legend block of the Metro Plan Diagram and the following definition for nodes was adopted into the text of the Metro Plan:

Nodal Development Area (Node)

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Areas identified as nodal development areas in TransPlan are considered to have potential for this type of land use pattern. Other areas, not proposed for nodal development in TransPlan, may be determined to have potential for nodal development.

Nodal development is a mixed-use pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.

Fundamental characteristics of nodal development require:

- *Design elements that support pedestrian environments and encourage transit use, walking and bicycling;*
- *A transit stop which is within walking distance (generally 1/4 mile) of anywhere in the node;*
- *Mixed uses so that services are available within walking distance;*
- *Public spaces, such as parks, public and private open space, and public facilities, that can be reached without driving; and*
- *A mix of housing types and residential densities that achieve an overall net density of at least 12 units per net acre.*

Nodal developments will vary in the amount, type, and orientation of commercial, civic, and employment uses; target commercial floor area ratios; size of buildings; and the amount and types of residential uses.

Infill and Redevelopment

In the metro cities, a certain amount of land will experience infill and redevelopment. This is less likely to occur in the smaller cities under the scenario assumptions. For the Eugene-Springfield UGB, infill assumptions in the 1999 Metropolitan Residential Land and Housing Study were applied. Redevelopment of residential lands was assumed to occur in the nodes; and redevelopment of employment land was assumed at 10%.

How and Where Will Future UGB Expansions Occur?

The following assumptions guided the expansion of UGBs to accommodate future population under the scenarios:

1. For the most part, the UGBs were sized to accommodate future population at the same density as build-out determined from the capacity analysis, assuming current overall densities will change very little in the future. As stated above, in the metro area a portion of population and employment growth was assumed in the Today Scenario to be accommodated in nodes at higher densities within the existing UGB.

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2. No development was assumed on environmentally constrained lands. The allocation of jobs and households will avoid environmentally sensitive or constrained land. These lands were not considered available for development.
3. UGBs were sized to accommodate the forecasted 2050 population and employment plus a 20 year supply of buildable land, as required under current state law. The forecasts for 2070 assumed a straight-line increase from the 2000-2050 forecast.
4. UGB expansion areas were drawn in accordance with State rules: areas with large inclusions of exception land first comprising contiguous additions along parcel lines; development of rural residential land was assumed to occur prior to development of prime farm and forest land.

Oregon's land use laws identify a priority order for land to be urbanized when expanding a UGB. This provides that the most valuable farm and forest land (Exclusive Farm Use and Exclusive Forest Use) be brought into an urban area last. The Base Case Scenario followed the following prioritization when expanding UGBs (ORS 197.298):

1. "Lands adjacent to a UGB that are either exception lands or nonresource land or non-prime farm land that is completely surrounded by exception areas (lower capability as measured by classification or cubic foot size or both);
2. Marginal lands
3. Land designated for agriculture or forestry (higher capability)
4. Land of lower priority can be included when amount of land is inadequate due to specific types of land needed, inability to provide future urban services due to topographical or other physical constraints; or maximum efficiency of land uses requires inclusion of lower priority lands in order to include or provide services to higher priority lands."

A draft boundary expansion was reviewed by the RTAC, including staff from the Oregon Department of Land Conservation and Development, and facility providers prior to presenting it to the Regional Policy Advisory Board. In the metropolitan UGB, the analysis prepared for the Urban Reserve Study in June, 2001 and 2001 Metropolitan Urban Facilities and Services Plan helped inform this process.

5. Exception land within the expanded UGB was treated similarly to underutilized land currently within the boundary. If an improvement was present, a portion was considered developed and the remaining land considered available for development at Plan densities. EFU land was treated as fully vacant land developed at Plan densities.

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Attachments

- ☐ Population Forecasts for UGBs and Outside UGBs in the Southern Willamette Valley
- ☐ Yesterday and Today Scenario Assumptions
- ☐ Yesterday Scenario:
 - ☐ Employment Forecasts
 - ☐ Development Types and Densities
 - ☐ Current Mix of Development Types
 - ☐ Capacity Analysis and Calculation of Expansion Acres
- ☐ Today Scenario:
 - ☐ Employment Forecasts
 - ☐ Development Types and Densities
 - ☐ Current Mix of Development Types
 - ☐ Capacity Analysis and Calculation of Expansion Acres

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REGION 2050

Sustaining Quality of Life in the Southern Willamette Valley

Yesterday and Today Scenario Assumptions

April 2, 2002

ALL TYPES	
Undeveloped and Underdeveloped land	The Regional Geographic Information System (GIS) parcel file was used to identify undeveloped and underdeveloped acres
Environmental Constraints	All Cities and Rural Lands: ☐ Open Water discount 100% ☐ Floodway 100% ☐ Wetlands on National Wetlands Inventory and significant wetlands in local wetland inventories in Coburg and Veneta discount 100% ☐ Slopes > 25%, discount 40% Additional Constraints (In addition to the above, the following apply) ☐ Springfield: Floodplain discount 100%; Slopes = 15-25% discount 45% and slopes >25% discount 80% ☐ Eugene: Protected wetlands, wetland mitigation sites, and significant National Wetlands Inventory wetlands discount 100% ☐ Eugene and Springfield: • Land in easement of 230 KV powerlines discount 100% • Land within 75 feet of Class A stream or pond discount 100% • Land within 50 feet of Class B stream or pond discount 100% ☐ Rural non-resource lands: • Land within 50 feet of Class I stream – 100%
RESIDENTIAL	
Residential capacity	Densities: See Development Types for Yesterday and Today Scenarios Vacancy rates (metro only): 3.5% Average household size: ☐ 2.4 for small cities (source: Marion County Growth Management project) ☐ 2.24 for the metro area (Source: 2001 Metro Urban Reserve Analysis) Group Quarters: This analysis assumes that a portion of the total population in the metro area (3%) and Junction City would reside in group quarters in high density residential units: 7,599 in Eugene, 337 in Springfield, and 1,900 in Junction City.

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Residential Infill and Redevelopment	For the Eugene-Springfield UGB, estimated dwelling unit capacity for 2000 was adjusted to account for infill: 1,243 units added, 845 in Eugene and 398 in Springfield (1999 Metropolitan Residential Land and Housing Study). Redevelopment of residential lands was assumed to occur in the nodes. In the Today Scenario in Springfield, existing UGB capacity was increased by 716 units to account for future accessory dwellings (400 units, 5% of those allowed) and increased densities in Transition Zones. For Transition Zones, 316 units were added due to doubling actual density on low density residential lots abutting higher intense use. Actual density on these lots is 4.6 units/net acre. Assuming 845 developed acres redevelop at 9.2 DU/net acre and 1,409 undeveloped acres develop at 6.3 DU/gross acre.
Residential Net-to-Gross	For Urban Residential and Mixed Use, net residential densities were reduced by 32% to account for non-residential uses on residentially-designated land (roads, schools, parks, etc.) (Metropolitan Residential Land and Housing Study, 1999). In Residential Subdivisions in small cities, net densities were reduced by 20%, primarily to account for roads and other non-residential uses. In nodes, the gross-to-net ratio is 12% for residential and 8% for employment, due to the fact that the nodes are 64% developed.
Residential land need outside the UGB/20 year residential land supply	2070 population was trended (simple linear regression) based on 2000 estimates and 2050 projections. The same densities of development during the 20-year period.
EMPLOYMENT	
Employment allocation on vacant land	See Development Types
Employment Redevelopment	Metro: Redevelopment of employment land was assumed at 10% (Salem Futures technical memorandum by Eco Northwest) outside the nodes.
Employment capacity outside UGB/Add 20 year employment land supply	2070 employment was trended (simple linear regression) based on 2000 estimates and 2050 projections. The same densities of development during the 20-year period.
Employment Net-to-Gross	20% for rights-of-way and other public uses. (See 1993 Metro Industrial Lands Inventory Report, page 34). (Note: due to the 70-year projected need, no assumption was made regarding land holdings for expansion which would result in a lower density for industrial land.) In nodes, the gross-to-net ratio is 12% for residential and 8% for employment, due to the fact that the nodes are 64% developed.
TRANSPORTATION	
Road Network	Completion of projects in the adopted local and regional transportation plans. (Note: this is assumed in the gross-to-net ratios. More detailed analysis of this assumption will occur as part of the evaluation of the alternative scenarios.)

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Population Forecasts for UGBs and Outside UGBs in the Southern Willamette Valley

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The regional 2050 forecast was allocated to the UGBs based on available population projections from recent local comprehensive plans, facility plans, and buildable lands inventories, adjusted for future growth rates anticipated by the Cities of Lowell, Coburg, and Veneta. As a result of the planned wastewater treatment facility in Coburg and facility improvements in Lowell and Veneta, these cities anticipate having the same growth rate in the future as the City of Creswell.

The 2070 forecast was trended (simple linear regression) based on 2000 data and 2050 forecasts.

Note that the OEA will be adjusting their population projections in 2002 based on 2000 Census data.

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Yesterday Scenario Development Types and Densities, April 2, 2002

Development Type	City Comprehensive Plan and Rural Zoning Designations	Jurisdiction
Commercial Center or Corridor		
Average 35 Employees/Net Acre (24 Gross)	Community Commercial	Westfir
	Commercial/NE Employment Center	Veneta
	Commercial	Eugene-Springfield, Veneta, Oakridge, Lowell, Junction City, Creswell, Rural
	Major Retail Center	Eugene-Springfield
	Tourist and Community Commercial	Cottage Grove
	Central Business District	Cottage Grove, Coburg
	Highway Commercial	Coburg
Campus		
Average 15 Employees/Net Acre (12 Gross)	Campus Industrial, University Research	Eugene-Springfield
	Professional Technical	Junction City
	Commercial Resort Overlaid	Creswell
	Medical Park	Cottage Grove
Industrial/Office		
Average 13 Employees/Net Acre (10 Gross)	Industrial/Commercial	Veneta
	Light Medium Industrial	Eugene-Springfield
	Industrial	Cottage Grove
	Manufacturing/Research	Lowell
	Light Industrial	Coburg
Low Density Employment		
Average 5 Employees/Net Acre (4 Gross)	Industrial	Junction City, Creswell, Rural
	Heavy Industrial	Oakridge, Eugene-Springfield
	Limited Industrial, Aggregate Extraction	Oakridge
	Special Heavy Industrial, Rural Industrial, Rural Commercial, Government and Education, AO - Airport, Sand and Gravel	Eugene-Springfield
	Public	Veneta
	Public and Government	Oakridge, Westfir
	Public Facility/Government	Creswell
Parks and Open Space & Public Facilities		
No population or employment are allocated to this development type. Privately-owned lands designated for parks and open space were assumed to develop according to plan designation for the Base Case Scenario	Fixed Potential	Westfir
	Parks, Recreation, and Open Space: Land/Regional and Community Park, Parks and Recreation	Westfir, Veneta, Oakridge, Eugene-Springfield, Lowell, Creswell, Coburg, Cottage Grove, Rural
	Public/Greenway and NE Employment Center/Greenway	Veneta
	Public Facility	Rural
	Natural Resource, Airport Reserve	Eugene-Springfield
	Public Land and Open Land, Public	Lowell, Junction City
	NR - Natural Resource	Rural
	Public/Quasi-Public	Cottage Grove
	Public Water Service	Coburg
Mixed-Use Community Center		
Average 16 Units/Net Acre (10.9 Gross), Multi-family attached, 25 Employees/Net Acre (28 Gross)	Mixed Use	Westfir, Oakridge
	Commercial-General Residential	Veneta
	Commercial/Residential	Junction City
	High and Medium Density Residential Mixed Use	Eugene-Springfield
	Commercial Mixed Use	Eugene-Springfield
	Residential Professional	Cottage Grove
Mixed-Use Employment Center		
Average 16 Units/Net Acre (10.9 Gross), Multi-family attached, 25 Employees/Net Acre (28 Gross)	Light-Medium Industrial Mixed Use	Eugene-Springfield
	Industrial/NE Employment Center	Veneta
High Density Urban Residential		
Average 33 Units/Net Acre (23.8 Gross), Apartments	High Density Residential (includes group quarters in Eugene-Springfield)	Eugene-Springfield
Medium Density Urban Residential		
Average 16 Units/Net Acre (10.9 Gross), Mix of single family, attached and detached, apartments, and manufactured housing	Potential Medium Density Residential	Oakridge
	High Density Residential	Cottage Grove
	Medium Density Residential	Eugene-Springfield, Junction City
Low Density Urban Residential		
Average 6.7 Units/Net Acre (4.3 Gross), Single-family attached and detached and manufactured housing	Urban Residential	Oakridge
	General Residential	Veneta
	Residential	Creswell
	Low Density Residential	Eugene-Springfield
Residential Subdivision		
Average 4.3 Units/Net Acre (3.4 Gross)	Low Density Residential and High Density Residential	Westfir
	Rural Residential, Single Family Residential, SF Residential/SW Neighborhood Center	Veneta
	Low Density Residential	Junction City
	Medium Density Residential	Cottage Grove, Lowell
	Rural Residential	Oakridge
	Low Density Residential	Lowell
	Low Density Residential	Cottage Grove
	Residential	Coburg
Rural Residential		
One acre/one acre for new lots plus one unit each existing lot	Lots currently zoned Rural Residential outside UGBs	Rural, Eugene-Springfield

