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# TESTIMONY SIGN-UP

FOR

166098

#2127 - Water rights on the Bull Run,  
Little Sandy and Willamette Rivers

IF YOU WISH TO SPEAK TO CITY COUNCIL, PLEASE PRINT YOUR NAME & ADDRESS

NAME

ADDRESS & ZIP CODE

✓ 1	Bob Robinson	2226 S.E. 35th Pl. Port. 97214
✓ 2	Frank Gearhart	2103 NE 24 Ct Tresham, Or. 97201
✓ 3	Dale Sherbourne	5515 SW Corbett Portland Or
✓ 4	Regina Merritt	ONRC 522 SW 5th S. Wilson, Portland 97204
✓ 5	Michael Carrigan	1137 SE 34th, Portland, OR 97214
✓ 6	Don Francis	133 SW 2nd
✓ 7	DEBORAH HOWES	3020 SE Yam Hill
✓ 8	JOE KEATING	3020 SE Yam Hill
✓ 9	Pauline Zuhler	13001 A.E. Lusted Study -
✓ 10	Kathy Anderson	41141 SE Kubite Rd. - Sandy 97055
✓ 11	Paul Robinson	PO 454, PDX 97207
12	Michael Carlson (not present)	5151 NW Cornell Road 97210

DATE: 12/16/92

clsigup

PAGE 1 of

# TESTIMONY SIGN-UP

FOR

166098

#2127 - Water rights on the Bull Run,  
Little Sandy and Willamette Rivers

IF YOU WISH TO SPEAK TO CITY COUNCIL, PLEASE PRINT YOUR NAME & ADDRESS

NAME

ADDRESS & ZIP CODE

✓13	DAN APEMALL	3565 SE CLINTON PORTLAND 97202
✓14	LYNN FORD	4245 SE Yamhill Portland 97202
✓15	Joe Miller Jr	52815 E. Marriot, Sandy, 97055
✓16	Fred Cash	3018 SE Morrison, PDX 97214
✓17	Russ Farrel	3144 NE 43 97213
18	Winnie Francis	622 NE Tillamook
19	Linda Day	Customer Relations, City of Gresham
20		
21		
22		
23		
24		

DATE; 12/16/92  
csignup

PAGE 2 of \_\_\_\_\_

**CIIBRI**  
 Citizens Interested in Bull Run, Inc.  
 P.O. Box 3426 Gresham, OR 97030



**Protect now** our watersheds  
 of the original Bull Run Reserve

in order to **Enjoy forever** precious, high quality drinking water  
 that they produce **Economically.**

Mayor Bud Clark  
 Commissioners: Lindberg, Blumenauer, Kafoury and Bogle

Thank you for the communications we have had with you during the pass 90 days concerning the "water rights" to the Little Sandy and Bull Run rivers. It has been our firm conviction for a long time that the people of Portland and the surrounding communities need the pure water from the entire Bull Run drainage system.

Your response to the people's needs and desires on the present water needs and issues is greatly appreciated by CIIBRI and all concerned water users of the Bull Run system.

Many concerns and issues have been and will be addressed at this hearing. One issue given little attention is what would happen to the needed Little Sandy River water supply if the water right passed to a foreign owner? What if Portland defaulted on its "public trust" to hold and use the "water right" to the high quality water of the Little Sandy River? How could this happen? Many domestic corporations have been taken over by foreign and possible hostile corporations. No one wants this nightmare to happen. Let's keep the entire Bull Run River and Little Sandy River watersheds entirely publicly owned forever.

The Bull Run Resolution of August 5, 1992 specified the Little Sandy River as a priority source for additional domestic water supply. We request the Portland City Council to adopt Ordinance No. 2127, to assertively pursue the adjudication process for the pre-1909 "water rights" on the Bull Run, Little Sandy and Willamette Rivers.

Thank you,  
  
 Frank Gearhart, President

Wednesday, December 16, 1992

166098

**Audubon Society of Portland**

5151 N.W. Cornell Road  
Portland, Oregon 97210  
503-292-6855



December 15, 1992

Portland Audubon Testimony:

Prepared by Michael Carlson, Urban Conservationist

RE: Portland City Council Hearing  
on Bull Run Backup Water Sources

Dear Mayor and Commissioners,

On behalf of the Portland Audubon Society with its 7000 local members and 90 years of community service in the Portland Metro Area we urge you to strongly consider the Little Sandy River and it's watershed as a backup water source because of its high water quality.

We commend the City and the Water Bureau for their successful water conservation efforts during the summer drought of 1992. Effective water conservation and living within the scope of available resources is the best alternative source of water for the Portland area, but if we are to require a backup source, the Little Sandy would provide the best available option.

The questionable water quality of the East County well fields, the levels of contaminants such as dioxins in the Willamette and Columbia make the Little Sandy even more appealing. Filtering water from the Columbia seems impractical considering Hanford Nuclear Reservation's reputation for leaching radioactive materials into the Columbia. As well, Dioxin is discharged by nine pulp and paper mills above the confluence of the willamette in excess of EPA standards. Dioxins are present in a crystal form which cannot be filtered from water. The Willamette upper and lower Willamette has 64 major industrial discharge sites. It is also subjected agricultural leaching and runoff. A protected watershed in the Little Sandy would provide a much better quality water source than either the Columbia or the Willamette.

Thank you for your consideration.

Respectfully,

Michael Carlson  
Portland Audubon Society

#2127

**Bane Barham & Holloway  
Assets Management Inc.**

SUITE 410  
811 S.W. FRONT AVENUE  
PORTLAND, OR 97204  
(503) 222-1993

**RECEIVED** 166098  
DEC 15 1992

December 14, 1992

**OFFICE OF THE  
CITY AUDITOR**

Portland City Council  
1220 SW Fifth Avenue  
Room 202  
Portland, Oregon 97204

Dear Council Members:

Filing for water rights for the Little Sandy and Bull Run before December 31st, 1992 is one of the best steps you could take to benefit future generations in this locality.

This extremely valuable resource should be preserved for our community's benefit.

You, today, have an opportunity to attempt to correct the error of judgement made by Portland's City Council in 1907 when they decided not to formally file to protect this pristine water source for the citizens of this area.

Wells, which have been drilled to enhance our water supply, in the Blue Lake/Columbia South Shores area, may prove to be an unnecessary and wasteful expense. They are expensive to operate and are either presently subject to contamination from the Columbia River, or will be in the future.

Your favorable vote last August on the "Bull Run Resolution" to eliminate logging in the Bull Run unit was a positive action. Keep up the good work by making every effort to maintain the integrity of our water supply for future generations of those who live in the Portland locality.

Sincerely,



Harpel W. Keller

Dec. 16, 1992

166098

To: Members, Portland City Council

From: Joseph L. Miller Jr., M.D.(retired Portland internist), 52815 E. Marmot Rd.,  
Sandy, OR, 97055 668-4497

Re: Little Sandy water rights

The Little Sandy, except for being smaller, has the same potential values as the presently-used part of Bull Run; all of it upstream from the entry of Aschoff Creek (near Marmot, where I now live) is uninhabited; and it is at a high enough elevation to flow to Portland by gravity.<sup>(1)</sup>

Although I am not a public health expert, I should think water from such a protected source would be the safest to drink.<sup>(2)</sup> And, as I see it, protecting the forest for the sake of pure water really protects wild animals<sup>(3)</sup> - the whole ecosystem - just by excluding all unnecessary human entry.<sup>(4)</sup> I love wild animals.

As to prospects for Portland retaining its rights to the Little Sandy, I think there is something fishy that needs to be thoroughly investigated. Why has the problem of pre-existing P.G.E. rights only come up recently? Why did the Water Bureau, in 1976, ask if Portland could transfer its rights to the City of Sandy, and told, no?<sup>(5)</sup> Why did the Oregon Water Policy Review Board in 1980 and 1985 say the highest and best use of Little Sandy water would be exclusively by Portland, without mentioning a water rights problem?<sup>(6)</sup>

Why has the Water Bureau never done an in-depth study of Portland's seemingly reasonable option to use the Little Sandy as a separate, auxiliary source?<sup>(7)</sup> Why did the Water Bureau, along with the Forest Service, promote the 1977 shrinkage of the Bull Run boundary that opened the lower Little Sandy to recreation, including hunting; and to intensive logging?<sup>(8)</sup>

I accuse the Water Bureau of collusion and conspiracy with the Forest Service over a period of many years<sup>(9)</sup>. They should not be trusted with a dominant role in fighting for Portland's Little Sandy water rights.

I would remind you of the high value of citizen input. The attached quotes are from documents in a citizens' open file in Portland's Main Public Library.

Respectfully submitted, *Joseph L. Miller Jr., M.D.*  
Joseph L. Miller Jr., M.D.(retired)<sup>(over)</sup>

References accompanying Dec. 16, 1992 input to Council:

[BRIG #'s refer to documents contained in the Bull Run Interest Group file, Government Documents Room, Main Library, SW 10th and Taylor, Portland.]

- (1) "Report on the Water Committee of the City of Portland, by the Committee on other Commissions to the Committee of One Hundred", 1894. BRIG# 66-6

(p. 30) "...the stream flowing through rocky canyons with many falls and cascades is always clear even during the greatest floods.... in order to protect the waters from contamination, and to prevent the diminution of the discharge by the destruction of the forests, a tract of 200 square miles was reserved from settlement by Proclamation of the President...."

(p. 34) "...The City of Portland will have a supply of water which for purity is probably unexcelled anywhere in the world. How much this will count for the future health and happiness of its citizens cannot be measured...."

Melvin N. Haneberg, member, Bull Run Citizens' Advisory Committee, Mayor City of Sandy, letter to Joseph L. Miller Jr.; rec'd with covering letter dated Dec. 18, 1975. BRIG# 95, p.9

"The following is an excerpt from my critique of the Environmental Statement of the Bull Run Planning Unit (work copy):

" - I was disappointed to find that the Little Sandy drainage has been designated as a recreation area and the impact of the loss of this watershed as a future water source for the region has not been considered...."

" The City of Sandy, in its efforts to find a suitable source of water, investigated most of the streams in the Sandy River valley. We <sup>ADDITIONAL</sup> found that streams that were suitable from the standpoint of sufficient flow of water and with proper protection of its watershed are practically non-existent.

"The City of Sandy, through its consulting engineer, has been negotiating with the City of Portland for the use of this stream if the Portland water bureau found it uneconomical to develop it.

" It is my feeling that the Little Sandy drainage should be preserved as a closed watershed for the following reasons:

"1. It is a watershed (sic) wholly within the Bull Run reserve, dedicated now to the production of water, and protected from encroachment of civilization...."

"6. The Citizens Advisory Committee, after much deliberation, unanimously recommended against 'hiking or fishing anywhere within the Bull Run Division which includes the watershed proper as well as the Little Sandy river drainage.'"

(cont.)

Melvin N. Haneberg (cont.)

"7. Sources of water fit for human consumption, are a fast disappearing commodity; inversely proportional to the growing need for them as the population of the region increases. To trade off this area, now dedicated and protected by law for the production of water for public use, for the marginal recreational value it might afford would not seem to be in the best long-range interests of the region."

- (2) Harold T. Osterud, M.D., Prof and Chair, Dep't. Public Health and Preventive Medicine, UOHSC, School of Medicine, Portland, OR Testimony at public hearing on Bull Run, Aug. 15, 1977 (where Trespass Act was still in effect) - BRIG #190 *(written)*

"The Portland Metropolitan Area is indeed fortunate to have Bull Run water, of outstanding quality and in sufficient amount, even today when much of Oregon faces severe water shortage.... We now find this long standing community asset, of inestimable value, threatened by block logging and proposals of opening the watershed to recreation. ....opening the area to logging will increase the numbers of people ~~to~~ *To* in the watershed. The hazards of waterborne disease are, of course, directly related to the numbers of ~~people~~ *people* ~~with~~ *with* individuals with access, and the larger the number, the greater the risk.

"The water supply of the City of Portland, serving much of the metropolitan area, is indeed a unique one. The water has been protected from physical and biological pollution and contamination by preventing access of people to the Bull Run watershed. The water is classified as primary water, water that has never been used before. The quality and quantity, of the water has required only minimum treatment, that of sedimentation, aeration, screening, and disinfection by chloramines.

