

**WALDPORT CITY COUNCIL
JULY 9, 2015
MEETING NOTICE AND AGENDA**

The Waldport City Council will meet at 2:00 p.m. on Thursday, July 9, 2015 in the City Council Meeting Room, 125 Alsea Highway to take up the following agenda:

1. CALL TO ORDER
2. MINUTES: *June 11, 2015*
3. PUBLIC COMMENTS/PRESENTATIONS:
4. PUBLIC HEARING - *Supplemental Budget for FY 2015-2016*
5. DISCUSSION/ACTION ITEMS
 - A) *Consideration of Supplemental Budget Resolutions:*
 1. *Funding Debt Service for the Purpose of Relocating Public Works Facility*
 2. *Amending Budget for FY 2015-2016*
 - B) *Consideration of Resolution Adopting Water Management and Conservation Plan*
 - C) *Other Issues*
6. COUNCIL COMMENTS AND CONCERNS
7. REPORTS:
 - City Manager**
 - Public Works Director***
 - City Librarian***
 - City Planner***
 - Code Compliance Officer***

***Reports will be submitted in August for June and July activities*
8. GOOD OF THE ORDER
9. ADJOURNMENT

The City Council Meeting Room is accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall, (541)264-7417, during normal office hours.

* Denotes no material in packet

Notice given this 2nd day of July, 2015 - Reda Q. Eckerman, City Recorder

**WALDPORT CITY COUNCIL
JUNE 11, 2015
MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Mayor Woodruff called the meeting to order at 2:00 p.m. Mayor Woodruff and Councilors Gates, Christenson, Campbell and Holland answered the roll. Councilors Cutter and O'Brien were absent. A quorum was present.

2. MINUTES: The Council considered the minutes from the May 14, 2015 meeting. Councilor Holland **moved** to approve the minutes as presented. Councilor Campbell **seconded**, and the motion **carried** unanimously on a voice vote.

3. PUBLIC COMMENTS/PRESENTATIONS: John Maré addressed the Council regarding the Waldport Walkers, noting that Monday the 8th was the sixth anniversary of the formation of the hiking group. They meet on Mondays and Thursdays at Keady Wayside at 9:30 in the morning, and he reported that over 150 individuals have joined them in these weekly hikes.

At 2:05 p.m., Mayor Woodruff recessed the Council meeting to take up the Urban Renewal and Road District #3 agendas. The Council meeting was reconvened at 2:09 p.m.

4. PUBLIC HEARINGS:

A. State Revenue Sharing: Mayor Woodruff opened the public hearing on State Revenue Sharing. There were no comments from the public. Mayor Woodruff then closed the public hearing.

B. City of Waldport Budget for FY 2015-2016: Mayor Woodruff opened the public hearing on the City of Waldport Budget for FY 2015-2016. There were no comments from the public. Mayor Woodruff then closed the public hearing.

5. DISCUSSION/ACTION ITEMS:

A. Budget Resolutions

1) State Revenue Sharing: Councilor Campbell **moved** to approve Resolution No. 1196, declaring the City's election to receive State revenues. Councilor Holland **seconded**, and the motion **carried** unanimously.

2) Adopting Budget for FY 2015-2016: It was noted that a request had come from the Community College with regard to their entrepreneurship program, which had not been funded by the Budget Committee as no request had been received prior to the budget meeting. A brief discussion ensued regarding the benefits provided by the college through this program. Councilor Holland **moved** to approve amending the budget to include an allocation of \$500 to fulfil the request, with the monies to come from Contingency. Councilor Campbell **seconded**, and the motion **carried** unanimously. It was also noted that a request had come in from Meals on Wheels, and they were asking for \$600. The previous decision of the Budget Committee was to fund that program for \$1000, and **consensus** of the Council was to keep the allocation as previously decided. Councilor Campbell **moved** to approve Resolution No. 1197 as amended. Councilor Gates

seconded, and the motion **carried** unanimously.

3) Interfund loan: City Manager Kemp pointed out that the Budget Committee had voted to forward the budget with the Urban Renewal #3 fund included, but that the Council would need to make the decision regarding the actual implementation of a new area. Following discussion, Councilor Campbell **moved** to adopt Resolution No. 1198, to authorize an interfund loan contingent upon further discussion regarding the future implementation of an Urban Renewal #3 plan. Councilor Gates **seconded**, and the motion **carried** unanimously.

B. Consideration of Dahl Disposal Fee Adjustment: City Manager Kemp reviewed his report, noting that Dahl Disposal had submitted confidential financial statements and an independent accountant's review report, and City staff had determined upon review that the requested fee adjustment conformed to provisions of the Code regarding allowable expenses. Nic Dahl addressed the Council, explaining the need for the additional revenue and highlighting the fact that they had decided to spread the increase over two years in order to lessen the impact on their customer base. Following a brief discussion, Councilor Gates **moved** to approve the request for a fee adjustment. Councilor Holland **seconded**, and the motion **carried** unanimously.