Take out Oaklea in JC

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Today Scenario Development Types and Densities, April 2, 2002

Development Type	City Comprehensive Plan and Rural Zoning Designations	Jurisdiction
Commercial Center or Corridor		
Average 55 Employees/Net Acre (24 Units)	Suburban Commercial	Weston
	Commercial/NE Employment Center	Veneta
	Commercial	Eugene-Springfield, Veneta, Okanogan, Lowell, Junction City, Corvallis, Rural
	Major Retail Center	Eugene-Springfield
	Transient and Commercial Commercial	Cottage Grove
	Central Business District	Cottage Grove, Corvallis
	Highway Commercial	Corvallis
Campus		
Average 25 Employees/Net Acre (20 Units)	College Industrial, University Research	Eugene-Springfield
	Professional Technical	Junction City
	Commercial Research Center	Corvallis
	Medical Park	Cottage Grove
Industrial/Office		
Average 15 Employees/Net Acre (12 Units)	Industrial/Commercial	Veneta
	Light Medium Industrial	Eugene-Springfield
	Industrial	Cottage Grove
	Manufacturing/Research	Lowell
	Light Industrial	Corvallis
Low Density Employment		
Average 7 Employees/Net Acre (15 Units)	Industrial	Junction City, Corvallis, Rural
	Heavy Industrial	Okanogan, Eugene-Springfield
	Light Industrial, Aggregate Extension	Okanogan
	Special Heavy Industrial, Rural Industrial, Rural Commercial, Government and Education, AD - Airport, Sand and Gravel	Eugene-Springfield
	Public	Veneta
	Public and Government	Okanogan, Weston
	Public Facility/Government	Corvallis
Parks and Open Space & Public Facilities		
No population or employment are allowed in this development type. Privately-owned lands designated for parks and open space were assumed to develop according to plan designations for the	Fixed Point/Trail	Weston
	Parks, Recreation, and Open Space; Land Regional and Community Park; Parks and Recreation	Weston, Veneta, Okanogan, Eugene-Springfield, Lowell, Corvallis, Cottage Grove, Rural
	Public/Greenway and NE Employment Center Corridor in new park land in Parks Master Plan	Veneta
	Public Facility	Rural
	Trout Rehabilitation, Aquatic Research	Eugene-Springfield
	Public Land and Open Land, Public	Lowell, Junction City
	NR - Natural Resource	Rural
	Public/Quasi-Public	Cottage Grove
	Public Water Service	Corvallis
Node*		
Assumed employment or nodes at: Average 16 Units/Net Acre (14 Units); 35 Employees/Net Acre (28 Units)	14 Tracts in Adaptive Trade/Park	Eugene-Springfield
Mixed-Use Community Center		
Average 16 Units/Net Acre (10.9 Units); Multi-family attached; 35 Employees/Net Acre (28 Units)	Mixed Use	Weston, Okanogan
	Commercial/General Residential	Veneta
	Commercial/Residential	Junction City
	High and Medium Density Residential Mixed Use	Eugene-Springfield
	Mixed Use designated areas in retirement plans	Springfield
	Commercial Mixed Use	Eugene-Springfield
	Residential Professional	Cottage Grove
Mixed-Use Employment Center		
Average 16 Units/Net Acre (10.9 Units); Multi-family attached; 25 Employees/Net Acre (20 Units)	Light-Medium Industrial Mixed Use	Eugene-Springfield
	Industrial/NE Employment Center	Veneta
	Mixed Use designated areas in retirement plans	Springfield
High Density Urban Residential		
Average 35 Units/Net Acre (23.8 Units); Apartments	High Density Residential (includes group quarters in Eugene-Springfield)	Eugene-Springfield
Medium Density Urban Residential		
Average 16 Units/Net Acre (10.9 Units); Mix of single family, attached and detached, apartments, and manufactured housing	Proximal Medium Density Residential	Okanogan
	High Density Residential	Cottage Grove
	Medium Density Residential	Eugene-Springfield, Junction City
Transition Zoning and Accessory Dwellings		
Double lot/double lot	Low Density Residential lots that can have accessory dwellings (6,500-8,000 sq. ft.) and lots that have future designations (Transition Zone)	Springfield
Low Density Urban Residential		
Average 8.7 Units/Net Acre (5.3 Units); Single-family detached and attached and manufactured housing	Urban Residential	Okanogan
	General Residential	Veneta
	Residential	Corvallis
	Low Density Residential	Eugene-Springfield (except for Transition and Accessory in Springfield)
Residential Subdivision		
Average 4.3 Units/Net Acre (3.4 Units)	Low Density Residential and High Density Residential	Weston
	Rural Residential, Single Family Residential, SF Residential/25% Neighborhood Center	Veneta
	Low Density Residential	Junction City
	Medium Density Residential	Cottage Grove, Lowell
	Rural Residential	Okanogan
	Low Density Residential	Lowell
	Low Density Residential	Cottage Grove
	Residential	Corvallis
Rural Residential		
One lot/one lot for new lots plus one unit/each existing lot	Low density rural Residential outside 15 lots	Rural, Eugene-Springfield

* Node development is a mixed-use, pedestrian-friendly, land use pattern that works to increase vibrancy and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented. Fundamental characteristics of Node development require:

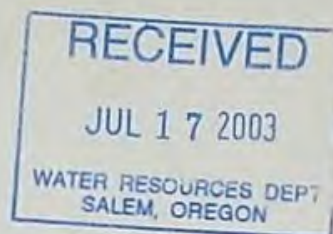
- Design elements that support pedestrian environments and encourage transit use, including, but not limited to:

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WATER RESOURCES DEPT.
SALEM, OREGON



SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348



July 16, 2003

Cory Engel
Water Rights Processing Technician
Water Resources Department
158 12th Street, NE
Salem OR 97301-4172

RE: Application # S-85336 Time Out Request

Dear Cory:

The Springfield Utility Board is requesting a 21-day administrative time out for the above referenced applications. We are going to submit additional information to Water Resources Department regarding the application, but we cannot complete the documents and get the information to your department by July 18, 2003, as per your letter of June 17, 2003.

Please call me if you have any questions about this request.

Sincerely,

Ken Cerotsky
Director - Water Division

KC:mkm

cc: Bart McKee, SUB Project Engineer Water Division
David Filippi



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

June 17, 2003

Ken Cerotsky
Springfield Utility Board
202 S 18th St
Springfield OR 97477

RE: Application S-85336

Dear Mr. McKee,

We have received your letter dated June 5, 2003 and accompanying maps.

Your application indicates that it is intended to satisfy demands until 2017. However, your water management and conservation plan on file with the Department indicates that, with your existing water rights, the 2017 deficit would be only 9.35 cfs (6.04 mgd).

As a result, we are unable to find based upon the information currently available to us that your anticipated reasonable municipal water needs exceed 9.35 cfs during the period identified in your application. Unless further information is provided which documents a basis for the requested rate (40 cfs), it is likely that at the next stage of processing (the Proposed Final Order), the Department will propose limiting the rate allowed under this application to 9.35 cfs.

We are continuing to review your application, and expect that a Proposed Final Order will be prepared after 30 days from the date of this letter. Please provide the requested documentation on or before **Friday, July 18, 2003**. If you cannot provide it before this date, you may request that we withhold processing of your application for a period of up to 180 days. If you do not provide the information or request an administrative hold before July 18, we expect to proceed with a Proposed Final Order proposing to limit the diversion rate as described above.

If you have any questions regarding the necessary documentation, please contact Doug Parrow at 503-378-8455, extension 235. If you have questions relating to other elements of the processing of your application, please feel free to call me at 503-378-8455, extension 324.

Sincerely,

Mr. Cory C. Engel
Water Right Specialist

c: File
Doug Parrow



SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348

June 5, 2003

Mr. Cory C. Engel
Water Right Processing Technician
Water Resources Department
Commerce Building
158 12th Street, NE
Salem, OR 97301-4172

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JUN - 6 2003

WATER RESOURCES DEPT.
SALEM, OREGON

RE: Additional map information requested in OWRD letter dated 5/16/032; Surface Water Right Application # S-85336, McKenize River by Springfield Utility Board (SUB).

Dear Cory:

Enclosed is the additional information you requested for the new surface water right submitted to you in our letter of November 6th, 2002. In your letter of 5/16/03, you had asked for a map showing the location of the point at which water will be discharged into Cedar Creek, referenced to a public land survey.

I have enclosed 6 copies a the requested map for your review. The copies are a portion of the USGS map in the area. The map shows the point of diversion for the mitigation to Cedar Creek. The point is an existing gate structure owned and controlled by the Cedar Creek Irrigation District. On the same map, I have shown the point of diversion of the proposed surface water right (S-85336).

The two maps together (new USGS map showing the Cedar Creek point of diversion and the more detailed map submitted with the earlier application) will compliment one another.

Please contact me at 541-746-8451, #3731 if you have any questions about this information.

Sincerely,

Ken Cerotsky
Director - Water Division

KC:mkm



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

May 16, 2003

VIA CERTIFIED MAIL

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

Reference: File S-85336

Dear Applicant:

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

This letter is to inform you of the 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 as otherwise noted below.
2. The application proposes the use of 40.0 cubic feet per second (CFS) for municipal use, including 3.0 CFS to augment streamflow in Cedar Creek as mitigation for flow reduction resulting from diversions proposed in applications G-15241, G-15243, and G-15244. The Willamette Basin Program (OAR 690-502-0010(15)) defines "municipal use" as "the delivery and use of water through the water service system of an incorporated municipality". Because the 3.0 CFS of water proposed for streamflow augmentation would not be delivered through the water service system of an incorporated municipality, it is not municipal use under the Willamette Basin Program.
3. Under OAR 690-502-0080(1)(e), the Willamette Basin Program, the use of water from MCKENZIE RIVER, A TRIBUTARY OF WILLAMETTE RIVER for MUNICIPAL

USE is allowable. However, the Willamette Basin Program does not allow STREAMFLOW AUGMENTATION IN CEDAR CREEK.