"Logging activities will increase erosion which will add nutrients, and will increase turbidity requiring filtration treatment. The ~~nutrients~~ *nutrients* will increase algae growth, and because of the objectionable taste and odor when chlorinated, will likely require treatment with activated charcoal. Soil particles are protective of bacteria and viruses and disinfection with chlorine at present levels will not kill these organisms especially those inside particles. In fact, filtration of water does ~~not~~ *not* always provide a safe water supply. Viruses easily escape the flocculation-sedimentation-chlorination and filtration measures and they may enter into the distribution system....

"....The best protection for potable water supply is to prevent physical, chemical and biological pollution of the source. This has been accomplished at Bull Run through the existing federal laws protecting the watershed. If this protection does not continue and the Bull Run source is polluted or contaminated, filtration will be required by EPA and state health authorities. The filtration process is no guarantee that the water supply will continue to be as satisfactory as it is now....

"....Any recreational use of ~~Bull Run~~ *Bull Run* the Bull Run area will require filtration and other purification procedures. Human contamination of the water supply is much more hazardous than that of animals/birds,...."

*(over)*

Page 3 of references for J.M.Jr. Dec. 16,1992 input to Portland City Council

- (3) Spencer Beebe: "Remarks about the Bull Run Reserve helicopter flight, 8/29/74"  
BRIG# 60 (Note: photos taken on this flight are in BRIG# 61) (Note:the  
Big Bend Roadless Area is in the Bull Run watershed)

".....The 10,000 acre Big Bend Roadless Area deserves very special serious consideration for its pure wilderness and wildlife values. It contains a high degree of elevational and topographic diversity, as well as a variety of plant and animal communities. From the air the most immediate and striking aspect of the BBRA is its sheer beauty. Lying in the foothills of Mt. Hood, it contains large and elegant old-growth stands of mixed climax conifers, clear mountain streams, waterfalls, lakes and all sizes and shapes of meadow. It is one area, due to the total lack of human trespass, where the wildlife have never been harassed.....It is here that a climax forest wildlife Sanctuary would be most appropriate....."

- (4) James M. Burns, U.S. District Judge, "OPINION Civil No. 73-609", Mar. 5,1976.  
BRIG # 96a Re: his interpretation of the 1904 Bull Run Trespass Act; its  
duties: (p.20)

"The duty, to summarize, is a duty to exclude from the Bull Run Reserve all persons except

:: Federal and State officers and employees of the water board of the City of Portland in the discharge of their duties..., and

:: forest rangers and other persons employed by the United States affirmatively to protect the forest.

"It is not enough to exclude those whose presence may be found to do no harm to the forest. The statute's presumption is that no one should disturb Bull Run. Only an affirmative purpose to protect and a showing of capacity to do so can overcome that presumption"

- (5) Robert C. Irelan, Deputy City Attorney, interoffice memo to Bob Hyle,  
Bureau of Water, reLittle Sandy River water rights., Oct., 12,1976.BRIG#219,p.8

"This memo is in response to your inquiry regarding whether the city can transfer its water rights to the Little Sandy River to the City of Sandy....."

".....Therefore, it is the opinion of this office that only the state legislature may transfer the use of the waters in the Little Sandy River to another party."

- (6) Water Policy Review Board of the State of Oregon, Aug. 2,1985. BRIG# 235

".....this Board hereby adopts the following program in accordance with ORS 536.300.....the attainment of the highest and best use of the waters of the Lower Willametter Basin....will be furthered through utilization of the aforementioned waters as follows:.....The tributaries of the Bull Run and Little Sandy Rivers only for the exclusive use of the City of Portland....."

Page 4 of references for J.M.Jr. Dec. 16,1992 input to Portland City Council:

- (7) Robert Hyle, Portland Water Bureau Manager, when asked where a dam and collection point would be on the Little Sandy, if Portland were to tap it, replied (Sep't., 22,1976)(BRIG#118):

".....We have never planned to construct any type of water impoundment on the Little Sandy River, nor do we intend to in the future; so we are unable to specify any location for you....."

URS Company, Consulting Engineers for the Army Corps of Engineers study (BRIG# 224), reported in a letter to the Corps, July 27,1978 (BRIG#208):

".....we generally ignored the lower dam site on the Little Sandy River in favor of the upper basin site. The reasons for this decision were that little is actually known about the suitability of the lower site, (although the City of Portland does consider it unsuitable), and that the upper site has been seriously considered by the City of Sandy and their engineers....."

David W. Browne, Environmental Engineer, URS Co., letter to Joseph L. Miller Jr, Nov. 20,1978, regarding a possible impoundment site on the lower Little Sandy (BRIG# 208):

".....To my knowledge, no studies have been made of this site beyond a few rough calculations I made in preparation for my presentation at the BRAC meeting....."(referring to Nov. 2,1978 meeting of Bull Run Advisory Committee)

Carl E. Green, Consulting Engineer; member, Bull Run Advisory Committee; letter to Warren Westgarth, Chairman of BRAC, 12-17-79. (BRIG#228; encl. with Apr. 5,1980 letter):

".....Before committing millions of dollars for development of a groundwater supply in an area in which sanitary sewage, industrial wastes, and surface water run-off has been disposed of by means of discharge into underlying ground and sand formations over a period of seventy-five or more years, careful and thorough analysis of a separate alternate-auxiliary supply from the Little Sandy River should be undertaken. I am not convinced that an objective, unbiased, thorough study has yet been made.....

"A pipe line from a headworks on the Little Sandy River should not pallel existing conduits but follow a different route to deliver water to the large storage reservoir now under construction....."

- (8) U.S. Forest Service, Bull Run Draft Environmental Statement,1976,p.61(BRIG #117):

".....The drainage of the Little Sandy River lies almost entirely within the Reserve and as such, is and ~~is not considered~~ can be considered to be a high quality surface water supply for which others may find a future need. In particular, the City of Sandy has expressed a desire to maintain the Little Sandy River as a backup source of water for their future needs and is currently negotiating for these water rights with the City of Portland....."

[more (8) quotes, next page]

(over)

(8) (continued)

Portland Water Bureau, Staff Paper, City Council Hearing, BRIG# 150b: <sup>Jan. 13, 1977 (pp. 2,3)</sup>  
~~pp. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~

".....In general, support for the proposed plan boundary was good. There was public concern that the Little Sandy River would not be fully protected with the recommended boundary changes. The City of Sandy is fully satisfied with the boundaries proposed in the DES. The upper reaches of the Little Sandy River that would be usable by the City of Sandy as a future water source (20 years +) are not affected by the boundary changes....."

Zigzag Ranger District, Mt. Hood National Forest, "Environmental Analysis Report, Little Sky Timber Sale" (rec'd. 8-16-78), p.9 (BRIG# 218):

".....The Upper Little Sandy River has been determined suitable for a domestic watershed and the City of Sandy has expressed interest in it for a source of water for the city. The lower part of the River may be suitable for domestic watershed, but at this time there is no demand for it. The proposed sale lies below the proposed in-take for the City of Sandy....."

(9) Arch W. Diack, M.D., letter to Dr. Joseph L. Miller Jr., M.D., Aug. 22, 1986  
 BRIG# 287a: [Note by J.M.: this is 3+ pages long; the excerpted quotes are inadequate; but may arouse interest in reading the entire letter]

"....I am moved to add an item or two which I do not think has been brought out, and which should be added to the accumulating bank of knowledge....I hope it will be incorporated into the BRIG File at the library where it may do some good. This is for the record: hopefully full knowledge will bring out enough public awareness and support to prevent the worst from happening. I apologize for unavoidable details necessary to tell the tales.

"Item #1: This has to do with the added hydroelectric facilities at the Bull Run Dam in the Portland watershed. In 1978 the Portland Water bureau applied for a permit (FERC No. 2821) to add an hydroelectric capacity to the Bull Run Reservoir Dam. This entailed considerable alteration of the facility and thus by law required that 10% of the granted funds be spent on recreational facilities....the Heritage Conservation Service....advised an off-site development at Dodge Park as an appropriate compensation for the mandated expenditure, in lieu of developing recreational facilities within the reserve which was off limits to the public. This the Commissioner of Public Utilities, Frank Ivancie, promised to do and report within one year; but instead went back to FERC and got an exemption from any expenditure for off-site recreational expenditures and the permit was promptly granted....

"Item #2: This has to do, in a rather complicated way with the more recent Bull Run Diversion project and involves the Little Sandy Watershed and its devious story reads out almost like a mystery novel....

"First for the background: In the 1890's the City was given water rights to the Bull Run Reserve which included the Little Sandy River....

"In 1982 the Portland Water Bureau, in the midst of their 'deep well' project, applied for a permit to utilize excess water from the Bull Run reservoir diverted through its pump generators....

(cont.)

Page 6 of references for J.M.Jr. Dec. 16,1992 input to Portland City Council

Arch W. Diack, M.D., cont.

"....but PGE, because it meant the loss of the excess water they had been getting from the Water Bureau.... appeared as contestor at the hearing before the Water Resources Board.

"It was not until 1984 that this diversion plan became known to many people who were affected by the diversion of Bull Run water....and we were able to secure standing in the resumed hearings before the Oregon Water Resources Board. The important thing in this part of the story is that PGE had by now withdrawn as a contestor, having negotiated a quiet settlement with the Portland Water Bureau, and agreed not to testify in the continued hearing. It was said that they had agreed to 'buy back' the power at an undisclosed price, but also they asserted that they now had the water rights to the Little Sandy River. To my knowledge there has been no denial of this by anyone in the Water Bureau, nor was there when I stated this in a letter to a VP of the PGE. I assume therefore that the Water Bureau allowed this valuable resource to slip away in order, perhaps to help out in obtaining permission to run their diversionary pump generators which were coming under closer scrutiny by an aroused public. This also fitted into the best laid plans of the Forest Service to log the little Sandy <sup>WATER SHED</sup> now that it had been maneuvered out of the boundary of the old Bull Run Reserve and was now open, unprotected and ready for logging, and free from possible watershed use....

"From these facts and the deductions that are almost self evident I cannot see an informed public [or city government] being complaisant enough to accept the bartering away of important water rights in order to help cover over the expensive blunder that the ill-conceived deep well pump-generator-diversion project turned out to be.

"I certainly hope that saner heads will prevail and that the City's water rights will be asserted...."

Webster's Collegiate Dictionary, 5th Ed., 1948:

"Conspiracy....1. Act of conspiring; combination for an evil purpose; a plot. ....A conspiracy is a combination, usually secret, of persons for evil or unlawful ends...."

Additional reasons for accusation of conspiracy and collusion are documented in these booklets by Joseph L. Miller Jr.:

"What Good is Free Speech in a Closet? A Story of Cover-up in Planning for our Grandchildren's Drinking Water" (1985) (BRIG# 272)

"How to Destroy God's Kingdom and Democracy at the Same Time - Case Study: Water Supply of Portland, Oregon" (1989) (BRIG# 308)

The Water Bureau never exposed the Forest Service master plan of 1952 for facilitating introduction of large scale commercial logging with a tremendous P.R. job to change the public thinking. BRIG#308, pp.6,9

(cont.)

(over)

Additional reasons (cont.)

The Water Bureau never insisted on a type of water quality monitoring or research that could give early warning of water quality degradation caused by logging and attendant activities. BRIG#308, pp.9-11

In 1969 when Portland was warned that logging was bringing on a need for filtration, the Water Bureau did not "blow the whistle"; nor advocate adequate research that might disprove the relation between logging and need for filtration; nor recommend enforcement of the 1904 Bull Run Trespass Act to stop the commercial logging. BRIG#308, pp.21-23

Instead, after Portland's Bull Run water was given only provisional approval for interstate use because of failure to implement the 1969 recommendations, the Water Bureau went to deep wells in East Multnomah County for clear water to mix with Bull Run water when its turbidity exceeded turbidity standards, thus allowing logging to continue without filtration. BRIG#308, p.22

The Water Bureau, along with the Forest Service, uses the terminology "buffer" to cover-up the existence of the Little Sandy watershed.