C. Consideration of Resolution Supporting Designation of the Waldport Industrial Area as a State of Oregon Regionally Significant Industrial Area (RSIA): City Manager Kemp explained that this designation will assist in marketing the Industrial Area as well as providing a potential advantage when applying for state funding for infrastructure improvements. Letters requesting support for the designation were mailed to the affected property owners and 88% of them responded favorably (the remaining percentage were non-respondents). Councilor Campbell **moved** to approve Resolution No. 1199. Councilor Gates **seconded**, and the motion **carried** unanimously.

D. Open Space Project: Discussion ensued regarding the analysis of estuary/wetlands restoration opportunities. It was noted that any of the options presented by the analysis would encumber areas that had potential use for other activities. **Consensus** of the Council was to continue to look at options, and to also have Mr. Kemp proceed with exploring ideas for conceptual plans as well as the public process for same. Mr. Kemp noted that there would be a meeting on July 15 with George Dunkel from Special Districts to discuss park and recreational options for South County.

E. Proclamation - Beachcomber Days: Mayor Woodruff read the proclamation into the record.

6. COUNCIL COMMENTS AND CONCERNS: None.

7. REPORTS: The reports from the Public Works Director, City Librarian, City Planner and Code Compliance Officer were included in the packet materials. City Manager Kemp reported on one of the recent code compliance issues which had been successfully completed. He reminded the Council of the joint meeting with the County Board of Commissioners, scheduled for June 17 at 6:00 p.m. Regarding the recent RARE application, Mr. Kemp indicated that the City had been informed that it was one of the finalists, though another option might also be available. There is an individual that is currently a RARE participant who might be willing to contract with the City to provide

consulting services that would fit within the budgetary allocation and timeframe. Following a brief discussion, Councilor Campbell recommended that Mr. Kemp offer the position, and **consensus** of the Council was favorable. Mr. Kemp reported that the City's recent engineering requests for qualifications had garnered nine responses. The decision was made to engage Dyer Partnership and Civil West Engineering to provide engineering services for projects which will not require a separate request for proposals. The community sign project is moving forward, now that it has been determined the proposed site is actually City property. Mr. Kemp also noted that the City recently launched its own Facebook page.

8. EXECUTIVE SESSION: At 4:00 p.m., the Council meeting was recessed into Executive Session, pursuant to ORS 192.660(2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions. The topic of discussion was the potential relocation of the Public Works shop.

At 4:35 p.m., the Council meeting resumed in Open Session.

9. ACTIONS, IF ANY, FROM EXECUTIVE SESSION: Councilor Christenson **moved** to accept the staff recommendation and move forward with the purchase of 4028 SW Ann Street and the adjoining property. Councilor Campbell **seconded**, and the motion **carried** unanimously. Councilor Holland then **moved** to authorize City Manager Kemp to sign any necessary loan applications, documents or other agreements related to this purchase, on behalf of the City. Councilor Campbell **seconded**, and the motion **carried** unanimously on a voice vote.

10. ADJOURNMENT: At 4:37 p.m., there being no further business to come before the Council, the meeting was adjourned.

Respectfully submitted,

Reda Q. Eckerman, City Recorder

APPROVED by the Waldport City Council this ___ day of _____, 2015.

SIGNED by the Mayor this ___ day of _____, 2015.

Susan Woodruff, Mayor



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Supplemental Budget - Water and Sewer Rate Increase & Utilizing Capital Reserves to Finance Relocation of Public Works Facility

REQUESTED BY: City Manager

FOR MEETING DATE: July 9, 2015

SUMMARY OF ISSUE:

The current Public Works Facility, which houses the City's fleet, equipment, and a majority of its maintenance supplies, is located within the tsunami hazard area. In a major disaster, the department may not be able to provide essential services to the community.

As per Resolution 1143, approved December 10, 2009, "Fees for both water and sewer service will be annually indexed based upon the National Construction Cost Index (CCI), contingent upon Council review and approval." Budget committee approved and Council adopted a 3 percent increase, effective July 1, 2015, based upon the CCI. An additional 2.23 percent increase is proposed to the existing rate structure, effective August 1, 2015, to fund debt service for the relocation of the Public Works shop. A down payment of 20 percent is also proposed from capital reserves, which moderates the required supplementary rate increase.

STAFF RECOMMENDATION or ACTION REQUESTED:

After public hearing on supplemental budget, review and approve water and sewer base and usage charges to facilitate \$500,000 in financing of the relocation of the Public Works facility, and approve utilizing capital reserves for the \$125,000 down payment.