4. Water in the amount of 40.0 CUBIC FEET PER SECOND, BEING 37.0 CUBIC FEET PER SECOND FOR MUNICIPAL USE AND 3.0 CUBIC FEET PER SECOND FOR STREAMFLOW AUGMENTATION is available year-round.
5. The rate of water proposed for streamflow augmentation, 3.0 CFS, appears to be based upon a privately-commissioned analysis (Western Groundwater Services, Supplementary Technical Analysis for Permit Application Nos. G-15241, G-15243, And G-15244, October 8, 2002, pg. 6). Prior to permit issuance, further review may be required by the Department to confirm that this rate will adequately mitigate flow reduction resulting from diversions proposed in applications G-15241, G-15243, and G-15244.

Summary of Initial Determinations

The use of 37.0 CUBIC FEET PER SECOND from MCKENZIE RIVER for MUNICIPAL USE may be allowed year-round. However, 3.0 CUBIC FEET PER SECOND FOR STREAMFLOW AUGMENTATION IN CEDAR CREEK is not allowable. At this stage of processing, it appears unlikely that a permit approving this application would include streamflow augmentation.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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 30, 2003**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

Additional Information Required:

Additional information is required to process your application. Please provide the following item(s):

- A modified map which includes the location of the point at which water will be discharged into Cedar Creek, referenced to a public land survey corner.

Please submit this information no later than June 19, 2003. If you are unable to submit this information, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. 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.

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.
4. 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.
5. The permittee shall not divert or pump more than 450 million gallons of water during any month under this permit, in combination with any other water right held by the permittee, prior to Department authorization of the diversion of more water through approval of an updated water management and conservation plan.
6. The priority date for this application is November 08, 2002.

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

Information obtained from the Department of Environmental Quality (DEQ) indicates that the source of water identified in your application is "Water Quality Limited", which means that there are water quality concerns. DEQ will be looking at information from your application to see if additional conditions or restrictions are needed to protect the water quality situation. One possible outcome is that the Water Resources Department will propose in the proposed final order that your application be denied. You are encouraged to contact **John Blanchard at 541-776-6010 ext 240** at DEQ to discuss the specifics of your application. Often, this information exchange can allow the water use to occur and at the same time keep the water quality situation from worsening.

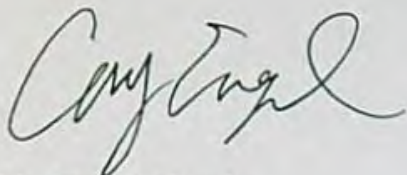
The water source identified in your application is in an area that has an approved Agricultural Water Quality Management Area Plan. These plans have been developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders. These plans help make sure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to contact Paul Measeles, (503) 986-4778 at the ODA to learn more about the plan and how it may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-378-8455 extension 201. Feel free to call me at 503-378-8455 extension 324 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all

other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: 503-378-6203.

Sincerely,

A handwritten signature in black ink, appearing to read "Cory C. Engel". The signature is fluid and cursive, with the first name "Cory" being more prominent.

Mr. Cory C. Engel
Water Right Processing Technician

enclosures: Flow Chart of Water Right Process
Stop Processing Form

S-85336
wab 2-528
pou 2-528

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-85336

Applicant: BART MCKEE SPRINGFIELD UTILITY BOARD

County: Lane

Watermaster: 2

Priority Date: November 08, 2002

Source: MCKENZIE RIVER, A TRIBUTARY OF WILLAMETTE RIVER

Use: MUNICIPAL USE AND STREAMFLOW AUGMENTATION IN CEDAR CREEK

Quantity: 40.0 CUBIC FEET PER SECOND, BEING 37.0 CUBIC FEET PER SECOND FOR MUNICIPAL USE AND 3.0 CUBIC FEET PER SECOND FOR STREAMFLOW AUGMENTATION

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 2 MCKENZIE R MISC

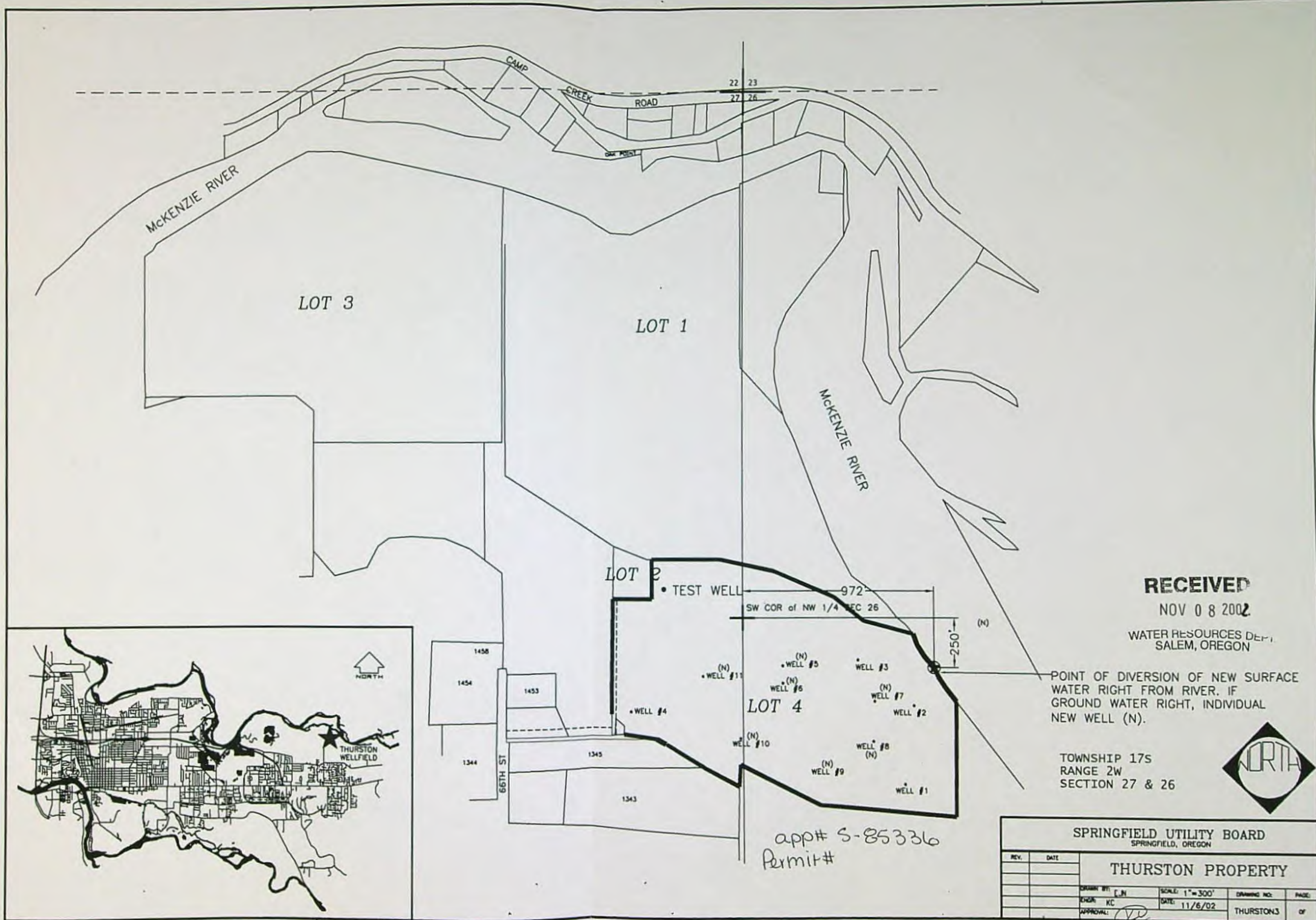
Point of Diversion Location: NWSW SECTION 26, T17S, R2W, W.M.; 250 FEET SOUTH & 972 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 26

Place of Use: MUNICIPAL USE: Within the service area of City of Springfield. STREAMFLOW AUGMENTATION: As yet unspecified.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 30, 2003

PUBLIC NOTICE DATE: Tuesday, May 20, 2003

30 DAY COMMENT DEADLINE DATE: Thursday, June 19, 2003



Mailing List for IR Copies

Application #S-85336

IR Date : May 16, 2003

Original mailed to:

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

Copies sent to:

1. WRD - File # S-85336
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 2
4. WRD - Regional Manager: NWR
5. WRD: Marc Norton
6. ODFW District Biologist: Jeff Ziller
7. DEQ: John Blanchard
8. DOA (Salem): Jim Johnson
9. DOA (N.Salem/Keizer): Paul Measeles

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

Copies Mailed

By: JCR
(SUPPORT STAFF)

on: 5/16/03
(DATE)



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97301-4172
503-378-8455
<http://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. Thank you.

1. APPLICANT INFORMATION

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WATER RESOURCES DEPT.
SALEM, OREGON

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: SPRINGFIELD UTILITY BOARD (SUB)

Name and title of person applying: BART MCKEE, P.E. - STAFF ENGINEER

Mailing address of organization: 202 S. 18th STREET

SPRINGFIELD OR 97477
City State Zip

Phone: 541-746-8451 _____
Day Evening

*Fax: 541-747-7348 *E-Mail address: bartm@subutil.com

*Optional information

For Department Use

App. No. 5-85336

Permit No. _____

Date _____

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: McKENZIE RIVER Tributary to: WILLAMETTE 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 an easement permitting access.

List the names and mailing addresses of all affected landowners.*

SEE ATTACHED COPY OF CITY CHARTER

*If more than 25 landowners are involved, a list is not required. See instructions.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of 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 in the instructions.

☐ If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____

☐ If your proposed use is **irrigation**, please attach Form I

☐ If your proposed use is **mining**, attach Form R

☒ If your proposed use is **municipal or quasi-municipal**, attach Form M

☐ If your proposed use is **commercial/industrial**, attach Form Q

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SALEM, OREGON

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 (af):

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

Source	Use	Amount
McVETZ River	40 cfs	☒ af
		☐ af
		☐ af
		☐ 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) UNKNOWN AT THIS POINT
☐ Head-gate (give dimensions) _____
☐ Other means (describe) _____

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 (describe) _____

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WATER RESOURCES DEPT.
SALEM, OREGON

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

- ☐ Pipe (give diameter and total length)

Diameter _____ Length _____

☒ Other (describe) MUNICIPAL DISTRIBUTION SYSTEM

D. Application/Distribution Method

What equipment will you use to apply water to your place of use?

N.A.

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

- | | | |
|--|--|---|
| ☐ Flood | ☐ High-pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water cannons | ☐ Center pivot system |
| ☐ Hand lines | ☐ Wheel lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ Other, describe _____ | | |

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.

MUNICIPAL CONSERVATION PLAN SUBMITTED AND
APPROVED BY DEPARTMENT.

5. RESOURCE PROTECTION

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 the 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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SALEM, OREGON

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: WILL MEET REQUIREMENTS IN PLACE.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: WILL MEET REQUIREMENTS IN PLACE.

☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: N.A.

☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: N.A.

☐ 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 2003

Proposed date construction will be completed 2010 (EST.)

Proposed date beneficial water use will begin 2003

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.

FORM M-(A) - 3 CFS TO BE USED TO REPLACE WATER
IN CEDAR CREEK (GWUDISW), WITH REMAINING
WATER RIGHT REQUESTED FOR GROUND WATER
AND/OR SURFACE WATER WITHDRAWAL. (SEE
ATTACHED REPORT, THURSTON AREA WATER RIGHTS).

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WATER RESOURCES DEPT.
SALEM, OREGON

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:

Ken Crosby, Director

Signature of Applicant

9/20/02

Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- ✓ Answered each question completely.
- ✓ Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- ✓ Included a Land Use Information Form or receipt stub signed by a local official.
- ✓ Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- ✓ Included a check payable to the Oregon Water Resources Department for the appropriate amount.



SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348

November 6, 2002

Mr. Cory C. Engel
Water Right Processing Technician
Water Resources Department
Commerce Building
158 12th Street, NE
Salem, OR 97301-4172

RE: File G-15241, G-15243, G-15244; New Surface Water Right Application

Dear Cory:

The purpose of this letter is to: (1) provide supplementary information for pending applications G-15241, G-15243 and G-15244; (2) initiate a new application for a municipal surface water right from the McKenize River;

1. Supplementary Information, G 15241, 15243, 15244.

As you recall, SUB submitted a water right application over a year ago for several new ground water sources. Our ground water applications were denied due to concerns about potential surface water influence on Cedar Creek. We have been working with Mark Norton during the "time out" period in order to provide him supplemental information about our ground water applications.

Attached is a report from Mark Cunnane, our consulting hydrogeologist. According to the work completed by Mr. Cunnane, we will be taking some water from Cedar Creek. Mr. Cunnane's report quantifies the surface water influence. We request a review of the information. If the information is acceptable, we want to proceed with the ground water application process for all the wells. We recognize there is a potential linkage to a new surface water right. The new surface water right is discussed in the following paragraphs. Please contact me at your earliest convenience to review your decision about this new information.

2. New Municipal Surface Water Right Application

Part of the new surface water application is intended to fully replace all the water drawn from Cedar Creek through the wells in the Thurston Wellfield and Middle School Wells. The water right applications associated with the wells have been assigned the referenced numbers G-15241, 15243, 15244.

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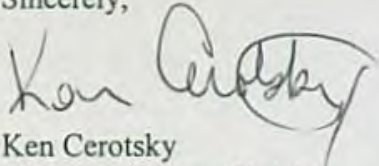
WATER RESOURCES DEPT.
SALEM, OREGON

App# 5-85336

A portion of the new water right on the McKenize River would be used to divert water into Cedar Creek from the McKenize River. The details of the diversion process are still to be worked out with the Cedar Creek Irrigation Association and the local watermaster. At this time, Cedar Creek stream flow is controlled by the Cedar Creek Irrigation Association head gate, located approximately 5 miles upstream of the Thurston Wellfield.

The remainder of the surface water right application is to support the long-term future growth in the Springfield area. I have enclosed the appropriate application fee for 40 cfs. I will submit the land use information form soon. Please contact me at 541-746-8451, #3731 if you have any questions about the new application.

Sincerely,



Ken Cerotsky
Director – Water Division

Cc: Mr. Mark Cunnane
Mr. David Filippi

KC:mkm

Springfield Utility Board

SUPPLEMENTARY TECHNICAL ANALYSIS FOR
PERMIT APPLICATION NOS.
G-15241, G-15243 AND G-15244

Western Groundwater Services LLC

October 2002

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WATER RESOURCES DEPT.
SALEM, OREGON

app# S-85336

Western Groundwater Services
6595 Bear Claw Lane
Bozeman, MT 59715
Telephone: (406) 585-5947
Fax: (406) 522-8653

WESTERN
GROUNDWATER
SERVICES

SUPPLEMENTARY TECHNICAL ANALYSIS FOR
PERMIT APPLICATION NOS.
G-15241, G-15243, AND G-15244

Prepared for:

Springfield Utility Board
Springfield, Oregon



October 8, 2002

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WATER RESOURCES DEPT.
SALEM, OREGON

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1 INTRODUCTION

This report provides supplementary analysis and interpretations concerning three groundwater right permit applications submitted to the Oregon Water Resources Department. Springfield Utility Board (SUB) has submitted the applications for municipal water use through vertical wells installed into an alluvial aquifer. The applications are summarized in Table 1-1. The wells considered in these applications are located in the Thurston area of Springfield. Two of the wells are located at Thurston Middle School, and the remainder of the wells are located on SUB property, referred to as the Thurston Wellfield.

The intention of this report is to assess potential stream flow depletion that occurs as a result of groundwater pumping from the wells. Figure 1-1 provides a location map for the wells and shows the location of Cedar Creek and the McKenzie River with respect to the well locations. Potential stream flow depletion of these two surface waters was evaluated by groundwater computer modeling.

TABLE 1-1
WATER RIGHT APPLICATIONS SUMMARY

Application Permit No.	Well Name	Rate (gpm)
G-15241	Thurston Middle School #1	400
	Thurston Middle School #2	400
G-15243	Thurston Wellfield #5	600
	Thurston Wellfield #6	600
	Thurston Wellfield #7	400
	Thurston Wellfield #10	600
G-15244	Thurston Wellfield #8	600
	Thurston Wellfield #9	600
	Thurston Wellfield #11	600
Total		4,800

2200 gpm
4.90 cfs

1800 gpm
4.01 cfs

10.7 cfs

1 5242

16th & Qst well

1000 gpm
5800 or 12.9 cfs

2 GROUNDWATER MODELING

SUB has previously developed and applied a MODFLOW application which extends into the Thurston area¹. This existing groundwater model was considered the best tool for evaluating potential stream flow depletion. The model was originally developed for a wellhead protection project (Golder 1995). It was later used for evaluating well locations in the Thurston Wellfield (Western Groundwater Services 2000), for which a smaller domain version of the model was created. This latter model was used as the basis for assessing potential stream flow depletion in the Thurston area.

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¹ MODFLOW is the common name of the U.S. Geological Survey's 3-dimensional groundwater flow code. The version used in this application was MODFLOW-2000 (USGS Open File Report 00-184) and was operated using the Visual MODFLOW (3.0.0) graphical user-interface prepared by Waterloo Hydrogeologic, Inc., Waterloo, Ontario, Canada.

2.1 Setup

Figure 2-1 provides a map of the model domain and shows the locations of boundary conditions. The model consists of three-layers, of which only the top layer one is shown on Figure 2-1. The boundary conditions include constant head values located upstream on the east side of the area. River boundary cells are located internal to the model representing the McKenzie River and Cedar Creek. General head boundary cells are located on the west margin and represent a swamp-like area adjacent to the Thurston Wellfield. Each well, existing and proposed, was individually represented in the model at its location.

The distribution of hydraulic conductivity is shown for the top layer one on Figure 2-2. There are two properties used, one applying to older alluvial deposits and one applying to younger alluvial deposits related to the McKenzie River (see approximately the distribution of the Qg1, Qg2, and Qalc formations shown on Figure 1-1). The transition from higher to lower conductivity zones is based in part on the well testing data for the Thurston, Platt and Thurston Middle School wells. The values for horizontal and vertical conductivity are annotated onto the figure and are based on well pumping tests, as documented in Golder (1995) and Western Groundwater Services (2000). The lower layers (nos. 2 and 3) are assigned hydraulic properties for the older alluvial deposits throughout the entire layer ($K_h = 30$ ft/d, and $K_v = 3$ ft/d).

For the present application of the model, vertical conductivity of the river bed material was a key model input. This parameter is not measured at any location in the area, and rarely is it determined in the practice of hydrogeology. A vertical conductivity value of 10 ft/d was used for both Cedar Creek and the McKenzie River. This value corresponds to fine sand and silt and is considered reasonable for both streams. Because the same value is used for both streams, any bias in the results should be avoided.

*D, H,
flow
regions*

2.2 Calibration

The model was not re-calibrated for the present application. Review of the model was completed, however, to ensure that the results obtained appear reasonable for the groundwater flow system of the Thurston area. A detailed calibration of the model is not considered necessary for the present application because the results are used to determine proportions of potential stream flow depletion (i.e., Cedar Creek v. McKenzie River) rather than absolute rates of depletion.

2.3 Simulation Results

The Zone Budget utility of MODFLOW was used to assess stream flow depletion of Cedar Creek and the McKenzie River. This utility allows the user to specify a region of the model for water balance data output. In this application, the river boundary cells of Cedar Creek and the McKenzie River were designated as two zones for water balance output. Potential stream flow depletion was assessed based on the river leakage component of the water balance in these two zones.

2.3.1 Baseline Conditions

The computer model was run in a steady-state mode, and therefore all results pertain to conditions of continuous pumping. The model was first run under the existing pumping conditions, which include operation of Thurston Wellfield Nos. 1 to 4 and Platt Nos. 1 and 2. Table 2-1 lists the pumping rates that were used in the model for these wells.

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TABLE 2-1
MODEL PUMPING RATES FOR EXISTING WELLS

Well Name	Model Pumping Rate (gpm)
Thurston Wellfield #1	797
Thurston Wellfield #2	1201
Thurston Wellfield #3	497
Thurston Wellfield #4	202
Platt #1	251
Platt #2	448
Total	3,396

The River Leakage Zone Budget output for this baseline simulation is shown in Table 2-2. These results form the basis for determining proportionate stream flow depletion. Net River Leakage (to groundwater) will increase when additional pumping wells are added to the model². The additional pumping wells will result in more leakage to groundwater from Cedar Creek and less discharge to the channel of the McKenzie River. By subtraction of the values in Table 2-2 from the same output of simulations run with additional pumping wells, the affects of the additional pumping wells on stream flow can be assessed³.

TABLE 2-2
BASELINE CONDITIONS

Parameter	Water Balance Output (cubic feet per second - cfs)		
	Cedar Creek	McKenzie River	Total
River Leakage to Groundwater (in)	6.69	18.44	25.13
River Leakage to Channel (out)	1.03	23.15	24.19
Net River Leakage (in - out)	5.66	-4.72	0.95

2.3.2 Thurston Middle School Wells, Permit No. G-15241

This simulation output is based on pumping from the aquifer per the baseline conditions (Thurston Wellfield Nos. 1 to 4 and Platt Nos. 1 and 2) plus the two wells at Thurston Middle School, designated Thurston Middle School Nos. 1 and 2. The rates for these wells are each 400 gpm, as shown in Table 1-1.

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² River Leakage is a component of the water balance with both input and output values. River Leakage input (in) pertains to a contribution of flow to the groundwater system. River Leakage output (out) pertains to a contribution of flow to a stream channel from groundwater. As used here, Net River Leakage (in - out) is the net contribution of flow through this water balance component to groundwater. Thus, a negative value indicates a net discharge from groundwater to a channel (gaining stream), whereas a positive value indicates a net discharge from the stream channel to groundwater (losing stream).

³ Stream Flow Depletion (SFD) is computed as $SFD = (Net\ River\ Leakage)_{wells} - (Net\ River\ Leakage)_{baseline}$, where the subscript "wells" refers to a simulation with additional wells beyond the "baseline" conditions.