The Water Bureau endorses and uses the Forest Service-concocted "fire angle" rationale for logging, even after it was shown to be fallacious in court. BRIG#308, pp. 6-9

After the citizen-instigated law suit (in 1973-'76) had stopped commercial logging because it was found not to be protecting the forest, the Water Bureau did not support continued enforcement of the Trespass Act, but, instead, collaborated with a slanted Forest Service Draft Environmental Impact Statement process that served as a blue print for the 1977 repeal of this Act. BRIG#308, pp.25,26

A Water Bureau intent on protecting the public interest could have made the public aware of these shenanigans and influenced the City Council to counter them - - but it never did; and this failure to do so helped Forest Service logging policy.

*Joseph H. Kullback*

16 December 1992

2127  
166098

To: Portland City Council

Thank you for this opportunity to speak about one of the city's most precious assets. Pure tap water is one of Portland's greatest attributes.

Pure tap water is healthful. Not only for drinking but for bathing. Pure water makes foods taste better. To me pure water also means good beer. Portland gets rave reviews in this department. Just last month Portland beers were lauded in the Sunday New York Times Magazine [1].

Not only is our city's water pure, it is inexpensive. Many cities have water rates several times ours. Many of their residents also buy bottled water or costly home treatment systems. It is not unusual to have a bottled water delivery bill twice the size of the municipal tap water bill in urban California.

Modern society continues to chum out thousands of tons of synthetic chemicals every year. The EPA has a backlog of thousands of toxic and hazardous substances in its RCRA listing [2]. Many chemicals in the RCRA list may be found in water. Thus, the federal drinking water standards will be adding testing and treatment requirements at the rate of one contaminant per month for the foreseeable future. For municipal water systems which treat raw water from agricultural and industrial watersheds the costs will be escalating dramatically.

I urge the council to support the ordinance and to continue Portland's century long tradition of pure and abundant tap water.

Notes:

1. New York Times Magazine - Entertaining, 1 November 1992,

"Beers that Love Food"

2. Title III List of Lists, EPA 1990, "Consolidated List of Chemicals Subject to Reporting Under The Emergency Planning and Community Right-To-Know Act"

Dan Aspenwall

3565 SE Clinton

Portland, OR 97202

days: 221-2618

eves: 236-7459

# CITY COUNCIL HEARING

166098

## LITTLE SANDY RIVER WATER ADJUDICATION RIGHTS

December 16, 1992

The decision you make here today will impact Portland's water availability for years to come. I would like to make a few points for your consideration:

1. The Columbia river has been contaminated with radioactivity and chemicals from Hanford and industry. These sources cannot be seriously considered as a reliable source of water for the Portland Metropolitan area.
2. The Willamette River has been contaminated with chemicals and cannot be seriously considered for Portland's use in the near future.
3. Our East County well systems, both public and private, are not a reliable or safe source of clean water because of chemical contamination that will not be corrected anytime in this century, if ever.

With very limited exceptions, there does not appear to be any reliable, clean source of water available to Portland except the Little Sandy Watershed drainage. It is critical that you agree here today to file for the Water Rights on the Little Sandy Watershed with the Oregon Water Resources Board before the deadline of December 31, 1992.

It is clear that Portland needs this water. It is also clear that since June 17, 1892 Portland has always considered the Little Sandy Watershed a part of our water supply. That is the date in which the President of the United States, Benjamin Harrison, proclaimed in part:

*"...that the public good would be promoted by setting apart and reserving said lands as a reservation."  
[Presidential Proclamation # 28, June 17, 1892]*

President Harrison was relating to the Bull Run Watershed and Little Sandy Watershed and additional acreage adjoining these watersheds. His primary concern was for the protection of these areas for Portland's exclusive use then, and for any future use.

Additionally, the Fifty-Eighth Congress, of the United States, 2nd session, on April 28, 1904 passed an act [Chapter 1774 (refer to Senate Bill # 3036, Public # 206)] that referred to the Benjamin Harrison Proclamation and affirming that Proclamation by stating in part:

*"...upon any part of the reserve known as the Bull Run Forest Reserve, in the Cascade Mountains, in the State of Oregon, which reserve was established by proclamation of the President of the United States in eighteen hundred and ninety-two, as provided by section twenty-four of an Act of Congress entitled 'An Act to repeal timber culture laws, and for other purposes,' approved March third, eighteen hundred and ninety-one, and which reserve includes within its area the water supply of the city of Portland, State of Oregon;"*

And again, in the Fifty-Eighth Congress, of the United States, 2nd Session, House of Representatives Report # 2579, April 18, 1904 by Representative Mondell from the Committee on the Public Lands, submitted the following, in part:

"This reserve was originally set apart for the sole purpose of protecting the sources of the water supply of the city of Portland, and, although small in area, is of great value for this purpose."

Also, In the House Congressional Record, Page # 36664, November 2, 1977, referring to the Representative Roncalio bill that now is PL-200, it states:

"[b] Nothing in this act shall in any way affect any law governing appropriation or use of, or Federal right to, water on National Forest Lands; or as expanding or diminishing Federal, State, or local jurisdiction, responsibility, interests, or rights in water resources development or control."

There is clear and convincing evidence that Portland, and the President of the United states, Benjamin Harrison, intended to protect and preserve all the 142,080 acres of the Bull Run Reserve for Portland's citizens in perpetuity. This include the Little Sandy Watershed for protection.

I sincerely hope that the City Council will pass the authorization to proceed to file for water adjudication rights with the Oregon Water Resources Board before the cutoff deadline of December 31, 1992.

Sincerely,



BOB ROBINSON  
2226 S.E. 35th Place  
Portland, Oregon 97214  
235-5498

BR:br

# Bull Run Community Association

## Purpose Statement

BRCA is a non-profit organization whose purpose is to preserve the integrity of the Bull Run Area: its history, its environment and its people. Come and enjoy the area with us. Volunteers welcomed.

## Some Fun Facts about the Bull Run Area

- Bull Run supplies water for over one million people. This includes the cities of Portland and Gresham, Oregon.
- Portland's old Burnside Bridge now resides in the Bull Run area. One section is now the Dodge Park Bridge, the other section is the Bull Run Bridge.
- The wood diversion flume used by PGE since 1913 is the oldest wooden flume still in continuous operation in America today. The hydroelectric plant still uses its original 1915 gravity fed turbines.
- Bull Run had one of the first electric trolley systems in Oregon.
- Bull Run was THE destination resort for Portlanders in the 1920's and 30's.
- Marmot and Bull Run were major hubs for the Barlow Road portion of the Oregon Trail. Marmot was a bustling community, when Portland was still being called, "Stumptown." Bull Run was a major terminus for cattle and livestock.



DODGE PARK, SANDY RIVER IN 1920's

ORHI #86179

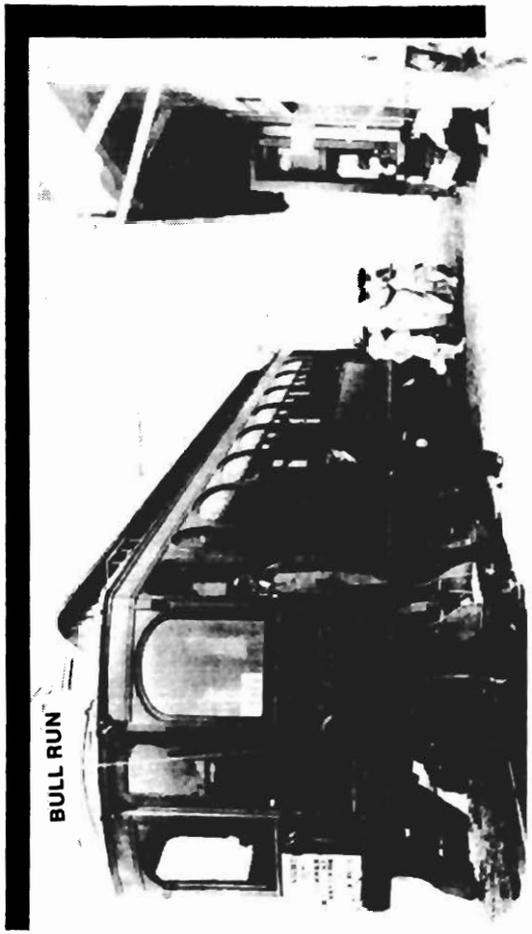
- Ernest Hemingway used to fish on the Sandy River and frequented a hunting and fishing cabin in the Revenue Bridge area.
- Chinese goldminers worked in the Aims area.
- Portland's Water Bureau used diapered horses in Bull Run's watershed during logging operations in the 1950's. This was so the water would not become polluted.

# For More Information

Please contact BRCA headquarters:

Ric Buhler or  
Glory Yankauskas  
41415 S.E. Thomas Rd.  
Sandy, OR 97055  
(503) 668-4411

# Bull Run COMMUNITY ASSOCIATION



CAR 1125, THE HISTORIC BULL RUN TROLLEY AT BULL RUN STATION. ORHI #44220



THE BULL RUN TROLLEY BRIDGE AT DODGE PARK

Photos Courtesy of the  
Oregon Historical Society

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

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

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

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

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

BENJ HARRISON

By the President:  
WILLIAM F WHARTON  
Acting Secretary of State.

[No. 28.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

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

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

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

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

Reciprocal modification of tariff of Austria-Hungary.

June 1, 1892.

Preamble. Vol. 28, p. 1103.

Forest reservation, Oregon.

Boundaries.

Proceedings.

forth the nature and extent thereof, and such adverse claimant shall, within sixty days after the filing of such adverse claim, begin an action to quiet title in a court of competent jurisdiction within the district of Alaska, and thereafter no patent shall issue for such claim until the final adjudication of the rights of the parties, and such patent shall then be issued in conformity with the final decree of such court therein.

Continuance of existing laws.

SEC. 4. That all the provisions of the coal-land laws of the United States not in conflict with the provisions of this Act shall continue and be in full force in the district of Alaska.

Approved, April 28, 1904.

April 28, 1904.  
[S. 3085.]

[Public. No. 205.]

CHAP. 1773.—An Act Supplemental to and amendatory of an Act entitled "An Act making further provision for a civil government for Alaska, and for other purposes," approved June sixth, nineteen hundred.

Alaska.  
Care and custody of the insane.  
Vol. 31, p. 325, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior shall, in the month of November, nineteen hundred and four, and from time to time thereafter, as in his judgment may be deemed advisable, advertise for and receive bids for the care and custody of persons legally adjudged insane in the district of Alaska, and thereafter, in behalf of the United States, shall contract, for one or more years, as he may deem best, with a responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest and best responsible bid for the care and custody of persons legally adjudged insane in said district of Alaska, the cost of advertising for bids, executing the contract, and caring for the insane to be paid, until otherwise provided by law, by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, on accounts and vouchers duly approved by the Secretary of the Interior, and all Acts and parts of Acts in conflict with these provisions are hereby repealed.

Contracts to lowest bidder.

Payment of expenses.

Accounts, etc.  
Repeal.

Approved, April 28, 1904.

April 28, 1904.  
[S. 3086.]

[Public. No. 206.]

CHAP. 1774.—An Act For the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon.

Bull Run Forest Reserve, Oreg.  
Protection of, and Portland water supply.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the date of the passage of this Act it shall be unlawful for any person or persons, except forest rangers and other persons employed by the United States to protect the forest, and Federal and State officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, to enter, for the purpose of grazing stock, upon any part of the reserve known as the Bull Run Forest Reserve, in the Cascade Mountains, in the State of Oregon, which reserve was established by proclamation of the President of the United States in eighteen hundred and ninety-two, as provided by section twenty-four of an Act of Congress entitled "An Act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and which reserve includes within its area the water supply of the city of Portland, State of Oregon: and any person or persons, save those hereinbefore excepted, who shall engage in grazing stock, or who shall permit stock of any kind to graze within said Bull Run Forest Reserve, or who shall knowingly trespass thereon,

Grazing prohibited.

Vol. 27, p. 1027.

Vol. 26, p. 1103.

Penalty.

shall be deemed guilty of a misdemeanor, and on conviction thereof in the district court of the United States for the district of Oregon shall be fined not to exceed five hundred dollars, in the discretion of the court. And the Secretary of the Interior is hereby authorized and directed to enforce the provisions of this Act by all proper means at his command, and to exclude from said forest reserve stock of all kinds and all persons, save as hereinbefore excepted.

[Approved, April 28, 1904.]