BACKGROUND:

Acquisition:

The City has entered into a Purchase and Sale Agreement for an approximately 11,384 square foot building (constructed in 2000) on 0.67 acres and the adjoining 0.67 acre vacant property (please see attached maps for location), with a financing contingency. The purchase price is \$625,000. The property being acquired is nearly ideal for housing the city's public works operations, both in size and layout, now and well into the future. The building may also house the city's Emergency Operations Center. The City is applying for a State of Oregon Infrastructure Finance Authority loan with a principal amount of \$500,000 at approximately 3.51 percent interest over 25 years. Since a majority of Public Works functions are to support the water and sewer funds, a rate increase is warranted and necessary to finance the purchase. There is also proposed to be a down payment of \$125,000 to be funded by capital reserves.

There are two other alternatives. Keep the public works facility where it is currently located, and not moving it to higher ground in the foreseeable future, or keep the facility where it is for now, moving it at a later date. Neither option gets the facility outside of the tsunami zone, nor takes into account that the building and property contemplated for purchase is ready, available, and substantially meets the current and future needs of the city.

Water and Sewer Rates:

After a rate analysis in 2009, the water and sewer rate structures changed to align base charges with fixed operating costs and usage charges with variable operating costs, enhancing revenue stability and equity. The rate structures have been viable, meeting current operating expenses while providing minimum charges necessary to customers, and providing a capital reserve to maintain current facilities and equipment.

Usage is measured in units (748 gallons or 100 cubic feet). Sewer unit charges are based upon water consumption.

Proposed Rates for Water Services

Meter Capacity	Meter Size	# of Services Inside City	# of Services Outside City	Inside City Base Rate	Outside City Base Rate	Operations Base Fees	Reserve Base Rate	Reserve Base Fees
1	5/8"	1,044	217	17.55	26.33	288,430	4.00	60,528
2.5	1"	20	2	43.88	65.83	12,111	10.00	2,640
5	1.5 "	5	0	87.75	131.65	5,265	20.00	1,200
8	2"	11	0	140.40	210.64	18,533	32.00	4,224
15	3"	2	0	263.25	394.95	6,318	60.00	1,440
Totals		1,082	219			\$330,657		\$70,032

Average Residential Customer using 4 units	Last Year's Usage	Operations Usage Rate	Operations Usage Fees	Estimated Revenues
\$30.71	80,440	2.29	\$184,208	\$584,896

Proposed Rates for Sewer Services

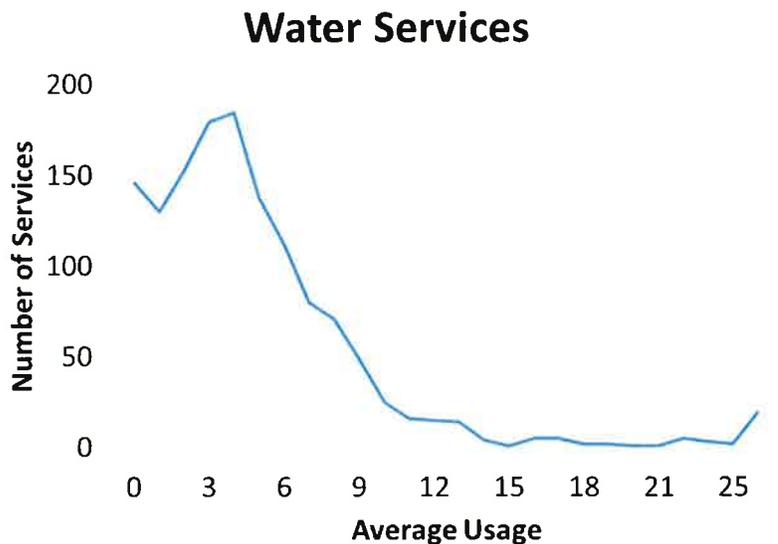
Classification	# of Services	# of EDU	Operations Base Rate	Operations Base Fees	Reserve Base Rate	Reserve Base Fees
Residential	741	741	26.77	238,039	2.46	21,874
Commercial	143	243	26.77	78,061	2.46	7,173
Multiple Dwellings	27	27	26.77	8,673	2.46	797
Multiple Dwellings	29	226	24.09	65,332	2.46	6,672
Totals	940	1237		\$390,106		\$36,516

Average Residential Customer using 4 units	Last Year's Usage	Operations Usage Rate	Operations Usage Fees	Reserve Usage Rate	Reserve Usage Fees	Estimated Revenues
\$41.15	53,541	2.75	\$147,238	0.23	\$12,314	\$586,174

Residential customers represent the majority of customers, most with low water usage. From June through September, actual consumption may be replaced with average winter consumption for sewer services to accommodate outside water uses.

Multiple Dwelling Units (MDU) are billed for water services based upon their meter size and usage. For sewer services, multiple family residences receive an administrative discount based

upon the cost savings for multiple dwellings on one service. Bayview Mobile Home Park and Sadamunn Apartments are the city's largest customers for water and sewer services.