Table 2-3 shows the results of the simulation with comparison to the baseline conditions. The actual water balance pertaining to Cedar Creek and the McKenzie River accounts for only 1.52 cfs of the 1.78 cfs produced from the wells (800 gpm total). The remaining 0.26 cfs is accounted for in the other boundary conditions of the model⁴. It is assumed to be equally distributed to Cedar Creek and the McKenzie River. The simulation results indicate that of the well discharge, 92% is "obtained" from Cedar Creek and 8% is "obtained" from the McKenzie River. No distinction is made between induced leakage from the channel and interception of groundwater discharge to the channel.

TABLE 2-3
THURSTON MIDDLE SCHOOL WELL NOS. 1 AND 2

Parameter	Water Balance Output (cubic feet per second - cfs)		
	Cedar Creek	McKenzie River	Total
River Leakage to Groundwater (in)	7.95 <i>1.26</i>	18.48	26.43
River Leakage to Channel (out)	0.89	23.07	23.96
Net River Leakage (in - out)	<i>5.16</i> 7.06 <i>1.40</i>	-4.59	2.47
Stream Flow Depletion	1.39	0.13	1.52 <i>1.78</i>
Proportion (%)	92%	8%	

2.3.3 Thurston Wellfield Well Nos. 5, 6, 7 and 10, Permit No. G-15243

This simulation output is based on the baseline conditions (see above) plus additional pumping from Thurston Wellfield Well Nos. 5, 6, 7 and 10. The pumping rates for these wells are listed in Table 1-1. These results (Table 2-4) show that potential stream flow depletion is distributed as 13% from Cedar Creek and 87% from the McKenzie River.

TABLE 2-4
THURSTON WELLFIELD WELL NOS. 5, 6, 7 AND 10

Parameter	Water Balance Output (cubic feet per second - cfs)		
	Cedar Creek	McKenzie River	Total
River Leakage to Groundwater (in)	7.09	21.20	28.29
River Leakage to Channel (out)	0.99	22.81	23.80
Net River Leakage (in - out)	6.11	-1.61	4.50
Stream Flow Depletion	0.45	3.10	3.55
Proportion (%)	13%	87%	

*2200 gpm
4.9 cfs*

2.3.4 Thurston Wellfield Well Nos. 8, 9 and 11, Permit No. G-15244

This simulation output is based on the baseline conditions (see above) plus additional pumping from Thurston Wellfield Well Nos. 8, 9 and 11. The pumping rates for these wells are listed in Table 1-1. These results (Table 2-5) are nearly identical to those for Permit No. G-15243. Eighty-seven percent of the potential stream flow depletion occurs in the McKenzie River, whereas 13% occurs in Cedar Creek.

⁴ This same finding applies to subsequent simulations. The quantity of "unaccounted" water varies due to variation in well pumping rates, but the explanation for its occurrence is the same.

TABLE 2-5
THURSTON WELLFIELD WELL NOS. 8, 9 AND 11

Parameter	Water Balance Output (cubic feet per second - cfs)		
	Cedar Creek	McKenzie River	Total
River Leakage to Groundwater (in)	7.08	20.92	28.00
River Leakage to Channel (out)	0.99	22.85	23.83
Net River Leakage (in - out)	6.09	-1.92	4.17
Stream Flow Depletion	0.43	2.79	3.22
Proportion (%)	13%	87%	

1800 gpm
4 cfs

13% of 4 cfs = 0.52 cfs

2.3.5 Total Potential Stream Flow Depletion Effects

A final simulation was run with the entire group of wells proposed under Permit Nos. G-15241, G-15243, and G-15244. In this simulation, each of these wells, plus those pertaining to baseline conditions, were set to active mode at the pumping rates listed in Tables 1-1 and 2-1.

Model output from this simulation is shown in Figure 2-3, including groundwater pathlines to the new well locations. These results show that potential stream flow depletion occurs by a combination of leakage from the channel and interception of regional groundwater that would otherwise discharge into the channel. In particular, most groundwater produced from the Thurston Middle School wells appears to be from regional groundwater flow.

The simulation water balance results are presented in Table 2-6. These results indicate a distribution of 28% from Cedar Creek and 72% from the McKenzie River. Based on the total rate of the permits of 10.695 cfs (4,800 gpm), 2.995 cfs is related to Cedar Creek and 7.700 cfs is related to the McKenzie River.

TABLE 2-6
TOTAL POTENTIAL STREAM FLOW DEPLETION

Parameter	Water Balance Output (cubic feet per second - cfs)		
	Cedar Creek	McKenzie River	Total
River Leakage to Groundwater (in)	8.82	23.71	32.53
River Leakage to Channel (out)	0.84	22.44	23.29
Net River Leakage (in - out)	7.97	1.27	9.24
Stream Flow Depletion	2.31	5.98	8.30
Proportion (%)	28%	72%	

3 CONCLUSIONS

- SUB has proposed to install new wells in the Thurston area with a total maximum capacity of 4,800 gpm (10.695 cfs). The actual developed capacity will be determined when the wells are installed and will be corrected on the completion reports. At this time, it may also be necessary to make corrections to potential stream flow depletion proportions between Cedar Creek and the McKenzie River.
- Groundwater computer modeling using MODFLOW was performed to assess the proportions of the new appropriations related to stream flow depletion in Cedar Creek and the McKenzie River, which

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are the two nearest surface waters to the proposed wells. The results of groundwater flow modeling typically provide an estimate of the average conditions that may occur.

- Based on model output, approximately 28% of the appropriation discharge is related to Cedar Creek, whereas approximately 72% of the discharge is related to the McKenzie River. The total potential stream flow depletion effects are therefore distributed as approximately 2.995 cfs for Cedar Creek and approximately 7.700 cfs for the McKenzie River.

4 REFERENCES

Frank, F. J. (1973) Ground Water in the Springfield-Eugene Area, Southern Willamette Valley, Oregon, U.S. Geological Survey Water-Supply Paper 2018.

Golder Associates Inc. (1995) Wellhead Protection Area Delineation Report, Project No. WHPA-2, report to Springfield Utility Board and Rainbow Water District prepared by Golder Associates Inc., Redmond, WA.

O'Connor, J.E., Sarna-Wojcicki, A.M., Wozniak, K.C., Polette, D.J., and Fleck, R.J., 2001, Origin, extent, and thickness of Quaternary geologic units in the Willamette Valley, Oregon: U.S. Geological Survey Professional Paper 1620.

Western Groundwater Services, LLC (2000) Thurston Wellfield Expansion Steady-State Groundwater Model, report to Springfield Utility Board prepared by Western Groundwater Services, LLC, Bozeman, MT.

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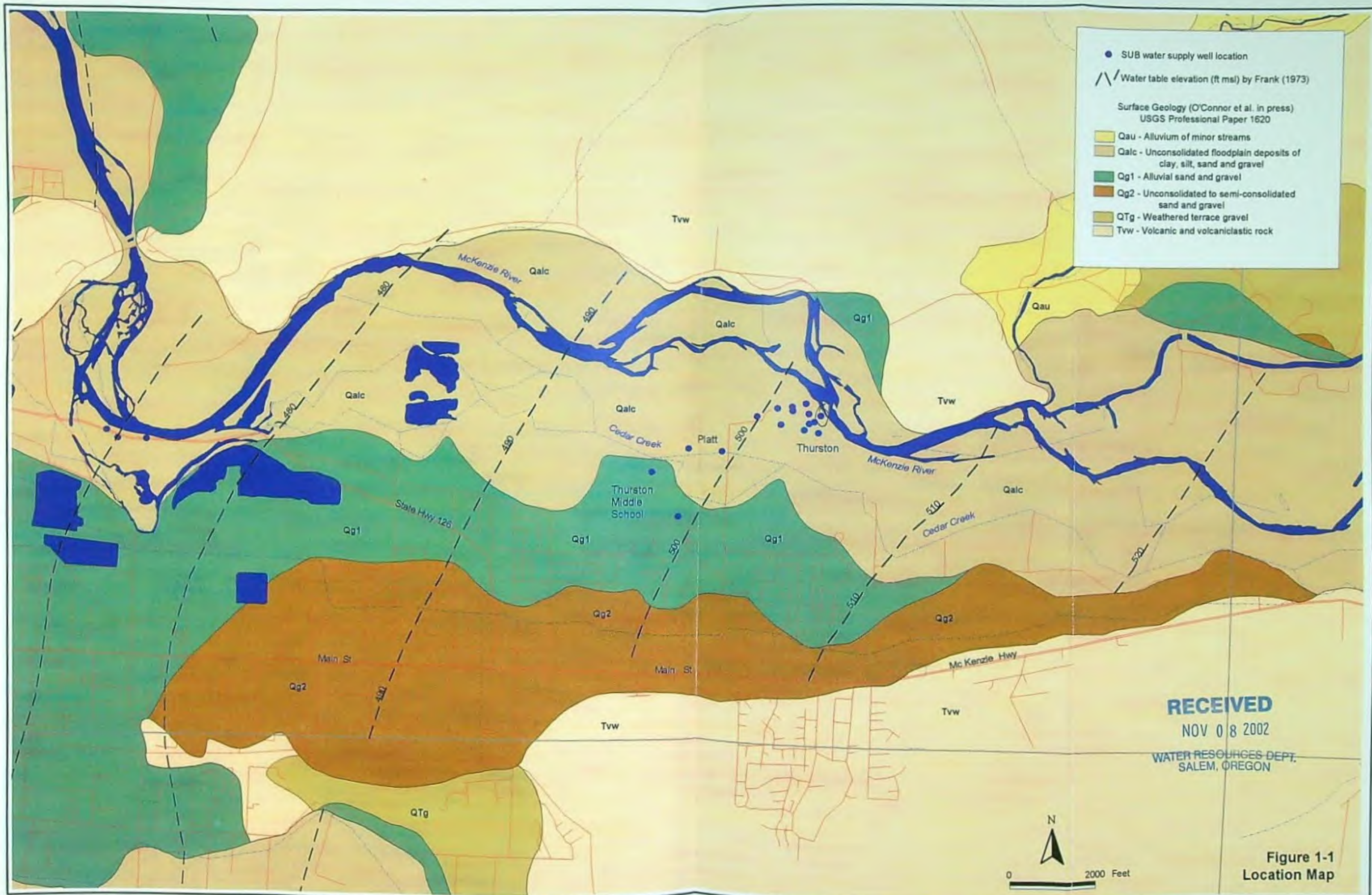