CHAP. 1775.—An Act To expedite business in the district court of the United States for the district of Oregon.

April 28, 1904.  
S. 3117.]

[Public, No. 207.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in case of the absence of the United States district judge for the district of Oregon from said district, or of his disability, a circuit judge of the United States of the circuit to which such district belongs may hold the district court and perform the duties of the district judge.

United States courts,  
Oregon judicial district.  
Circuit judge may hold district court.

Approved, April 28, 1904.

CHAP. 1776.—An Act Providing for second and additional homestead entries, and for other purposes.

April 28, 1904.  
S. 3165.]

[Public, No. 208.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who has heretofore made entry under the homestead laws, but who shall show to the satisfaction of the Commissioner of the General Land Office that he was unable to perfect the entry on account of some unavoidable complication of his personal or business affairs, or on account of an honest mistake as to the character of the land; that he made a bona-fide effort to comply with the homestead law and that he did not relinquish his entry or abandon his claim for a consideration, shall be entitled to the benefit of the homestead laws as though such former entry had not been made.

Public lands.  
Failure to perfect homestead entry not a bar to second, etc., entry.

Conditions.

SEC. 2. That any homestead settler who has heretofore entered, or may hereafter enter, less than one-quarter section of land may enter other and additional land lying contiguous to the original entry which shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres, without proof of residence upon and cultivation of the additional entry; and if final proof of settlement and cultivation has been made for the original entry when the additional entry is made, then the patent shall issue without further proof: *Provided*, That this section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry: *And provided*, That if the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled.

Additional entry allowed without proof of residence, etc.

Limit of acreage.

Patent.

Provision.  
Exception.

Failure in original entry prohibits additional entry.

SEC. 3. That commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under this Act.

Commutation not allowed.  
R. S., sec. 2301, p. 421.

Approved, April 28, 1904.

present and future water appropriators and users and with the view of obtaining the information necessary for intelligent action looking to the protection of all rights heretofore initiated or to be hereafter established for the use of the waters of said stream for irrigation purposes it was deemed advisable to request the Secretary of the Interior to institute the investigation called for in the resolution.

Inasmuch as this resolution looks to the largest use possible of the Colorado River for irrigation, and contemplates legislation, if any shall be necessary for the protection of those using or diverting for use in irrigation the waters of the said river, it is believed that this action will encourage irrigation development in the region.

BULL RUN FOREST RESERVE, ETC.

APRIL 18, 1904.—Referred to the House Calendar and ordered to be printed.

Mr. MONDELL, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 3036.]

We, your Committee on the Public Lands, to whom was referred the bill (S. 3036) for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon, having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass with the following amendment:

Strike out all between the word "shall" in line 8 on page 2, and the word "shall" in line 9 on page 2, and insert in lieu thereof the words "knowingly trespass thereon."

The Bull Run Forest Reserve is a small forest reservation bordering on the Columbia River, in the State of Oregon, about 30 miles east of the city of Portland. It is triangular in form, each side of the triangle being about 20 miles in length. It is bounded on the north by the Columbia River and on the east and south by the Cascade Forest Reserve. Almost its entire area is composed of high, rugged mountains. This reserve was originally set apart for the sole purpose of protecting the sources of the water supply of the city of Portland, and, although small in area, is of great value for this purpose. As the city grows, the need of better protection for the Bull Run Forest Reserve from forest fires becomes more urgent.

The provisions of this bill look toward a better protection of this small area of mountainous country than now exists from the danger of forest fires caused by summer camping parties, grazers of stock, and other sources of danger and damage.

The Senate report on this bill was as follows:

[Senate Report No. 1258, Fifty-eighth Congress, second session.]

The Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 3036) for the protection of the Bull Run Forest Reserve and the source of the water supply of the city of Portland, State of Oregon, having had the same under consideration, beg to submit the following report:

The reservation known as the Bull Run Forest Reserve was created by proclamation of the President in June, 1892, as provided by section 24 of an act of Congress

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entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891. It is of triangular shape, each of the three sides being about 20 miles in length, and it contains an area of about 222 square miles. It is located in the Cascade Mountains, in the State of Oregon, and in this reserve is the source of the water supply for the city of Portland.

The reasons for the proposed legislation will be found in the following resolutions adopted by the water board of the city of Portland, State of Oregon, December 9, 1903; also in the following letter addressed by Hon. George H. Williams, mayor of the city of Portland, to Hon. John H. Mitchell, dated Portland, Oreg., December 12, 1903. The resolutions of the board follow:

*"Copy of resolution introduced by W. M. Ladd, seconded by C. H. Raffety, and unanimously adopted by water board, December 9, 1903.*

"Whereas the city of Portland, Oreg., acting by and through its water committee in the year 1891, in order that its proposed water supply might be protected, asked that the public lands on the watershed of the Bull Run River in the Cascade Mountains, Oregon, be set aside as a forest reserve; and

"Whereas said reserve was established by proclamation of the President of the United States on June 21, 1892, as provided by section 24 of the act of Congress 'repealing timber culture laws,' etc., approved March 3, 1891, and the pipe line (30 miles in length, and furnishing a daily flow of 24,000,000 gallons of water of remarkable excellence) was completed in 1894 at a cost of \$2,500,000, and other portions of the water system have cost nearly \$2,000,000 more, making the total cost to the city \$4,400,000; and

"Whereas there is not a habitation, field, or road on the watershed of the river above the point where the water for the city is taken out, and its isolation and inaccessibility are its best safeguards, and there is nothing which can pollute the water or lessen its flow unless grazing is permitted or the forest is destroyed by fire; and

"Whereas grazing would tend to destroy the undergrowth and pollute the water, and the presence of hunters, fishermen, or other persons would, during the dry season, greatly increase the danger of forest fires: Therefore, be it

*"Resolved,* That the water board, in behalf of the people of the city of Portland, request the honorable Senators and Representatives of Oregon to procure the passage of a special act of Congress authorizing and directing the Secretary of the Interior to prohibit grazing on the public lands of the Bull Run Reserve, and exclude therefrom all persons except the rangers and other persons employed by the United States to protect the forest, Federal and State officers in discharge of duty, and the employees of the water board of the city of Portland."

The following is the letter of Mayor Williams:

PORTLAND, December 12, 1903.

DEAR SIR: The water board of the city of Portland, at its regular monthly meeting, held on the 9th instant, adopted a resolution that the members of the Oregon delegation in Congress should be asked to procure a special act for the protection of the Bull Run Reserve, the source of the city's water supply, and I was requested to send you the copy of said resolution, herewith inclosed, and explain the necessity for the passage of the act.

The Bull Run Reserve is situated on the western slope of the Cascade Mountains. It is triangular in shape, each side being about 20 miles in length, and its area is 222 square miles. The east side, adjoining the Cascade Reserve, extends north and south along the summit of the Cascade Mountains, with an average elevation of 5,000 feet above sea level. The northwest side is along the high divide between Bull Run River and the Columbia River. The southwest side is on the divide between Bull Run River and the Sandy River.

The elevation of the western corner of the reserve at the point where the water is taken out and conveyed through a pipe 30 miles to the city is 750 feet. The reserve, sloping rapidly to the west, as the above figures show, is traversed by numerous deep and almost impassable canyons. The watershed above the intake of water for the city is an uninhabited wilderness, impassable for a horse and difficult for man to penetrate. It is covered everywhere, except on rocky points, with a dense forest of evergreen trees and a thick undergrowth of bushes, briars, and ferns. The forest shades the snow, which during the winter covers the highlands deeply and retards its melting. The undergrowth protects and holds the soil and prevents it from being washed into the streams, consequently the water is always clear and cool, and when it pours from the pipes into the city it is healthful and refreshing as when it fell from the clouds. During the summer, when there is little or no rain, an abandoned camp fire, a lighted match, or spark from a pipe might start a fire which would

destroy the entire forest, and then the supply of water, which has cost the city \$4,400,000 to obtain, would be seriously injured.

At present the three or four forest rangers employed by the United States during the summer to patrol the borders of the reserve and guard against forest fires have no authority to exclude from the public lands of the reserve the hunters, fishermen, and campers, perhaps 100 persons each summer. These rangers would, of course, be unable to extinguish a forest fire when once well started, but if they were authorized and directed to exclude such persons the risk of forest fires would be greatly lessened.

Therefore, in the name of the people of the city of Portland, I strongly request that you submit to Congress and earnestly endeavor to have passed during the present session a bill authorizing and directing the Secretary of the Interior to prohibit grazing on the public lands of the Bull Run Reserve, and to exclude therefrom all persons except the rangers and other persons employed by the United States to protect the forests thereon, Federal and State officers in discharge of duty, and the employees of the water board of the city of Portland.

Respectfully,

GEORGE H. WILLIAMS,

Mayor of the City of Portland, Oreg., and Chairman of its Water Board.

Hon. JOHN H. MITCHELL,

United States Senator from Oregon, Washington, D. C.

In view of the foregoing your committee recommends the passage of the bill with the following amendment for the purpose of correcting a date:

In line 13, page 1, strike out the words "on June twenty-first" and insert in lieu thereof the word "in."

12 o'clock midnight, Monday, November 7, 1977, to file a report on the bill (H.R. 3350) to promote orderly development of hard mineral resources in the deep seabed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

**PROVIDING IMPROVED AUTHORITY FOR ADMINISTRATION OF CERTAIN NATIONAL FOREST SYSTEM LANDS IN OREGON**

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7074) to provide improved authority for the administration of certain National Forest System lands in Oregon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

Mr. JOHNSON of Colorado. Mr. Speaker, reserving the right to object, and I do not intend to object, I wish that the gentleman from Wyoming would explain in the nature of the bill.

Mr. RONCALIO. Mr. Speaker, if the gentleman will yield, I will be delighted to give a summary.

This brings to a conclusion the controversy that has existed in the Interior Subcommittee on Public Lands for about 3 months. It stems from the management plan for the Bull Run Watershed by the city of Portland, Ore. It represents a conflict that takes place in many, many areas of America, where the Forest Service wishes and desires to manage the forests and engage in timber cutting and where the city has a rather serious and solemn responsibility to see that the quality of the water is not endangered in large areas.

We held extensive hearings. We had a markup of several bills. We thought we were moving in the right direction, but the four Members of the delegation affected from the State of Oregon were unable really to get behind one particular bill; so what we are doing now, there has been a compromise and an agreement to which they have all agreed.

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, I thank my friend, the gentleman from Colorado, for yielding.

I wonder if the gentleman from Wyoming could tell me, this project that we are talking about, is that in the district of the gentleman from Oregon (Mr. WEAVER) or the gentleman from Oregon (Mr. DUNCAN)?

Mr. RONCALIO. I would yield to the gentleman from Oregon (Mr. DUNCAN) for a specific description. It affects the congressional districts of the gentlemen from Oregon, Messrs. ULLMAN, DUNCAN, and AuCOIN.

Mr. JOHNSON of Colorado. I yield to the gentleman from Oregon (Mr. DUNCAN).

Mr. DUNCAN of Oregon. The Bull Run Watershed lies in the districts encompassed by the congressional districts of Mr. ULLMAN and myself, Mr. DUNCAN.

Mr. KETCHUM. In that case I would have no objection.

Mr. JOHNSON of Colorado. Mr. Speaker, I would just reiterate what the gentleman from Wyoming has said. This is a very difficult problem. The delegation from Oregon has tried to work it out, and finally they have worked out a compromise. Those of us who are unaffected but who have watched this tedious process the gentlemen have engaged in, I think all agree that they have done a good job in trying to reconcile the different and conflicting interests. I urge that we pass the bill, and I withdraw my reservation of objection.

Mr. WEAVER. Mr. Speaker, reserving the right to object, and I shall not object but take this time to pose three questions to Mr. DUNCAN.

First, in section 2(a), in the fourth line, the word "exception" appears. To what does that "exception" apply?

Mr. DUNCAN of Oregon. If the gentleman would yield, and I speak as the draftsman. The "exception" applies, in accordance with standard grammatical construction of the English language, to the preceding clause—

In accordance with the laws, rules and regulations applicable to the National Forest System lands.