Commercial services represent a small portion of customers (153 water services and 142 sewer services). Many commercial services have low volumes, comparable to residential services. City Hall, for example, uses an average of 2 units per month. Larger commercial services pay water base charges based upon their meter size and are assigned a "dwelling equivalency" sewer base rate, reflective of their capacity to impact the wastewater treatment plant, based on their average water usage for the previous fiscal year, and pay per unit (usage) charges. The top 10 commercial services, based upon volumes, are: Ray's Food Place, Capt'n Squeekey, McKinley Marina, Grand Central Pizza, Moose Lodge, Handy Haven, Flounder Inn Tavern, Salty Dawg, Carol's Café, and Espresso 101.

Outside city water services have historically been charged more than inside city water users. The historical reasoning may have originated from the general obligation bond (paid by city taxpayers) for the construction of the water treatment plant. The justification of the additional cost includes, but is not limited to, lower density (further driving between reading meters), travelling distance, depreciation expense, and an appropriate return on the value of property devoted to serving the outside city customers.

On the following page is a look at the impact of the proposed increase for a standard residential (inside City) water/sewer customer:

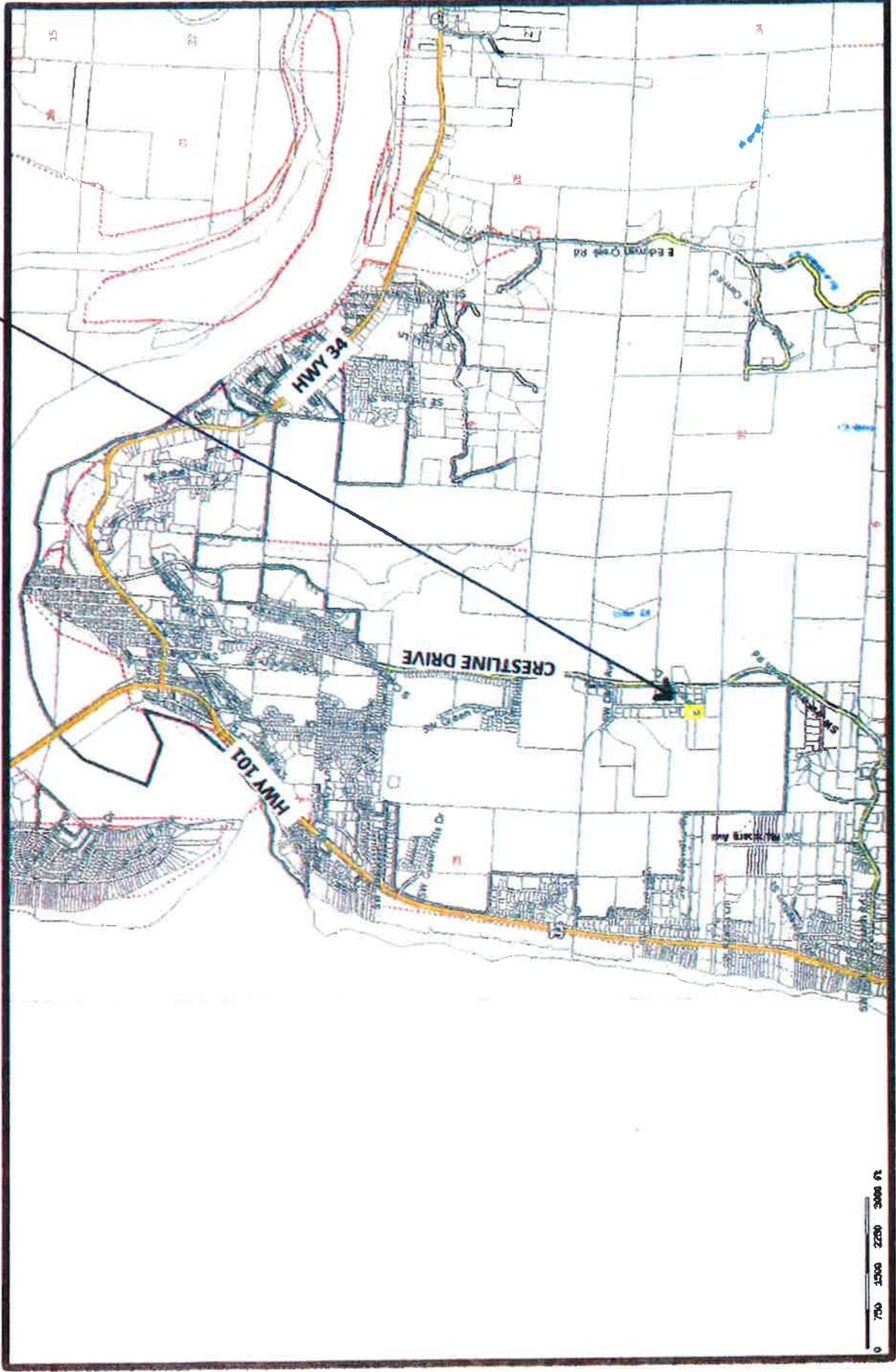
Effective July 1, 2015				Proposed for August 1, 2015				Increase
Usage	Water	Sewer	Total	Usage	Water	Sewer	Total	/month
0	21.08	28.59	49.67	0	21.55	29.23	50.78	1.11
1	23.32	31.51	54.83	1	23.84	32.21	56.05	1.22
2	25.56	34.43	59.99	2	26.13	35.19	61.32	1.33
3	27.80	37.35	65.15	3	28.42	38.17	66.59	1.44
4	30.04	40.27	70.31	4	30.71	41.15	71.86	1.55
5	32.28	43.19	75.47	5	33.00	44.13	77.13	1.66
6	34.52	46.11	80.63	6	35.29	47.11	82.40	1.77
7	36.76	49.03	85.79	7	37.58	50.09	87.67	1.88
8	39.00	51.95	90.95	8	39.87	53.07	92.94	1.99
9	41.24	54.87	96.11	9	42.16	56.05	98.21	2.10
10	43.48	57.79	101.27	10	44.45	59.03	103.48	2.21