Figure 1-1
Location Map

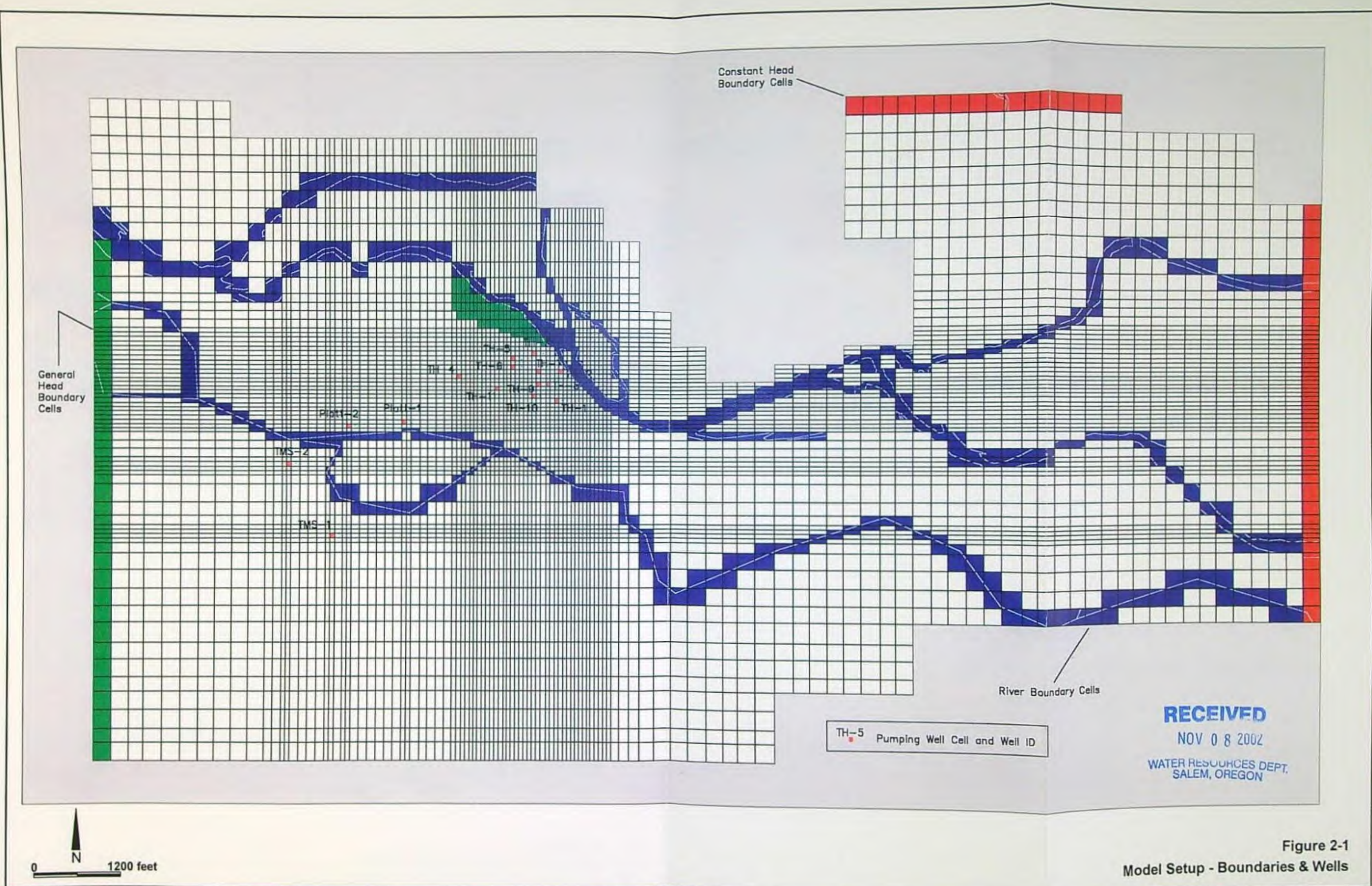
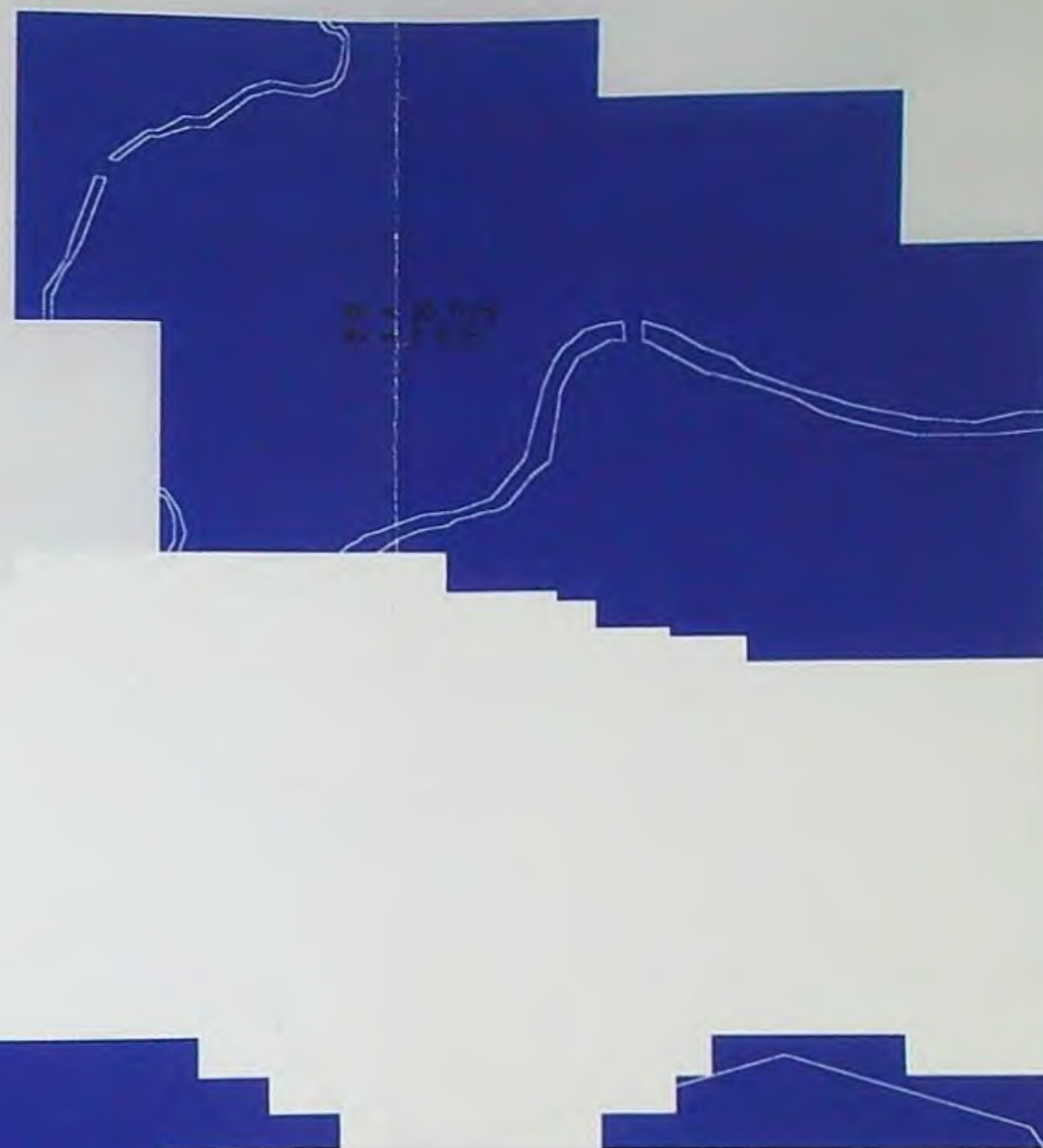


Figure 2-1
Model Setup - Boundaries & Wells



$K_h = 900 \text{ ft/d}$
 $K_v = 90 \text{ ft/d}$



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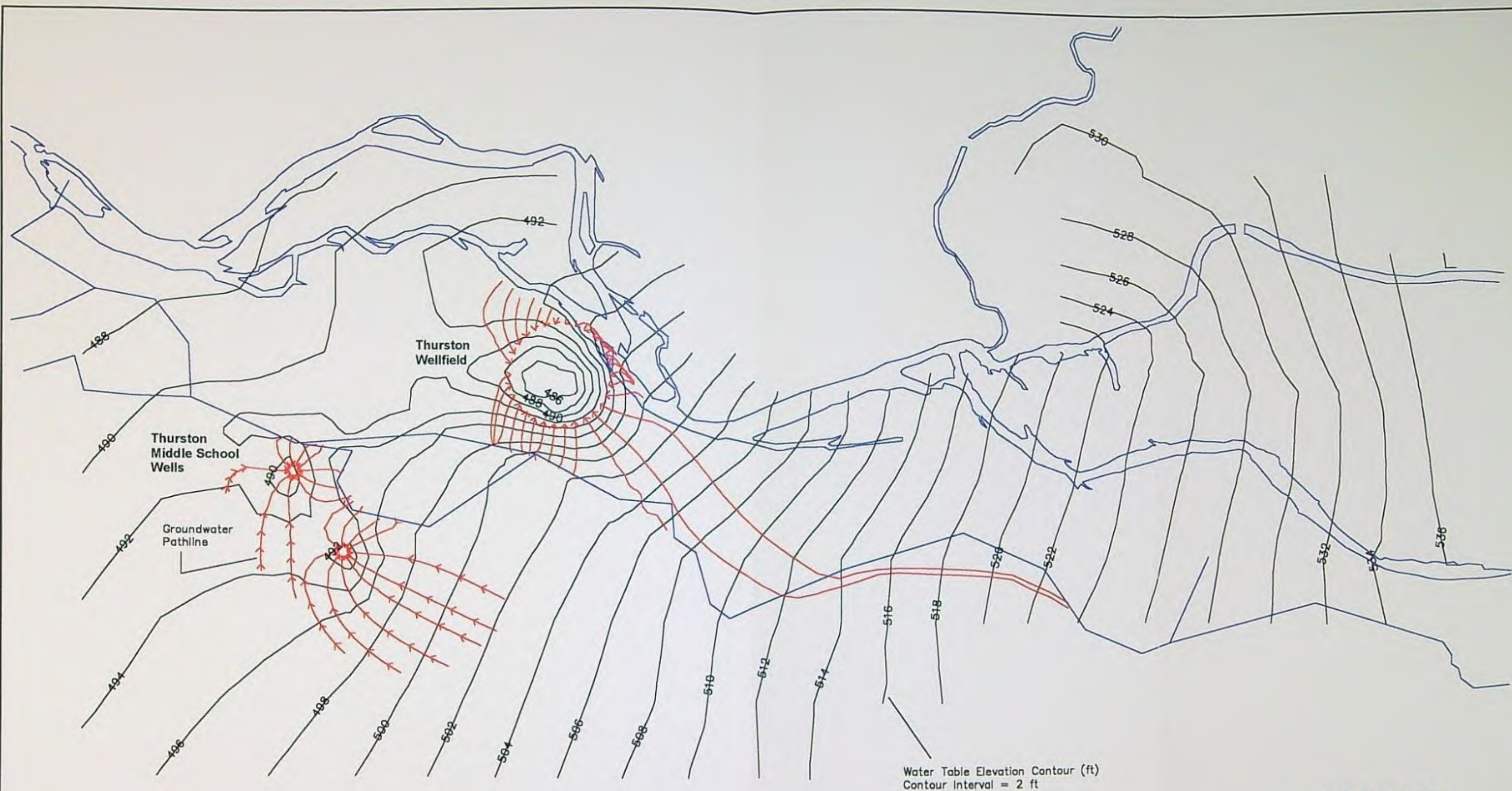
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Figure 2-2
Model Setup - Layer 1 Conductivity

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Figure 2-3
Modeled Water Table Map

Springfield Charter

ARTICLE V. RECORDER; TREASURER

Section 34. Recorder as Clerk of Council. The duties of the recorder as clerk of the council shall be prescribed by the common council. (Sec. 20.)

Section 35. Recorder Pro Tem.¹ In the absence of the recorder, or if he be from any cause unable to act, the mayor may designate any person having the qualifications of a recorder to act in his stead, who shall forthwith take the oath of office and perform the duties of recorder during such temporary absence or inability and he shall receive his same salary as the recorder, to be deducted from the salary and fees of that officer; and the order of the mayor appointing such person shall be filed in the office of the recorder. (Sec. 44.)