It reinforces the duty imposed upon the Secretary to administer the unit "as a watershed" and does not detract in any way from that duty. The exception gives the Secretary powers to deviate from the "laws, rules and regulations applicable to the National Forest System Lands" as may be necessary to avoid significantly adversely affecting the quality or quantity of water produced thereon.

Mr. WEAVER. I thank the gentleman. My second question is with respect to the formula for the development of water quality standards, on page 4, where the bill provides that if no data was collected in some category from 1967 through 1975 that "data collected in the first 3 years of record thereafter shall be used." My question is, To what does the word "thereafter" apply?

Mr. DUNCAN of Oregon. If the gentleman would yield, the word "thereafter" refers to the time from which the collection of that specific data commences, and continues for 3 years. It does not limit the use of data collected during the 3 years commencing in 1975, but makes a part of the standards new data collected in the first 3 years after observations were actually commenced.

Mr. WEAVER. My final question is as to the meaning of section 3(e), on page 7.

Mr. DUNCAN of Oregon. If the gentleman would yield, I believe this to be a restatement, a codification of case law traditionally applicable to cases of the type referred to against a governmental agency or official. I do not believe it expands or restricts existing law.

Mr. WEAVER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

The clerk read the bill, as follows:

H.R. 7074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) the city of Portland, Oregon, draws all of its water supply from the forested watershed known as Bull Run, reserved and protected as the municipal water supply for the city of Portland by Presidential proclamation in 1892, from which certain watershed lands were removed by Presidential proclamation in 1911;

(2) in 1904 Congress enacted a Trespass Act, now section 1862 of title 18, United States Code, protecting the Bull Run watershed;

(3) the reserve has been administered by the Forest Service in the Department of Agriculture since 1905;

(4) commercial timber harvesting activities commenced in the watershed in 1958 and in 1959 the Forest Service by administrative order opened to public access approximately forty-two thousand acres of the Bull Run Reserve not in the watershed's physical drainage, and in 1976, the United States District Court for the District of Oregon determined that section 1862 of title 18, United States Code, still applies to the entire original Bull Run Reserve; that the present logging program in the Bull Run Reserve does not protect the forest; and that present logging and recreation in the Bull Run Reserve are illegal;

(5) the Bull Run Reserve serves as the sole domestic water supply for approximately three hundred and seventy-two thousand four hundred and fifty people in the city of Portland and approximately two hundred and thirteen thousand four hundred people on the outskirts of the city, providing them pure and clear raw potable water;

(6) pure and clear raw potable water such as that available from a unique source such as the Bull Run Reserve is an irreplaceable resource and the provision of such water to the residents of the city of Portland and its environs at the lowest cost obtainable has priority over all other uses of the Bull Run Reserve;

(7) the existing law [18 U.S.C. 1862] governing trespass in the Bull Run Reserve, now part of the Mount Hood National Forest in the State of Oregon, does not appropriately address present and future needs and opportunities for the protection, management, and utilization of the renewable resources contained therein, and requires amendment in order to allow for enlightened protection, management, and utilization of these unique resources.

**DESIGNATION OF WATERSHED MANAGEMENT UNIT**

Sec. 2. (a) Subject to valid existing rights, there is hereby created a Special Resources Management Unit within the Mount Hood National Forest, State of Oregon, comprising approximately ninety-seven thousand two hundred and forty-four acres as depicted on the attached map, dated July 29, 1977, and entitled "Bull Run Watershed Management Unit, Mount Hood National Forest", the original of which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Special Resources Management Unit hereby created shall be known as the Bull Run Watershed Management Unit, Mount Hood National Forest (hereinafter referred to as the "unit").

(b) Neither grazing, mineral exploration, or development under the mining and min-

November 2, 1977

## CONGRESSIONAL RECORD—HOUSE

36663

eral leasing laws (except for such geothermal leasing and development as may be permitted by the Secretary) nor recreational activities shall be allowed within the watershed unit.

## PURPOSES AND MANAGEMENT OF THE UNIT

SEC. 3. (a) The primary purpose of the Bull Run Watershed Management Unit is the long-term production of high quality raw potable water for the city of Portland, Oregon, and its outskirts. Subject to the primary purpose of the unit, the Secretary of Agriculture (hereinafter "Secretary") shall have the right to authorize the use of the waters in the unit by the city of Portland for the production of hydroelectric energy and the transmission of such energy through and over the unit. Further the rights-of-way heretofore granted to the Bonneville Power Administration by the United States Forest Service through and over the unit are validated, confirmed, and deemed consistent with this Act.

(b) The unit and the renewable resources therein shall be administered by the Secretary in accordance with the laws, rules, and regulations applicable to the National Forest System. With the exception of the restrictions contained in section 2(b) above, the Secretary may authorize such uses and activities in the watershed unit as he shall determine—

(1) to be necessary to preserve and protect the watershed unit for its primary purpose; or

(2) to not adversely affect the primary purpose of the watershed unit; and

(3) to not adversely affect the quality and quantity of water available (taking into account normal seasonal fluctuations) to water users from the unit prior to the time of enactment of this Act; and

(4) to be consistent with the water quality standards promulgated by the city of Portland.

(c) The city of Portland, in consultation with the Federal Environmental Protection Agency, shall—

(1) establish and maintain a comprehensive system, using the best technology currently available, for monitoring and evaluating water quality within the watershed unit; and

(2) undertake (at least annually) a comprehensive review of existing and historical water quality data to determine as nearly and as scientifically as possible the quality of the water delivered from the watershed unit to the city during the preceding year and prior to the time of enactment of this Act. After completing this review, the city shall develop and promulgate water quality standards (including viral standards) which are at least as stringent as those existing at the time of enactment of this Act and which shall be used by the Secretary to determine permissible activities within the unit. No activity shall be permitted within the unit which is incompatible with such standards.

(d) In the event the city shall fail to perform its duties and responsibilities of water monitoring and evaluation and water standard promulgation under this section, such duties shall be assumed by the Federal Environmental Protection Agency. Any assumption of such duties by the Environmental Protection Agency shall result in the forfeiture by the city of its arbitration rights under section 3(g) of this Act.

(e) The policies set forth in subsections (a), (b), and (c) shall be attained through the development, maintenance, and periodic revision of land management plans in accordance with procedures set forth in section 5 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 477, as amended; 16 U.S.C. 1604), and through supporting scientific research and facilities as the Secretary may deem necessary after con-

sultation and in coordination with the city of Portland. In the development and revision of land management plans for the unit, the Secretary shall provide for public participation, shall consult and coordinate with appropriate officials and advisors of the city, shall consider such data and research as the city may collect through its own monitoring systems and scientific efforts, and shall meet the water quality standards promulgated by the city. Such plans shall be prepared by an interdisciplinary team; be embodied in appropriate written material, including maps and other descriptive documents; and be available to the public at convenient locations. The initial plan or plans shall be completed as soon as practicable after the enactment of this Act, but not later than September 30, 1979.

(f) The Secretary or his representative shall, upon request, and at least annually, meet with appropriate officials of the city for the purpose of reviewing planned management programs and the impact thereof on the quality and quantity of the water produced on the unit and assuring that their respective management and operational activities within the unit are appropriately coordinated and are not inconsistent with the city's water quality standards. The Secretary shall negotiate in good faith cooperative agreements with appropriate officials of the city to effectuate activity coordination.

(g) In the event there is disagreement between the city and the Secretary with respect to the impact of one or more proposed or existing programs, practices, or uses on the quantity or quality of the water produced on said unit and, therefore, with respect to the necessity for an alteration or prohibition of any such program practice or use as required in section 3(f) hereof, an arbitration board for resolving such disagreements shall be established. The Secretary and the city shall, each, forthwith appoint one member to such board and those two members shall select a third. In the event agreement cannot be reached on the third member within seven days after the appointment of the first two, the third member shall be appointed by the presiding judge of the United States District Court for the District of Oregon within seven days after being notified of such disagreement by either of the first two members. All of said members shall be qualified to make a scientific determination of the facts. The board shall forthwith consider and decide the issues in disagreement by majority vote, taking into consideration the evidence and data presented informally by the parties and such other tests and data which the board by majority vote may require and the decision of such board shall be final and binding on the parties. The Secretary and the city shall compensate their designees and share equally the compensation of the third member, and shall provide such technical and administrative support as required.

(h) Except as authorized by regulations promulgated and approved by the Secretary, public entry into the watershed shall be prohibited. The Secretary shall allow the following persons into the watershed unit, in the discharge of their duties:

(1) employees and contractors of the Secretary or the city of Portland, engaged in inspection, maintenance, construction, or improvement of the city's facilities in the watershed unit;

(2) forest rangers and other persons employed by the United States to protect the forest, or persons engaged in authorized logging or other approved activities; and

(3) Federal, State, and local government officers and employees, acting in an official capacity. Regulations adopted pursuant to this subsection shall not prohibit ingress and egress to non-Federal lands or to valid occupancies on Federal lands within the watershed.

(i) In the management of the Bull Run Watershed Management Unit, the Secretary shall take such actions as are necessary to avoid adversely affecting the quality and quantity of water available (taking into account normal seasonal fluctuations) to water users from the unit at the time of enactment of this Act. Any activity which results in degradation of water quality shall be altered or eliminated immediately, and action shall be taken forthwith to restore water quality.

## EFFECT ON OTHER LAWS

SEC. 4. (a) Nothing in this Act shall terminate any valid lease, permit, contract, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act and otherwise valid except for the provisions of section 1862 of title 18, United States Code.

(b) Nothing in this Act shall in any way affect any law governing appropriation or use of, or Federal right to, water on National Forest System lands; or as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control.

(c) Section 1862 of title 18 of the United States Code is hereby repealed.

## AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RONCALIO

Mr. RONCALIO. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. RONCALIO:

Strike all after the enacting clause and substitute in lieu thereof the following:

## PREAMBLE

The Congress finds that an area of land in the State of Oregon known variously as the Bull Run National Forest and the Bull Run Forest Reserve is presently the source of the sole domestic water supply for the city of Portland, Oregon (hereinafter called "the city") and other local governmental units and persons in the Portland Metropolitan area, reserved for the city by a Presidential proclamation issued in 1892 and furnishing an extremely valuable resource of pure clear raw potable water, the continued production of which should be the principal management objective in the area hereinafter referred to as "the Unit"; that the said area is now managed under terms of a Federal court decree issued pursuant to turn of the century law which does not appropriately address present and future needs and opportunities for the protection, management, and utilization of the resources contained therein.

## DESIGNATION OF UNIT

SEC. 1. There is hereby established, subject to valid existing rights, a special resources management unit within the Mount Hood National Forest, State of Oregon, comprising approximately 95,382 acres as depicted on a map dated April 1977 and entitled "Bull Run Watershed Management Unit, Mount Hood National Forest", which is on file and available for public inspection in offices of the Chief, and the Regional Forester—Pacific Northwest Region, Forest Service, Department of Agriculture, minor adjustments in the boundaries of which may be made from time to time by the Secretary of Agriculture (hereinafter the "Secretary") after consultation with the city and appropriate public notice and hearings.

## MANAGEMENT

SEC. 2. (a) The Unit and the renewable resources therein, shall be administered as a watershed by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to National Forest System lands except to the extent that any manage-

ment plan or practice is found by the Secretary to have a significant adverse effect on compliance with the water quality standards referred to in section 2(b) hereof or on the quantity of the water produced thereon for the use of the city, and other local government units and persons using such water under agreements with the city (and the Secretary shall take into consideration the cumulative effect of individually insignificant degradations), in which case, and notwithstanding any other provision of law, the management plan and all relevant leases, permits, contracts, rights of way or other rights or authorizations issued pursuant thereto shall forthwith be altered by the Secretary to eliminate such adverse effect by application of different techniques or prohibitions of one or more such practices or uses; *Provided, however,* That use of such water for the production of energy and the transmission of such energy through and over the Unit are deemed consistent with the purposes of this Act and the rights of way heretofore granted to Bonneville Power Administration by the Forest Service through and over the Unit are validated and confirmed and deemed consistent with the purposes of this Act.