Here are the comparisons for the larger commercial customers:

	Water Charges	Sewer Charges	Charges for Year	Average Monthly Charges	Proposed 8/01/15 Increase	Units (ccf)
Bayview Mobile Homes	12,045	28,989	41,033	3,419	3,601	3641
Sadamunn Apartments	5,486	19,323	24,809	2,067	2,177	1498
School District	490	7,535	8,025	669	704	742
Ray's Food Place	3,645	8,760	12,405	1,034	1,089	722
Capt'n Squeekey	2,160	5,903	8,063	672	708	715
McKinley Marina	3,727	5,153	8,880	740	779	702
Grand Central Pizza	1,778	4,093	5,871	489	515	539
Moose Lodge	1,113	3,648	4,761	397	418	401

Attachments: Location Maps
 Comparison of other cities

Proposed Waldport Public Works Facility Location

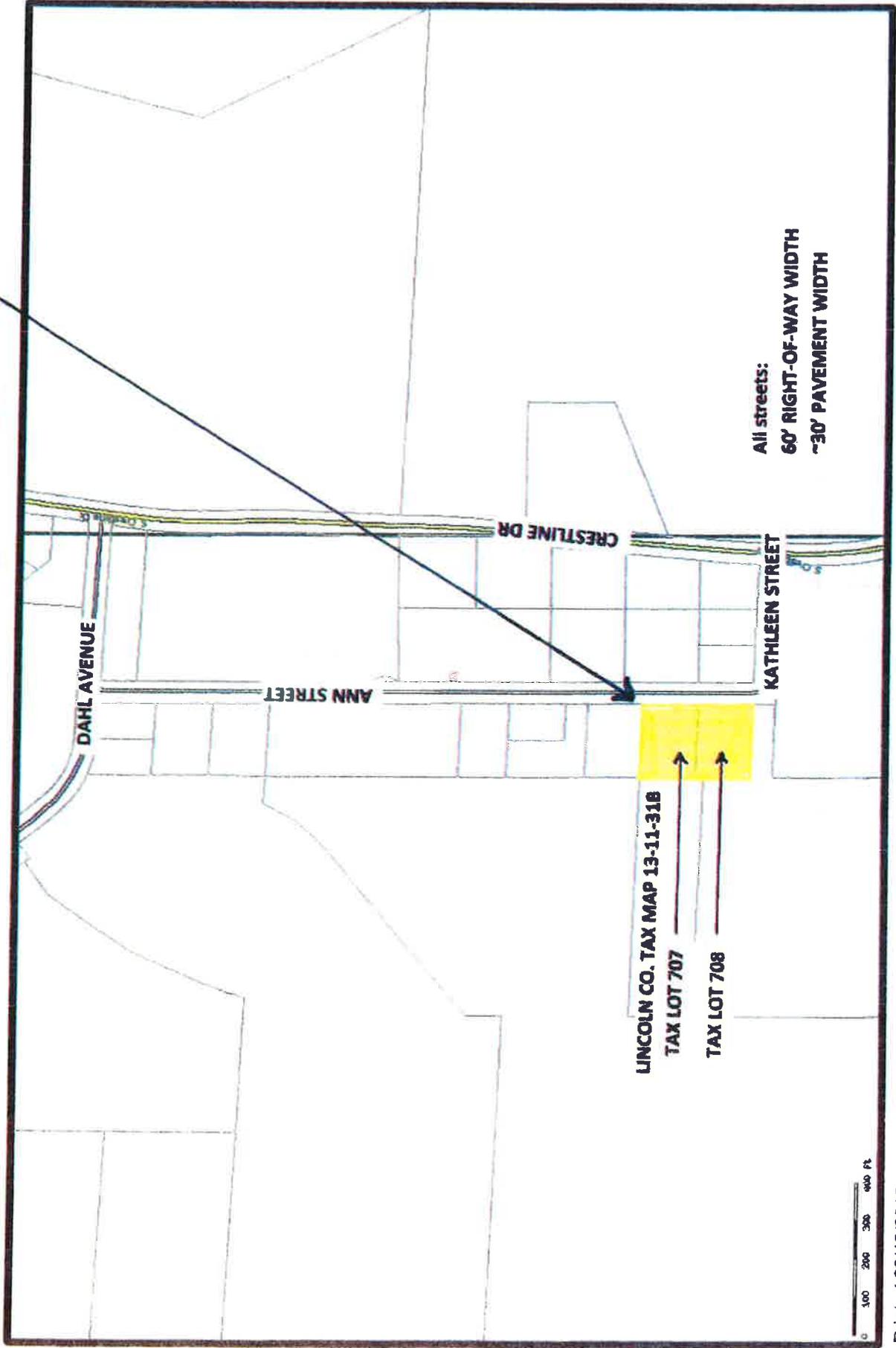


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Proposed Waldport Public Works Facility Location



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**2015/2016 Water and Sewer Rate Comparison
for Neighboring Cities and Water Districts**

For comparison, water and sewer rates are shown for residential customers being charged for an average of 4 units of water (2,992 gallons). Rates have been converted from gallons to cubic feet where necessary.

	Water			Sewer			Increase from previous year
	Base or Minimum	Usage Charges	Total Water	Base or Minimum	Usage Charges	Total Sewer	
Depoe Bay	19.50	10.47	29.97	14.00	8.98	22.98	4%
Lincoln City	22.08	0.00	22.08	23.73	0.00	23.73	5%
Newport	27.80	7.67	35.47	22.90	19.75	42.65	5%
Portland	35.00	15.43	50.44	0.00	38.52	38.52	5%
Seal Rock	28.00	21.54	49.54				2%
Southwest Lincoln	38.55	8.05	46.60				2%
Toledo	28.05	13.16	41.21	11.50	30.28	41.78	1%
Waldport	21.55	9.16	30.71	29.23	11.92	41.15	5%
<i>Yachats</i>	31.00	16.00	47.00	29.00	18.00	47.00	0%
Average	27.95	11.28	39.22	14.48	14.16	36.83	3%

Yachats is working on a water rate increase, but at this time does not have actual figures.

RESOLUTION NO. _____

A RESOLUTION TO FUND DEBT SERVICE FOR THE PURPOSE OF RELOCATING THE PUBLIC WORKS FACILITY OUT OF THE TSUNAMI ZONE.

WHEREAS, on June 11, 2015, the Waldport City Council gave direction to proceed with the purchase of property at 4028 Ann Street for the purpose of relocating the Public Works shop; and

WHEREAS, the purchase price of \$625,000 includes a proposed down payment of \$125,000 to be funded by capital reserves; and