Section 36. Treasurer—Functions. The treasurer shall receive and keep the funds and moneys of the city and pay out the same upon a warrant signed by the mayor and attested by the recorder and no claim against the city shall be paid until audited and allowed by the common council. (Sec. 21.)

Section 37. Treasurer—Funds. The treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund it can only be paid out of such fund. (Sec. 22.)

Section 38. Treasurer—Reports. The treasurer must make a report to the council of all moneys received and expended whenever required by the council. (Sec. 23.)

Section 39. Recorder, Treasurer—Rules, Regulations. The common council may prescribe such additional rules and regulations for the recorder and treasurer, not inconsistent with this charter, as they may see fit. (Sec. 24.)

ARTICLE VI. UTILITY BOARD

Section 40. Utility Board—Establishment, Functions.² There is hereby created a board to be known as the City of Springfield Utility Board, hereinafter called the 'utility board,' which shall operate, maintain, supervise, and control, for and on behalf of the city of Springfield, Oregon, all electric, water, and gas, properties, or any of them, which are now or which may hereafter be owned and operated by the city of Springfield, Oregon. Sewerage and sewage disposal property shall be operated, maintained, supervised and controlled by the Common Council and under its jurisdiction through the city manager. The utility board may build, install, construct, develop, acquire by purchase or by condemnation/ eminent domain, operate, maintain, manage, supervise, control, finance, improve and extend one or more cable communications systems. (10-9-50, Sec. 1)

1 Pursuant to charter, Section 19, the city manager and not the mayor would designate someone to act as recorder.

2 Amended by the voters of Springfield at a Special Election held June 30, 1987.

Section 46. Utility Board--Powers. The utility board shall act for and on behalf of the city of Springfield in connection with all matters relating to the management, operation, acquisition, and financing of all electric, water and gas, properties now owned or hereafter acquired by the city of Springfield. The utility board shall have power on behalf of the city to borrow money, to issue and sell bonds, to acquire property, both real and personal, including the acquisition of utility properties or systems, to make additions, betterment, and extensions to any utility property owned and operated by the City, to establish rates, to adopt rules and regulations for the furnishing of service, to pay in lieu taxes to City, County, School District, or State, to employ a manager or managers to manage such properties and to fix his or their duties, as the utility board deem necessary to properly discharge its duties, and to do all other things necessary or convenient for the efficient operation and management of utility properties except sewerage and sewage disposal properties owned by the City of Springfield. Provided, that such utility board shall not have power to sell or otherwise dispose of all or any part of such utility properties other than the properties which the utility board determines are no longer useful or necessary for the operation of such properties, and shall not have power to borrow money or issue bonds except as hereinafter provided without first obtaining the approval at a duly called and held election of the qualified voters of the city of Springfield, Oregon. The utility board shall have power to borrow money either by the issuance of notes or bonds secured only by a pledge of revenues of the utility for which such funds are borrowed in an amount not to exceed 25 percent of the original cost of such utility for the purpose of providing working capital, repairing damage, or making additions to such utility system. (10-9-50, Sec. 3).¹

Section 46B. Cable Communications Systems.² The utility board is hereby authorized and empowered to build, install, construct, develop, acquire by purchase or by condemnation/eminent domain, operate, maintain, supervise, control, finance and manage one or more cable communications systems. In connection therewith the utility board shall have the power to contract, to borrow money, to issue and sell bonds, to subsidize cable communications with revenue from other utility operations, to acquire real and personal property including the acquisition of cable communications properties and systems, to make additions, improvement, betterments and extensions to any cable communications systems operated by the utility board, to establish rates, assessments and charges, to adopt rules and regulations for the furnishing of service, to pay in lieu taxes to City, County, School District or State, to pay franchise fees, to employ personnel including any technical or professional consultants, to employ a manager or managers to manage such cable communications systems and to fix the duties of such manager or managers, to apply for, accept and hold any licenses, certificates, franchises or permits, required by applicable law, to comply with any applicable local, State or Federal law or rule and to do all other things necessary or convenient for the installation,

¹ Amended by the voters of Springfield at a Special Election held November 5, 1974. *There is no Section 46A. This number was reserved for Charter amendment rejected by the voters March 27, 1984.

² Amended by the voters of Springfield at a Special Election held June 30, 1987



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FORM M

FOR MUNICIPAL AND QUASI MUNICIPAL WATER SUPPLIES

Unless otherwise noted, water use information should be in acre-feet per year (AFY).
1 acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: SPRINGFIELD UTILITY BOARD (SUB)

Name and size of area to be served: CITY OF SPRINGFIELD, UGB (~20 SQ. MILE)
(in square miles)

Present population of service area: ~53,000
(Contact county planning staff, if needed.)

Projected population in 20 years: ~71,000 (CITY PLANNING WITH PSU)
(Cite source and year. For example: "20,595 Based upon 1995 Portland State University projections.")

List present water rights and permits held:

Date of Issuance:	Natural Source of Water:	Amount Permitted:	Utilization:
<u>SEE ATTACHED LIST</u>			

Water Use

Average yearly demand: ~11,800 AFY Year: 1998

Per-capita daily consumption (in gallons): (Pop 53,000) = 153
(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 7/1/99 to 10/1/99 Total peak season demand: 3566 Acre-feet

Peak season per-capita daily consumption: ~243 GALLONS
(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

produced: 3,832,500,000 GALLONS
(diverted or pumped)

delivered: 3,517,058,330

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: DECREASING BLOCK, SUMMER SURCHARGE (5/1-9/1)
(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

app# 5-85336

Request for Water

A. Discuss the reason(s) for your request for additional water

(e.g. loss of current supply, peak demand, growth, or other): ① CONTINUED GROWTH

② NEW TREATMENT REQUIREMENTS NECESSITATES DEVELOPMENT OF ADDITIONAL & NEW SOURCES; ③ MITIGATION FOR GROUND WATER WITHDRAWALS

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) PROPOSED WATER NEEDS TO 2017+

C. Briefly discuss operation of water system and the most constraining component of the system:

G.W. & S.W. PLANT DELIVERS WATER TO CUSTOMERS FIRST AND THEN TO STORAGE TANKS. CONSTRAINING COMPONENTS ARE SOURCE CAPACITY TO MEET PEAK DEMAND AND TRANSMISSION LINE CAPACITY TO MOVE WATER TO CUSTOMERS

D. Percentage of water use by type:

Residential: ≈ 36%

Commercial: ≈ 18%

Public Authority: ≈ 4%

Agricultural: -0-

Unaccounted for use: ≈ 20%

Industrial: ≈ 22%

Other (specify use): -0-

E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

MASTER WATER PLAN & CONSERVATION PLAN ON FILE AND APPROVED. COSTS, TIMING OF NEW FACILITIES, AND ALTERNATIVES EXAMINED ARE CONTAINED IN THE TWO PLANS SUBMITTED AND APPROVED.

F. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

APPROXIMATE SAVINGS OF 2 GALLONS (≈ 1%) PER CAPITA PER YEAR

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SALEM, OREGON

Last revision: April 9, 1996

app # S-85336

SUB - Summary - WATER RIGHTS

Source Name	Owner	Permit No.	Priority Date	Certificate No.	Water Right Amount (gpm)	Developed Capacity (gpm)
Willamette Wellfield	SUB					300 6950
No. 8		G-266	6/18/56	20-27979	896	
No. 1		GR-3134	6/16/59		900	
No. 6		GR-3135	6/16/59		1,250	
No. 4		GR-3136	6/16/59		1,250	
No. 3		GR-3137	6/16/59		1,250	
No. 7		GR-3138	6/16/59		1,250	
No. 5		GR-3139	6/16/59		600	
No. 2		GR-3140	6/16/59		1,250	
No. 9		G-3027	8/30/65	27-35650	400	
No. 12		G-3073	11/1/65		995	
No. 11		G-3074	11/1/65	27-35651	1,478	
No. 10		G-3075	11/1/65	27-35754	1,075	
No. 13/15		G-11558	5/4/91		323	
SP Well	SUB	G-9989	7/12/82	51-56430	797	650
Masa Well	SUB	G-10349	1/20/84		1,200	1,000
Thurston Wellfield	SUB					2,250
No. 1		G-3267	4/21/66	34-42085	797	
No. 2		G-4570	4/28/69	34-42086	1,201	
No. 3		G-4989	2/10/72	34-42088	497	
No. 4		G-9983	2/4/82	51-56427	251	
Platt Wellfield	SUB					650
No. 1		G-9984	2/4/82	51-56428	251	
No. 2		G-9985	2/4/82	51-56429	448	
Weyerhaeuser Wellfield	SUB/RWD (1/2 TO SUB)					300 1175
No. A		G-237	3/29/56	37-45301	483 246	
No. 1		G-237	3/29/56	37-45301	806 203	
No. 2		G-237	3/29/56	37-45301	806 203	
No. D		G-237	3/29/56	37-45301	483 201	
No. 3		G-2795	12/16/64		782 351	
Sports Way Well	SUB	G-12845	10/13/95		2,000	1,500
TOTAL (gpm)					21,993 gpm	14,165 gpm
TOTAL (mgd)					366 mgd	20.4 mgd

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app#5-85336

11/2/98
9/02

Receipt for Request for Land Use Information

Name of water right applicant: SUB

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: Springfield (City)
Staff contact: Annex DeForest Phone: 541-734-1003

Signature: Ashley Rust Date: 10-14-02

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app # 5. 85336



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: SPRINGFIELD UTILITY BOARD (SUB)

Address: 202 S. 18th STREET

City: SPRINGFIELD State: OR Zip: 97477 Day Phone: 764-8451

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)		
		☐ Diverted	☐ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used

List counties and cities where water is proposed to be diverted, conveyed, or used. CITY USB, CITY OF SPRINGFIELD, LANE

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): MUNICIPAL

Briefly describe: BY CITY CHARTER, SUB SUPPLIES
MUNICIPAL WATER REQUIREMENTS IN
SPRINGFIELD.

D. Source

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water MCKENZIE RIVER
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

40 ☒ CFS ☐ GPM ☐ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

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NOV 13 2002

WATER RESOURCES DEPT.
SALEM, OREGON

app # S-85336

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ADDITIONAL WELLS IN EXISTING WELLS FIELD. 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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: WILLIAM SAGE Date: 10/23/02
 Title: ASSOCIATE PLANNER Phone: 541-682-3872
 Signature: [Signature]

C. Additional Comments

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

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

Receipt for Request for Land Use Information

Name of water right applicant: SPRINGFIELD UTILITY BOARD

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: LANE
 Staff contact: WILLIAM SAGE Phone: 682-3807

Signature: _____ Date: _____

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NOV 13 2002

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED BY
LAND MANAGEMENT

OCT 11 2002

AM PM
7,8,9,10,11,12,1,2,3,4,5,6

4

RECEIVED
OCT 11 2002
LAND MANAGEMENT



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Address: 202 S. 18th STREET

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		☐ Diverted	☐ Conveyed	☐ Used

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Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

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State of Oregon
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158 12th St. NE
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(503)378-8455

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WATER RESOURCES DEPT.
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app # S-85336

For Local Government Use Only

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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): No 5326 as amended. 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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Ashley DeForest Date: 11-8-02
 Title: Planner Phone: 541-736-1003
 Signature: Ashley DeForest

C. Additional Comments

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

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

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

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WATER RESOURCES DEPT.
SALEM, OREGON



SPRINGFIELD UTILITY BOARD

Water Service Center
202 South 18th Street
Springfield, Oregon 97477-5240
(541) 726-2396
Fax (541) 747-7348

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NOV 13 2002

WATER RESOURCES DEPT.
SALEM, OREGON

November 8, 2002

Mr. Cory C. Engel
Water Right Processing Technician
Water Resources Department
Commerce Building
158 12th Street, NE
Salem, OR 97301-4172

RE: Land Use Information Form; New Surface Water Right Application, McKenize River by
Springfield Utility Board

Dear Cory:

Enclosed is some additional information for the new surface water right recently submitted to
you in our letter of November 6th, 2002.