(b) The policy set forth in subsection (a) shall be attained through the development, maintenance, and periodic revision of land management plans in accordance with procedures set forth in section 5 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 477, as amended; 16 U.S.C. 1604), through the maintenance of systems for monitoring and evaluating water quality, and through supporting scientific research as the Secretary may deem necessary after consultation and in coordination with the City. In the development and revision of land management plans for the Unit, the Secretary, except as otherwise provided in section 2(a) hereof, shall provide for public participation and shall consult and coordinate with appropriate officials and advisors of the City, and shall consider such data and research as the City may collect through its own monitoring systems and scientific efforts, if any. Such plans shall be prepared by an interdisciplinary team, be embodied in appropriate written material, including maps and other descriptive documents, shall contain water quality standards developed by the Secretary after consultation and in cooperation with the City, which standards shall be substantially based on and shall reflect a quality of water not significantly less than the quality reflected by percentile curves developed from data collected from 1967 through 1975 and, if none, from data collected in the first three years of record thereafter; and be available to the public at convenient locations. The initial plan or plans shall be completed as soon as practicable after the enactment of this Act, but not later than September 30, 1979. Current data shall be compared to historical data at least annually for the purpose of determining compliance with the standards and the significance of any deviation therefrom. Deviations occurring from operation, maintenance, alteration or construction of water storage, or electrical generation and transmission facilities, seasonal fluctuations, variations in climate, and other natural phenomena, fire, or acts of God, shall not be considered in determining the historical or current percentile curves.

(c) The Secretary or his representative shall, upon request, and at least annually, meet with appropriate officials of the City for the purpose of reviewing planned management programs and the impact thereof on the quality and quantity of the water produced on the Unit and assuring that their respective management and operational activities within the Unit are appropriately coordinated. The Secretary shall negotiate

in good faith cooperative agreements with appropriate officials of the city to effectuate activity coordination.

(d) In the event there is disagreement between the City and the Secretary with respect to the development or revision of the water quality standards provided for herein, or with respect to the effect or the significance of such effect of one or more proposed or existing programs, practices, uses, regulations or boundary adjustments (except as otherwise specifically provided for herein), on the quantity of the water produced on said Unit, or on compliance with the water quality standards referred to in SEC. 2(a) and (b) hereof and, therefore, with respect to the necessity for an alteration or prohibition of any such program, practice, use, regulation or boundary adjustment as required in SEC. 2(a) hereof, an arbitration board for resolving such disagreements shall be established. The Secretary and the City shall, each, forthwith appoint one member to such board and those two members shall select a third. In the event agreement cannot be reached on the third member within seven days after the appointment of the first two, the third member shall be appointed by the presiding judge of the United States District Court for the District of Oregon within seven days after being notified of such disagreement by either of the first two members. All of said members shall be qualified to make a scientific determination of the facts. The contentions of the City and the Secretary shall be submitted to the Board in the form of written contentions of fact together with the evidence and analysis that tends to support the position being presented. The Board shall forthwith consider and decide, on a scientific basis, the issues in disagreement by majority vote, taking into consideration the evidence and data presented by the parties and such other tests and data which the board by majority vote may require. The decision of such board shall be in the form of written findings of fact and conclusions based thereon and shall be final and binding on the parties. The Secretary and the City shall compensate their designees and share equally the compensation of the third member, and shall provide such technical and administrative support as required.

(e) The Secretary is authorized, after consultation with the City, to promulgate regulations for controlling entry into the Unit by all persons including but not limited to—

(1) employees or contractors of the city engaged in the inspection, maintenance, construction or improvement of the city's facilities;

(2) (i) Federal, State, and local government officers and (ii) employees thereof acting in an official capacity;

(3) Federal, State, and local government permittees and contractors conducting authorized activities;

(4) members of advisory groups formed pursuant to this Act or ordinance of the City in the performance of their official duties;

*Provided,* That no regulation promulgated pursuant to this subsection shall prohibit ingress or egress to non-Federal lands or to authorized occupancies on, or uses of, Federal lands. *Provided further,* That the Secretary may independently and directly prohibit or restrict all entry into the Unit during fire or other emergencies as he may determine.

#### EFFECT ON OTHER LAWS

Sec. 3(a) Nothing in this Act shall terminate or affect any lease, permit, contract, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act and otherwise valid except for the provisions of Section 1862 of Title 18 of the United States Code.

(b) Nothing in this Act shall in any way affect any law governing appropriation or use of, or Federal right to, water on National Forest System lands; or as expanding or diminishing Federal, State, or local jurisdiction, responsibility, interests, or rights in water resources development or control.

(c) Section 1862 of Title 18 of the United States Code is hereby repealed.

(d) Except as otherwise provided for herein, this Act shall take precedence over and supersede all State and local laws dealing with or affecting the subject matter of this Act.

(e) Challenge to actions taken by any governmental unit or official under the provisions of this Act shall not be sustained by any court except upon a showing of arbitrary, unreasonable, capricious, or illegal action or an absence of substantial good faith compliance with the procedural provisions hereof substantially prejudicing the rights of an interested party.

Mr. RONCALIO (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, I would take just a moment or two to again say with a little more detail to my colleagues that this represents a culmination of many, many hours of controversy resolved between the gentlemen from Oregon. Mr. ULLMAN, chairman of the Ways and Means Committee, has been very gracious and understanding of the problems raised by citizens of this area, and their concern for the water and their need to have some continuation of a forest service policy and management of the area.

The bill, I think, resolves a continuing, ongoing constitutional right of the Secretary of Agriculture in his constitutional duty with regard to the forest, but does allow the officers of the city that management right which I think is theirs to assure a continuation of water quality, water in one of the finest watersheds in America, and some of the best water quality in America.

Mr. Speaker, I urge passage of H.R. 7074.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

\*Authorize the Bureau of Water Works to file claims for pre-1909 surface water rights on the Bull Run, Little Sandy and Willamette Rivers at a total cost of \$75,000.00, and provide for payment. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Sources of high quality water which are available to meet the water needs of the community are essential for the health, economic viability and liveability of the Portland region.
2. Planning studies have indicated that the Portland region will need additional water supplies to meet the demands of growth over the next century.
3. Securing water rights is essential to assuring that water needs can be met.
4. The City of Portland was granted rights in 1909 by the Oregon State legislature to the full flow of the Bull Run and Little Sandy Rivers, subject to any preexisting rights that may exist, and has rights granted in 1980, 1983 and 1985 by permits from the Oregon Water Resources Department for wells in the Columbia South Shore.
5. The State of Oregon has required that all those who claim to have surface water rights dating to before 1909 must register those claims with the Oregon Water Resources Department by December 31, 1992.
5. The City of Portland has reason to believe it has such pre-1909 water rights on the Bull Run, the Little Sandy and the Willamette Rivers.

NOW THEREFORE, the Council directs:

- a. The Water Bureau and the City Attorney Office shall file pre-1909 surface water right claims for the full flow of the Bull Run and Little Sandy Rivers, and for 26.3 cubic feet per second on the Willamette River, by December 31, 1992.
- b. The Water Bureau and the City Attorney Office shall assertively participate in the adjudication process for pre-1909 water rights on the Bull Run, Little Sandy, and Willamette Rivers.
- c. The Mayor and Auditor shall prepare and deliver to the Bureau of Water Works (for forwarding) a warrant in payment for the water right claim described herein. The warrant shall be in favor of "Oregon Water Resources Department", 3850 Portland Road NE, Salem, Oregon 97310, in the amount of \$75,000.00. The warrant shall be charged to the FY 1992-93 Budget, Water Fund, Center Code 18060154, Project 2076, Account 561000.

- d. Funds for the warrant described above shall be made available via a transfer within the FY 1992-93 Budget, Water Fund, from Contingency to Center Code 18060154; Project 2076, Account 561000, in the 2nd Quarter Report.

Section 2. The Council declares that an emergency exists because any delay in filing the pre-1909 surface water right claims may result in the loss of the City's water rights claimed under the applicable statutes; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council,

Commissioner Lindberg  
DFC:dmh ORD:9212E051  
CENTER 18060154

**BARBARA CLARK**  
Auditor of the City of Portland  
By

Deputy

PORTLAND, OREGON  
DECEMBER 10, 1992

## Commissioner Lindberg:

The Multnomah County Citizens' Convention that was held at the Portland Convention Center on Saturday November 21, 1992 was quite an event. Although the Convention was stacked with Multnomah County employees some good resolutions were passed. Among those was the enclosed Resolution which was probably the most important issue discussed during the all day session.

The importance of clean water and a reasonable volume being available was pointed out during the discussion periods and quite obviously was apparent during the recent summer months where we had to conserve water to get through until the rainy period this fall.

This Resolution will be given top priority when presented the Multnomah Board of Commissioners in a few days. The Bull Run Coalition and Citizens Interested in Bull Run Inc. are committed to see that the citizens of the Portland Metropolitan area have adequate supplies of water and water quality to meet the needs of a limited growth agenda.

In our discussions with your chief assistant on November 23, 1992 he seemed to be receptive to our concerns on this issue. We are looking forward to your affirmative participation in the vote to have the city attorney file for adjudicated water rights on the Little Sandy River at the planned City Council Hearing on or about about December 10, 1992.

Sincerely,



BOB ROBINSON  
2226 S.E. 35TH Place  
Portland, Oregon  
235-5498

BR:br

MULTNOMAH COUNTY CITIZENS' CONVENTIONWATER, FIRE, SEWER, & ENVIRONMENTAL  
SERVICES COMMITTEERESOLUTION

NOVEMBER 21, 1992

Whereas the residents of Multnomah County require a reliable, continuous, clean source of drinking water; and

Whereas the Bull Run Watershed and Buffer Zone has, until recently, produced a clean, dependable source of water for Multnomah County; and

Whereas Multnomah County needs to be a participant with the city of Portland to obtain adjudication water rights to the Little Sandy River; and

Whereas the Oregon Legislature passed an act in 1989 requiring all contested water rights to be in the adjudication process with the Oregon Water Resources Department by December 31, 1992; and

Whereas the Portland Water Bureau and its customers are dependent on the Bull Run Watershed as the only reliable water source; and

Whereas The Bull Run watershed is made up of the Bull Run River, its tributaries, and the north and south fork of the Little Sandy River, and was set aside by presidential proclamation in 1892 as the public domestic water source; and

Whereas Portland water users cannot rely on the Columbia and Willamette Rivers or the East County Well system as a dependable source of water because of radioactive and chemical contamination; and

Whereas Multnomah County has an obligation to protect its residents from growth that destroys our ability to plan for adequate use of our natural resources which are vital to our livability; and

Whereas Portland General Electric has made known its intent to obtain control of the Little Sandy River water rights by adjudication proceedings; and

Whereas Multnomah County must limit growth and strictly enforce urban growth boundaries to conserve and protect our drinking water supplies; and

Whereas our congressional representatives, city council commissioners, and the Governor of Oregon have all supported the need to protect our water supply; and

Whereas the Little Sandy River is an obtainable supply of clean water; and

Whereas time is of the essence to obtain the water adjudication rights from the State of Oregon Water Resources Department; and

Whereas the deadline for obtaining water adjudication rights from the State of Oregon Water Resources Department is December 31, 1992; and

Whereas to ensure the livability and to protect the lifestyle of our Multnomah County residents; now, therefore,

Be it resolved by the Multnomah County Board of Commissioners:

That we, the citizens of Multnomah County, Present this mandate: To take the necessary steps, in cooperation and co-ordination with Federal, State, and the City of Portland representatives, by condemnation, acquisition, legislation or ordinance to acquire the Little Sandy River water rights and any other reliable, pristine water source for the citizens of Multnomah County.

PORTLAND, OREGON  
DECEMBER 10, 1992

## Commissioner Lindberg:

As you know, *Portland Fair Share* is a major chapter of the parent *Oregon Fair Share* organization which comprises approximately 70,000 members statewide. We hold our meeting once a month and discuss issues which concern Oregon and specifically the Portland Metropolitan area and their continuing problems. We involve ourselves in solving these problems and participate in city wide issues and actively join in making the decisions required to resolve any pressing needs of the community.

At our November 18, 1992 meeting we unanimously passed the attached Resolution that would, if acted on by our city representatives, supply the Portland Metropolitan area with an adequate supply of water for the restricted growth areas of our city. I'm sure you will agree that this Resolution will go far in obtaining water rights on the *Little Sandy Watershed* if the Portland City Council passes the necessary resolution to immediately file for *Water Adjudication* rights with the *Water Resources Board* in Salem.