WHEREAS, the City is also applying for a State of Oregon Infrastructure Finance Authority loan with a principal amount of \$500,000 at approximately 3.5% interest over 25 years; and

WHEREAS, a majority of Public Works functions are to support the water and sewer facilities and it is therefore appropriate that fees based on the use of those facilities contribute to the relocation costs; and

WHEREAS, on July 9, 2015, the Waldport City Council held a public hearing on a supplemental budget for the purchase of the property, which includes an expenditure of \$125,000 from capital reserves and a proposed 2.23% increase in the water and sewer base and usage charges;

NOW, THEREFORE, be it resolved by the Waldport City Council as follows:

Section 1. A sum of \$125,000 from capital reserves is hereby authorized to be used to fund the down payment for the purchase of property at 4028 Ann Street for the purpose of relocating the Public Works shop.

Section 2. A supplementary rate increase of 2.23% will be added to the water and sewer base and usage charges as annually indexed by Resolution No. 1143, to fund debt service for a State of Oregon Infrastructure Finance Authority loan in the amount of \$500,000.

Section 3. The effective date of the supplementary rate increase will be August 1, 2015.

PASSED by the Common Council of the City of Waldport this ____ day of _____, 2015.

SIGNED by the Mayor this ____ day of _____, 2015.

Susan Woodruff, Mayor

ATTEST:

Reda Q Eckerman, City Recorder

CITY OF WALDPORT RESOLUTION # _____
AMENDING THE BUDGET FOR FISCAL YEAR 2015/2016

WHEREAS, ORS 294.473 provides for increasing appropriations within a fund when an occurrence or condition requires a change in financial planning and a pressing necessity, unforeseen at the time of budget preparation, requires prompt action;

WHEREAS, a Notice of Supplemental Budget Hearing has been published in the News Times in their July 1st edition, and a public hearing has been held by the governing body, and the governing body has heard comments and questions from any person who wishes to speak;

THEREFORE, THE CITY COUNCIL RESOLVES that City of Waldport budget appropriations for the fiscal year 2015/2016 are hereby amended as follows.