Please contact me at 541-746-8451, #3731 if you have any questions about this information.

Sincerely,

Ken Cerotsky
Director - Water Division

KC:mkm

app # 5-85336

NEW APPLICATION ROUTE SLIP

RECEIPTING ☒ POST CARD SENT ☒

DATA CENTER ☒ *M.R.
11-22-02*

GROUND WATER YES ☐ NO ☒

BILL FUJII YES ☒ NO ☐

ANITA HUFFMAN EXT. 229 ☐

CORY ENGEL EXT. 324 ☒

JERRY GAINES EXT. 458 ☐

KERRY LEFEVER EXT. 276 ☐

RUSS KLASSEN EXT. 266 ☐

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

ATT: WATER RIGHTS
SUPPORT...>>>>

Mark contents of Application File; Update Powerbuilder with caseworker, etc.;
Route to filing cabinet.



FILE#: S 85336

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

FILE#: S 85336

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

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

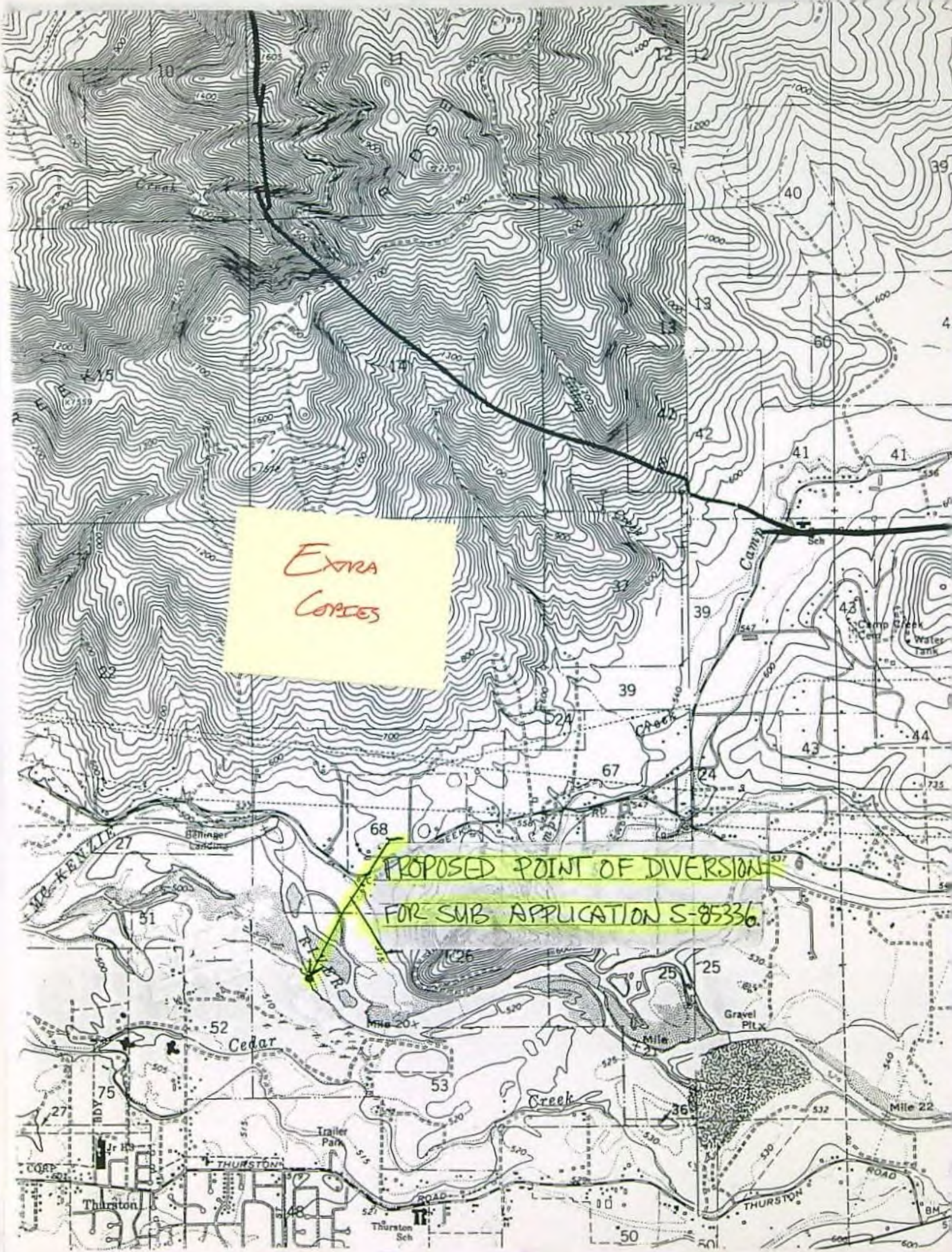
VENDOR NO.	VENDOR NAME	CHECK NO.
65789	OREGON WATER RESOURCES	132296

Springfield Utility Board

TRANS. NO.	REFERENCE	DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	RETAINAGE	PREVIOUS	BALANCE	NET AMOUNT
55036	110502	11/05/02	WTR RIGHT APPLICAT'N	3,325.00	0.00	0.00	0.00	0.00	3,325.00
<i>app # S-85336</i> RECEIVED NOV 08 2002 WATER RESOURCES DEPT. SALEM, OREGON									
VENDOR NO.				GROSS AMOUNT	DISCOUNT	RETAINAGE	PREVIOUS	BALANCE	NET AMOUNT
65789				3,325.00	0.00	0.00	0.00	0.00	3,325.00

EXTRA
COPIES

PROPOSED POINT OF DIVERSION
FOR SUB APPLICATION S-85336



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SALEM, OREGON

PROPOSED POINT OF DIVERSION

FOR SUB APPLICATION S-85336

T. 17 S

(30)

R. 1 W

T. 17 S

(29)

R. 1 W

HEADGATE, CEDAR IRRIGATION

DISTRICT, INTO CEDAR CREEK

POINT OF DIVERSION, SUB

STREAMFLOW AUGMENTATION

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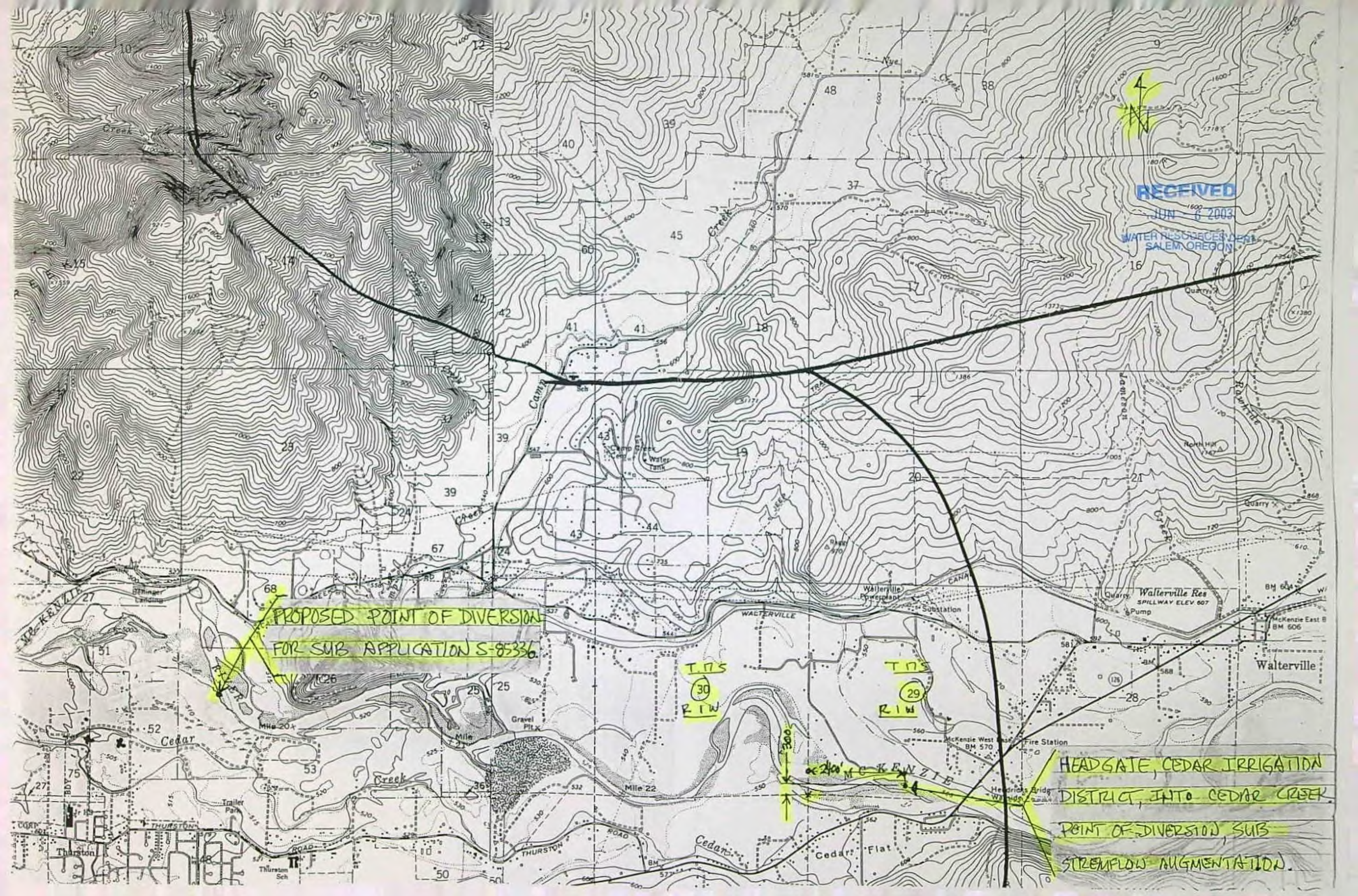
WATER RESOURCES CENTER
SALEM, OREGON

PROPOSED POINT OF DIVERSION
FOR SUB APPLICATION S-85336

TNS
30
RIW

TNS
29
RIW

HEADGATE, CEDAR IRRIGATION
DISTRICT, INTO CEDAR CREEK
POINT OF DIVERSION, SUB
STREAMFLOW AUGMENTATION





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JUN - 6 2003
WATER RESOURCES DEPT
SALEM, OREGON

PROPOSED POINT OF DIVERSION
FOR SUB APPLICATION S-85336

T. 17 S
R. 30 W

T. 17 S
R. 29 W

HEADGATE, CEDAR IRRIGATION
DISTRICT, INTO CEDAR CREEK
POINT OF DIVERSION, SUB
STREAMFLOW AUGMENTATION.



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JUN - 6 2003

WATER RESOURCES DEPT
SALEM, OREGON

PROPOSED POINT OF DIVERSION
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TNS
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RIW

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HEADGATE, CEDAR IRRIGATION
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