Sincerely,



BOB ROBINSON  
2226 S.E. 35TH Place  
Portland, Oregon 97214  
235-5498

BR:br

# PORTLAND FAIR SHARE

## RESOLUTION

NOVEMBER 18, 1992

Whereas the residents of Multnomah County require a reliable, continuous, clean source of drinking water; and

Whereas the Bull Run Watershed and Buffer Zone has, until recently, produced a clean, dependable source of water for Multnomah County; and

Whereas Multnomah County needs to be a participant with the city of Portland to obtain adjudication water rights to the Little Sandy River; and

Whereas the Oregon Legislature passed an act in 1989 requiring all contested water rights to be in the adjudication process with the Oregon Water Resources Department by December 31, 1992; and

Whereas the Portland Water Bureau and its customers are dependent on the Bull Run Watershed as the only reliable water source; and

Whereas The Bull Run watershed is made up of the Bull Run River, its tributaries, and the north and south fork of the Little Sandy River, and was set aside by presidential proclamation in 1992 as the public domestic water source; and

Whereas Portland water users cannot rely on the Columbia and Willamette Rivers or the East County Well system as a dependable source of water because of radioactive and chemical contamination; and

Whereas Multnomah County has an obligation to protect its residents from growth that destroys our ability to plan for adequate use of our natural resources which are vital to our livability; and

Whereas Portland General Electric has made known its intent to obtain control of the Little Sandy River water rights by adjudication proceedings; and

Whereas Multnomah County must limit growth and strictly enforce urban growth boundaries to conserve and protect our drinking water supplies; and

Whereas our congressional representatives, city council commissioners, and the Governor of Oregon have all supported the need to protect our water supply; and

Whereas the Little Sandy River is an obtainable supply of clean water; and

Whereas time is of the essence to obtain the water adjudication rights from the State of Oregon Water Resources Department; and

Whereas the deadline for obtaining water adjudication rights from the State of Oregon Water Resources Department is December 31, 1992; and

Whereas to ensure the livability and to protect the lifestyle of our Multnomah County residents; now, therefore,

Be it resolved by the Multnomah County Board of Commissioners:

That we, the members of Portland Fair Share, Present this mandate: To take the necessary steps, in cooperation and co-ordination with Federal, State, and the City of Portland representatives, by condemnation, acquisition, legislation or ordinance to acquire the Little Sandy River water rights and any other reliable, pristine water source for the citizens of Multnomah County.

PORTLAND, OREGON  
DECEMBER 10, 1992

## Commissioner Lindberg:

At our November 3, 1992 meeting the membership of the East Side Democratic Club passed the enclosed resolution. We have been involved in water quality and quantity issues for some time. We sincerely hope that you will seriously consider this resolution and begin to take substantive action to resolve this problem.

We all know that a reliable, clean source of water in the Portland Metropolitan area will not continue to be available for all our needs. We must prepare to restrict growth and eliminate any new water hookups to surrounding municipalities if we are to preserve our water quality and quantity.

Some have suggested that we look to the Willamette and Columbia rivers and the East County well system to accomodate growth and distribution past our urban growth boundaries. The chemical and radioactive contamination of these sources quite obviously makes these options mute. The urban growth boundaries have to be strictly protected if we are serious in protecting our water quality and quantity.

Sincerely,



BOB ROBINSON  
Vice President  
East Side Democratic Club  
2226 S.E. 35th Place  
Portland, Oregon 97214  
235-5498

BR:br

EAST SIDE DEMOCRATIC CLUBRESOLUTION

NOVEMBER 3, 1992

Whereas the residents of Multnomah County require a reliable, continuous, clean source of drinking water; and

Whereas the Bull Run Watershed and Buffer Zone has, until recently, produced a clean, dependable source of water for Multnomah County; and

Whereas Multnomah County needs to be a participant with the city of Portland to obtain adjudication water rights to the Little Sandy River; and

Whereas the Oregon Legislature passed an act in 1989 requiring all contested water rights to be in the adjudication process with the Oregon Water Resources Department by December 31, 1992; and

Whereas the Portland Water Bureau and its customers are dependent on the Bull Run Watershed as the only reliable water source; and

Whereas The Bull Run watershed is made up of the Bull Run River, its tributaries, and the north and south fork of the Little Sandy River, and was set aside by presidential proclamation in 1892 as the public domestic water source; and

Whereas Portland water users cannot rely on the Columbia and Willamette Rivers or the East County Well system as a dependable source of water because of radioactive and chemical contamination; and

Whereas Multnomah County has an obligation to protect its residents from growth that destroys our ability to plan for adequate use of our natural resources which are vital to our livability; and

Whereas Portland General Electric has made known its intent to obtain control of the Little Sandy River water rights by adjudication proceedings; and

Whereas Multnomah County must limit growth and strictly enforce urban growth boundaries to conserve and protect our drinking water supplies; and

Whereas our congressional representatives, city council commissioners, and the Governor of Oregon have all supported the need to protect our water supply; and

Whereas the Little Sandy River is an obtainable supply of clean water; and

Whereas time is of the essence to obtain the water adjudication rights from the State of Oregon Water Resources Department; and

Whereas the deadline for obtaining water adjudication rights from the State of Oregon Water Resources Department is December 31, 1992; and

Whereas to ensure the livability and to protect the lifestyle of our Multnomah County residents; now, therefore,

Be it resolved by the Multnomah County Board of Commissioners:

That we, the members of the East Side Democratic Club, Present this mandate: To take the necessary steps, in cooperation and co-ordination with Federal, State, and the City of Portland representatives, by condemnation, acquisition, legislation or ordinance to acquire the Little Sandy River water rights and any other reliable, pristine water source for the citizens of Multnomah County.

PORTLAND, OREGON  
DECEMBER 11, 1992

## Commissioner Lindberg:

This attached Resolution was passed unanimously December 10, 1992 by the Multnomah County Democratic Central Committee. It is clear that many of Oregon's citizen groups and political organizations support this vital issue. The Portland City Council must file for the water rights to the Little Sandy River Watershed during their hearing on December 16, 1992 at the Portland City Council Chambers at approximately 10:00 A.M.

There is no need to point out the need for more water quantity if you look at the summer months of 1992 where Portland water users were forced to ration water for various uses because of the severe drought. But people forget these hardships, especially during the winter months of severe rainstorms and overflows in the Bull Run Watershed. We must not become complacent and lose the rights to the Little Sandy Watershed. This is sure to happen if the Portland City Council does not authorize for the filing of the Water Adjudication Rights on the Little Sandy River with the Oregon Water Resources Board. As you know this process will expire on December 31, 1992. There will be no opportunity to file for water rights after that date.

This resolution is one of four Resolutions to file for the Little Sandy water rights that passed recently. The first one was passed unanimously by the East Side Democratic Club on November 3, 1992. The second one was passed unanimously by Portland Fair Share on November 18, 1992. The third resolution was passed by the Multnomah County Citizen's Convention on November 21, 1992. The fourth resolution was passed unanimously by the Multnomah County Democratic Central Committee on December 10, 1992. The Metro Council may be considering this soon and is supported by many of the councilors.

When water rights are granted to the City of Portland on the Little Sandy River we must move quickly to instigate proceedings with the Portland City Council Water Quality Advisory Committee to plan for additional water production facilities in the Little Sandy Watershed as soon as possible. Plans should also be made to restrict any additional power generating facilities, either in the Bull Run Watershed or the Little Sandy Watershed, until we can obtain a concentrated agreement on whether this is environmental safe or even needed. Serious scrutiny and investigation must be given to any corporation that has engaged in blocking Portland access to the Little Sandy Watershed and other non cooperative actions to obtain water sources in the Portland Metropolitan area.

Sincerely,



BOB ROBINSON  
2226 S.E. 35th Place  
Portland, Oregon 97214  
235-5498

BR:br

MULTNOMAH COUNTY DEMOCRATIC  
CENTRAL COMMITTEE

RESOLUTION

DECEMBER 10, 1992

Whereas the residents of Portland, Oregon require a reliable, continuous, clean source of drinking water; and

Whereas the Bull Run Watershed and Buffer Zone has, until recently, produced a clean, dependable source of water for Multnomah County; and

Whereas Multnomah County needs to be a participant with the city of Portland to obtain adjudication water rights to the Little Sandy River; and

Whereas the Oregon Legislature passed an act in 1989 requiring all contested water rights to be in the adjudication process with the Oregon Water Resources Department by December 31, 1992; and

Whereas the Portland Water Bureau and its customers are dependent on the Bull Run Watershed as the only reliable water source; and

Whereas The Bull Run watershed is made up of the Bull Run River, its tributaries, and the north and south fork of the Little Sandy River, and was set aside by presidential proclamation in 1892 as the public domestic water source; and

Whereas Portland water users cannot rely on the Columbia and Willamette Rivers or the East County Well system as a dependable source of water because of radioactive and chemical contamination; and

Whereas The City of Portland has an obligation to protect its residents from growth that destroys our ability to plan for adequate use of our natural resources which are vital to our livability; and

Whereas Portland General Electric has made known its intent to obtain control of the Little Sandy River water rights by adjudication proceedings; and

Whereas The City of Portland must limit growth and strictly enforce urban growth boundaries to conserve and protect our drinking water supplies; and

Whereas our congressional representatives, Multnomah County commissioners, and the Governor of Oregon have all supported the need to protect our water supply; and

Whereas the Little Sandy River is an obtainable supply of clean water; and

Whereas time is of the essence to obtain the water adjudication rights from the State of Oregon Water Resources Department; and

Whereas the deadline for obtaining water adjudication rights from the State of Oregon Water Resources Department is December 31, 1992; and

Whereas to ensure the livability and to protect the lifestyle of our City of Portland residents; now, therefore,

Be it resolved by the Portland City Council:

That we, the members of Multnomah County Democratic Central Committee, Present this mandate: To take the necessary steps, in cooperation and co-ordination with Federal, State, and the Multnomah County Commissioners, by condemnation, acquisition, legislation or ordinance to acquire the Little Sandy River water rights and any other reliable, pristine water source for the citizens of Multnomah County.



# METRO

166098

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

December 7, 1992

Commissioner Mike Lindberg  
Public Affairs  
City Hall, Room 211  
1220 SW Fifth Avenue  
Portland, Oregon 97204

Dear Mike:

I am writing to support the City of Portland's effort to obtain water adjudication rights on the Little Sandy River from the State of Oregon Water Resources Department. Metro recognizes that residents within its service district require a reliable, continuous and clean source of drinking water. The Bull Run Watershed and Buffer Zone has, until recently, produced a clean, dependable source of water for persons and business located within the Metro boundary. It is imperative that this source of drinking water is protected and this includes the north and south forks of the Little Sandy River.

As you know, Metro is actively involved in growth management and land use issues in the region. It enforces the urban growth boundary to conserve and protect drinking water supplies. It is therefore important that Metro and the City of Portland work together to ensure this crucial source of drinking water is protected for current and future residents in the region.

In conclusion, I strongly support the City of Portland's activities to obtain adjudication water rights on the Little Sandy River. Please contact me if I can be of assistance to protect the region's water supply.