Public Works Fund:

Resource or Revenue	Amount Increased (Decreased)	Requirement or Expenditure	Amount Increased (Decreased)
Loan Proceeds	500,000	Capital Outlay	625,000
Service Charges	30,370	Debt Service	30,370
Transfers In	62,500	Reserves	(62,500)
Total Resource Changes	592,870	Total Requirement Changes	592,870
Revised Total Fund Resources	1,661,570	Revised Total Fund Requirements	1,661,570

- The city will purchase a new public works facility, which will also house an emergency operations center located out of the tsunami hazard area, with \$125,000 as a down payment and \$500,000 in Infrastructure Financing Authority (IFA) loan proceeds proposed as financing.
- Debt service is appropriated for the new loan in the amount of \$30,370.
- Reserves are hereby reduced to provide a loan down payment mitigating the long term impact on water and sewer users.

Water Fund:

Resource or Revenue	Amount Increased (Decreased)	Requirement or Expenditure	Amount Increased (Decreased)
Service Charges	12,150	Materials & Services	12,150
		Transfer Out	31,250
		Reserves	(31,250)
Total Resource Changes	12,150	Total Requirement Changes	12,150
Revised Total Fund Resources	832,191	Revised Total Fund Requirements	832,191

- The loan repayment for the facility will be incorporated into public works service charges billed to various funds. Public works services charges for the water fund are estimated to increase by \$12,150, supported by a water rate increase.
- The reduction of reserves will provide money to be transferred to the Public Works Fund for the loan down payment.

Sewer Fund:

Resource or Revenue	Amount Increased (Decreased)	Requirement or Expenditure	Amount Increased (Decreased)
Service Charges	12,150	Materials & Services	12,150
		Capital Outlay	(6,250)
		Transfer Out	31,250
		Reserves	(25,000)
Total Resource Changes	12,150	Total Requirement Changes	12,150
Revised Total Fund Resources	885,773	Revised Total Fund Requirements	885,773

- The loan repayment for the facility will be incorporated into public works service charges billed to various funds. Public works services charges for the sewer fund are estimated to increase by \$12,150, supported by a sewer rate increase.
- The reduction of capital outlay and reserves will provide money to be transferred to the Public Works Fund for the loan down payment.

Adopted by the Waldport City Council this 9th day of July 2015

Signed by the Mayor this ____ day of July 2015

Susan Woodruff, Mayor

Attested by Reda Eckerman, City Recorder



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Water Management and Conservation Plan

REQUESTED BY: City Manager

FOR MEETING DATE: July 9, 2015

SUMMARY OF ISSUE:

The City of Waldport's Water Management and Conservation Plan was prepared in August and approved in September 2014, and is being presented to the City Council for approval.

STAFF RECOMMENDATION or ACTION REQUESTED:

The City Council of the City of Waldport, by resolution, approve the City of Waldport's 2014 Water Management and Conservation Plan. Receive and file summary report on Water Rights.

BACKGROUND:

The City of Waldport has seven water rights, of which four are certificated (with one unused), and three that are permitted. The City is required to submit a Water Management and Conservation Plan ("WMCP") with respect to these rights, and extensions to the rights require a WMCP as provided under Oregon Administrative Rule ("OAR") 690-086.

The extension application increases authorized diversion for permit S-18654 (Eckman Creek) to a 20-year rate of 1.24 cubic feet per second (CFS). An updated WMCP will be required to access and certificate the remaining water rights under S-18654, S-23587 (also Eckman Creek), and S-30624 (Southworth Creek). The City is working with the State of Oregon with respect to extending the Southworth Creek permit, with resolution of the fish passage issue underway. In addition, a progress report is due in five years of the approval date of September 17, 2014, and an updated plan no later than March 17, 2024.

The attached WMCP is divided into five sections: 1) Overview, 2) Municipal Supplier Description, 3) Conservation Element, 4) Curtailment Plan Elements, and 5) Municipal Water Supply Element. Please note that this document was several years in the making, what with redrafts and additional work being necessary for proceeding. Therefore text is dated, and while there may be some minor inaccuracies, they don't impact the findings and recommendations, which are the primary focus to direct your attention to. Of particular interest is Section 4, the curtailment plan. Table 4.3.1 on page 4-11 provides the four levels of alert, including alert, warning, emergency, and critical. There are potential triggers and actions for each stage. In today's times it's important for us to understand the various stages, and their implications.