Sincerely,

Councilor Ruth McFarland  
District 7

cc: Portland City Council  
Gresham Mayor Gussie McRoberts  
Metro Council

l:\sandyriv

Ruth McFarland  
Councilor  
District 7

3027 NE 24th St.  
Gresham, OR 97030  
665-3263

# METROPOLITAN SERVICE DISTRICT

## RESOLUTION

DECEMBER 10, 1992

Whereas the residents of the Metropolitan Service District require a reliable, continuous, clean source of drinking water; and

Whereas the Bull Run Watershed and Buffer Zone has, until recently, produced a clean, dependable source of water for the Metropolitan Service District; and

Whereas The Metropolitan Service District needs to be a participant with the city of Portland to obtain adjudication water rights to the Little Sandy River; and

Whereas the Oregon Legislature passed an act in 1989 requiring all contested water rights to be in the adjudication process with the Oregon Water Resources Department by December 31, 1992; and

Whereas the Portland Water Bureau and its customers are dependent on the Bull Run Watershed as the only reliable water source; and

Whereas The Bull Run watershed is made up of the Bull Run River, its tributaries, and the north and south fork of the Little Sandy River, and was set aside by presidential proclamation in 1892 as the public domestic water source; and

Whereas Portland water users cannot rely on the Columbia and Willamette Rivers or the East County Well system as a dependable source of water because of radioactive and chemical contamination; and

Whereas The Metropolitan Service District has an obligation to protect its residents from growth that destroys our ability to plan for adequate use of our natural resources which are vital to our livability; and

Whereas Portland General Electric has made known its intent to obtain control of the Little Sandy River water rights by adjudication proceedings; and

Whereas The Metropolitan Service District must limit growth and strictly enforce urban growth boundaries to conserve and protect our drinking water supplies; and

Whereas our congressional representatives, city council commissioners, and the Governor of Oregon have all supported the need to protect our water supply; and

Whereas the Little Sandy River is an obtainable supply of clean water; and

Whereas time is of the essence to obtain the water adjudication rights from the State of Oregon Water Resources Department; and

Whereas the deadline for obtaining water adjudication rights from the State of Oregon Water Resources Department is *December 31, 1992*; and

Whereas The Portland City Council is voting to file for Water Adjudication Rights on the Little Sandy River with the Oregon Water Resources Department on *December 16, 1992*; and

Whereas to ensure the livability and to protect the lifestyle of our Metropolitan Service District residents; now, therefore,

### Be it resolved by the Metropolitan Service District:

That we, the citizens of the Metropolitan Service District, Present this mandate: To take the necessary steps, in cooperation and co-ordination with Federal, State, and the City of Portland representatives, by condemnation, acquisition, legislation or ordinance to acquire the Little Sandy River water rights and any other reliable, pristine water source for the citizens of the Metropolitan Service District.

PORTLAND, OREGON  
DECEMBER 10, 1992

## Commissioner Lindberg:

Our organizations, the *Bull Run Coalition* and *Citizens Interested In Bull Run Inc. [C.I.I.B.R.I.]* have been concerned with water quality and forestry protection for over 20 years. We have also worked with other organizations in coalition with many other groups that protect our water and natural resources.

The issue of riparian protection and unnecessary logging near our rivers and river banks has divided the cut and destroy proponents with the protect and preserve proponents and in some cases has put short term greed in favor of livability.

No one disputes the enormous need for a clean and abundant supply of water, not only for adequate drinking supplies, but for our fish and wildlife. We have to decide whether we want to live a Los Angeles lifestyle or the traditional Oregon lifestyle. We cannot have both. If Oregon is to retain the livability demanded by our citizens we have to continue to protect our water quality and the required forest protection that produces that quality and quantity.

It is obvious to our members and coalition groups that allowing the cutting of timber in the buffer zones within 100 feet of any substantive stream, including some non substantive streams, has destroyed water quality and quantity along with the elimination of habitat for fish and wildlife. These are proven facts that have been documented by the objective scientific community notwithstanding the short term greed of the timber interests.

I hope you can seriously consider the likelihood of the possible permanent destruction of our water producing habitat and the extinction of wildlife and fish if the proper decisions are not made in the struggle to protect livability for Oregonians.

Sincerely,



BOB ROBINSON  
2226 S.E. 35th Place  
Portland, Oregon 97214  
235-5498

BR:br

# City's water right may flow to PGE

By GORDON OLIVER  
of The Oregonian staff

Portland obtained the water rights to the Little Sandy River 83 years ago, but now it appears the city didn't act fast enough to tie up a water source which lies mostly within the Bull Run Watershed.

A private utility that later became PGE made a water rights claim on the Little Sandy in January 1909, one month before Portland received its conditional water rights from the Oregon Legislature.

The city is searching for any evidence that it made legal claims on the Little Sandy before January 1909. It needs the proof in order to file a claim before the end of the year, which is the state's deadline for reasserting water rights claims made before 1909.

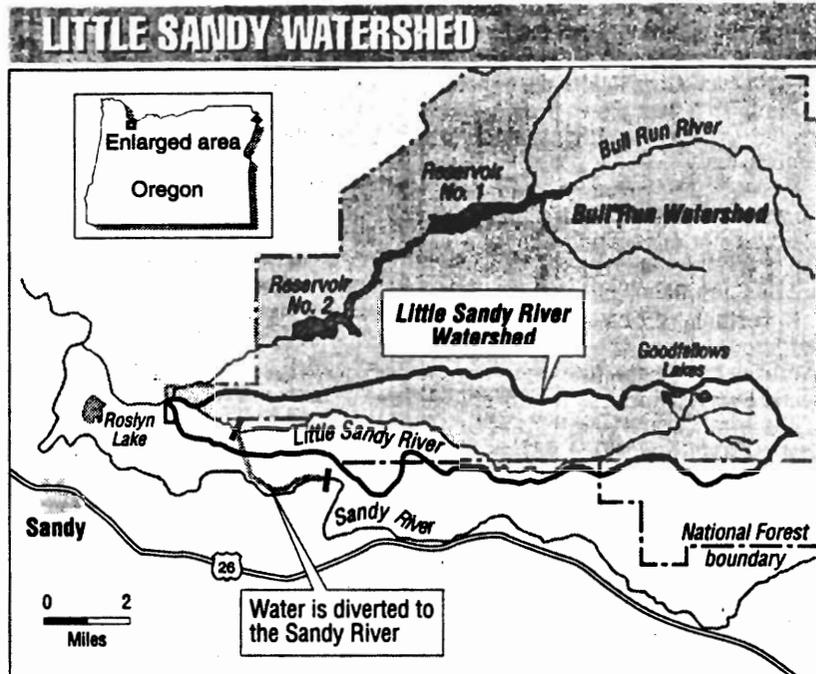
So far, city officials have found no evidence that Portland's early water managers beat Portland General Electric's predecessor to the water-rights several generations ago. Unless the city can find evidence that it made the first water-rights claim on the Little Sandy, Portland General Electric could end up with the water rights.

Terence Thatcher, a Portland deputy city attorney, said the Portland City Council will decide whether to file a water-rights claim before the Dec. 31 deadline. "If there's a valid basis to file, we're going to file," Thatcher said.

The Water Bureau and City Commissioner Mike Lindberg are being pressured to file a claim by the United Community Action Network citizens group. Some critics of the Water Bureau say that they see no reason for the city to back off.

Dan Aspenwall, host of a cable TV show on water, said that the Little Sandy is part of the water reserve created by federal law in 1892. That law was the basis of the city's claim of water rights in 1909, he said.

"There's all kinds of evidence the city has an interest in the Little Sandy," Aspenwall said.



The Oregonian

Thatcher says it is more complicated than that and says he won't recommend that the City Council file a claim unless there is evidence to support such a claim.

Roxanne Bailey, a PGE spokeswoman, said the utility's legal department has records of the predecessor company's January 1909 claim. She said the utility intends to file for the water rights before the Dec. 31 deadline.

Portland water officials expect no trouble re-establishing the city's legal claim for Bull Run, which became the city's water source in the 1890s.

The history of water rights on the Little Sandy is confusing. The Portland Railway Light and Power Co., which predated PGE, apparently made the first claim just one month before the state Legislature changed water rights laws in February 1909. The utility diverted water out of the Little Sandy in 1913 for a hydroelectric project which produces 22 megawatts of electricity a year.

The Water Bureau never tapped the Little Sandy as a water source, even though it was in the Bull Run reserve. Portland developed the adjacent Bull Run River watershed as the city's sole source of water.

Still, the city maintained its 1909 claim to water rights from the Little Sandy. The first phase of a Water

Bureau study of potential water sources, completed in February, examined two options on the Little Sandy with the potential to provide either 107 million or 44 million gallons of water a day.

But the city must prove that it either posted a water rights claim on a tree before 1891, or that it filed a claim in the Clackamas County Courthouse between 1891 and January 1909. It also would help if the city could show that it used Little Sandy water after staking its claim.

All but six square miles of the 26-square-mile Little Sandy watershed is inside the Bull Run reserve. The Little Sandy basin contains about one-fifth of the watershed's total water reserves.

The city's water study lists several disadvantages to drawing water from the Little Sandy.

And water isn't available as long as PGE is operating its hydro project, since the utility diverts the entire flow out of the river during most of the year.

The city is looking elsewhere, including the Columbia or Willamette rivers, for a future water supply. But water officials would like to keep the Little Sandy option open.

"Water rights are few and far between these days, especially for surface water," said Bruce Niss, a Water Bureau deputy director.

\*Authorize the Bureau of Water Works to file claims for pre-1909 surface water rights on the Bull Run, Little Sandy and Willamette Rivers at a total cost of \$75,000.00, and provide for payment. (Ordinance)

**The City of Portland ordains:**

Section 1. The Council finds:

1. Sources of high quality water which are available to meet the water needs of the community are essential for the health, economic viability and liveability of the Portland region.
2. Planning studies have indicated that the Portland region will need additional water supplies to meet the demands of growth over the next century.
3. Securing water rights is essential to assuring that water needs can be met.
4. The City of Portland was granted rights in 1909 by the Oregon State legislature to the full flow of the Bull Run and Little Sandy Rivers, subject to any preexisting rights that may exist, and has rights granted in 1980, 1983 and 1985 by permits from the Oregon Water Resources Department for wells in the Columbia South Shore.
5. The State of Oregon has required that all those who claim to have surface water rights dating to before 1909 must register those claims with the Oregon Water Resources Department by December 31, 1992.
5. The City of Portland has reason to believe it has such pre-1909 water rights on the Bull Run, the Little Sandy and the Willamette Rivers.

**NOW THEREFORE, the Council directs:**

- a. The Water Bureau and the City Attorney Office shall file pre-1909 surface water right claims for the full flow of the Bull Run and Little Sandy Rivers, and for 26.3 cubic feet per second on the Willamette River, by December 31, 1992.
- b. The Water Bureau and the City Attorney Office shall assertively participate in the adjudication process for pre-1909 water rights on the Bull Run, Little Sandy, and Willamette Rivers.
- c. The Mayor and Auditor shall prepare and deliver to the Bureau of Water Works (for forwarding) a warrant in payment for the water right claim described herein. The warrant shall be in favor of "Oregon Water Resources Department", 3850 Portland Road NE, Salem, Oregon 97310, in the amount of \$75,000.00. The warrant shall be charged to the FY 1992-93 Budget, Water Fund, Center Code 18060154, Project 2076, Account 561000.

**ORDINANCE No.**

- d. Funds for the warrant described above shall be made available via a transfer within the FY 1992-93 Budget, Water Fund, from Contingency to Center Code 18060154, Project 2076, Account 561000, in the 2nd Quarter Report.

Section 2. The Council declares that an emergency exists because any delay in filing the pre-1909 surface water right claims may result in the loss of the City's water rights claimed under the applicable statutes; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council, **DEC 16 1992**

Commissioner Lindberg  
DFC:dmh ORD:9212E051  
CENTER 18060154

**BARBARA CLARK**  
Auditor of the City of Portland

By   
Deputy

Agenda No. **2127**

**ORDINANCE NO. 166098**

Title

\*Authorize the Bureau of Water Works to file claims for pre-1909 surface water rights on the Bull Run, Little Sandy and Willamette Rivers at a total cost of \$75,000 and provide for payment. (Ordinance)

<b>INTRODUCED BY</b>	Filed: <b>DEC 11 1992</b>
Commissioner Lindberg	Barbara Clark Auditor of the City of Portland
<b>NOTED BY COMMISSIONER</b>	
Affairs Commissioner Lindberg <i>MDL/KJK</i>	By: <i>Joan R Engert</i> Deputy
Finance and Administration	
Safety	For Meeting of:
Utilities	Action Taken:
Works	<input type="checkbox"/> Amended
<b>BUREAU APPROVAL</b>	<input type="checkbox"/> Passed to Second Reading
Bureau: Water Works	<input type="checkbox"/> Continued to:
Prepared by Dan Combs      Date December 9, 1992	
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not Required	
Bureau Head: <i>M. Rosenberg</i> Michael F. Rosenberger, Administrator	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
Consent	Regular <input checked="" type="checkbox"/>	Blumenauer	Blumenauer	✓	
<b>NOTED BY</b>		Bogle	Bogle	✓	
City Attorney		Kafoury	Kafoury	/	
City Auditor		Lindberg	Lindberg	✓	
City Engineer		Clark	Clark	✓	