Attachments: Water Management and Conservation Plan (April 2012, revised August 2014)
Water Rights Summary (June 22, 2015)

RESOLUTION NO. _____

A RESOLUTION APPROVING THE CITY OF WALDPOR'T'S 2014 WATER MANAGEMENT AND CONSERVATION PLAN.

WHEREAS, the City of Waldport is required to submit a Water Management and Conservation Plan with respect to its water rights and extensions to those rights; and

WHEREAS, the City contracted with The Dyer Partnership to produce such a plan, which was completed in April of 2012 and revised in August of 2014; and

WHEREAS, the City has submitted this plan to the State of Oregon, which gave its approval to the plan in September of 2014;

NOW, THEREFORE, be it resolved by the City Council of the City of Waldport that the Water Management and Conservation Plan attached to this resolution as "Exhibit A" and by this reference incorporated herein, is hereby approved.

PASSED by the Common Council of the City of Waldport this ____ day of _____, 2015.

SIGNED by the Mayor this ____ day of _____, 2015.

Susan Woodruff, Mayor

ATTEST:

Reda Q Eckerman, City Recorder

*City of Waldport
Lincoln County, Oregon*

WATER MANAGEMENT AND CONSERVATION PLAN

*APRIL 2012
Revised August 2014*



**The Dyer Partnership
Engineers & Planners, Inc.**

1330 Teakwood Avenue
Coos Bay, Oregon 97420
(541) 269-0732 ■ Fax (541) 269-2044
www.dyerpart.com

Project No. 137.24

**City of Waldport
Lincoln County, Oregon**

**Water Management and
Conservation Plan**

April 2012

Revised August 2014

Project No. 137.24



Expires: 12/31/15



**The Dyer Partnership
Engineers & Planners, Inc.**

1330 Teakwood Avenue
Coos Bay, Oregon 97420
(541) 269-0732 Fax (541) 269-2044
www.dverpart.com

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Executive Summary

Section

ES

ES .1 General

The City of Waldport presents its 2011 Water Management and Conservation Plan (WMCP) to the Water Resources Department (WRD) and interested parties. The City is submitting this plan in response to its six water rights and requirements associated with approval of the WMCP submitted in 2002. These extensions require a Water Management and Conservation Plan (WMCP) as directed under Oregon Administrative Rule (OAR) 690-086. The extension application seeks to increase authorized diversion for permit S-18654 from its current rate of 0.74 CFS to a 20 year rate of 1.24 CFS.

The City believes this WMCP outlines a plan to effectively manage its present water rights and to provide a means for developing a comprehensive strategy for meeting its municipal water supply needs over the next 20 years. In addition, the plan attempts to enhance management techniques of the State's water resources, including an increased effort to improve the efficiency of the water system, thereby meeting the intent of the regulations defined under the new Division 86 rules.

ES.2 Meeting the WMCP Criteria

Approval of this WMCP is contingent upon Waldport meeting the criteria outlined under OAR 690-086-0130. Therefore, the City has prepared a statement addressing each of the review criteria cited in that regulation.

Inclusion of specific elements under 690-086-125: The current plan includes specific sections that address each of the following:

- A description of the city water supply system and history,
- An updated conservation plan,
- A new curtailment plan,
- A 20 year supply strategy,
- List of affected local governments to whom the plan has been made available. (A draft of Waldport's plan was made available to Lincoln County and Southwest Lincoln County Water District). No comments were received from them regarding the plan.
- Proposed schedule for update in 2021.

Projections of future need: The City is projected to need only a limited increase in water over the next 20 years. Based on a three year average from 2008 to 2010, the City withdraws for use about 0.260 mgd on an average annual day, with a peak day demand of about 0.649 mgd. By 2031, the average day demand is projected to increase 0.06 mgd to 0.321 mgd and the peak day demand is projected to increase 0.152 mgd to 0.801 mgd. These projections are consistent with city planning data for increases in population and employment as well as second homes.

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THE DYER PARTNERSHIP
ENGINEERS & PLANNERS, INC.
DATE: NOV., 2011
PROJECT NO.: 137.24

CITY OF WALDPOR
WATER CONSERVATION MASTER PLAN
LOCATION MAP

FIGURE NO.
1.1.1

Water Conservation Measures under OAR 690-086-0150 (4): The City has developed a conservation program targeted at reducing overall and peak demand. The programs are designed to incorporate each of the elements noted under OAR 690-086-0150 (4). The City currently meets the requirement for reduction of unaccounted water to under 10%. A summary of the actions and related benchmarks for the conservation program are outlined in Table ES.2.1. The City does not see any additional conservation measures as being cost-effective.

**Table ES.2.1
Waldport 5-Year Conservation Benchmarks**

Conservation Program	Budget Amount/Year	Implementation Years
Annual Water Audit	\$400 Current	Annual
Leak Detection	\$2,400 Current	Every Other Even Year
Meter Testing	\$1,200 Current	Annual
Public Education	\$500 Current	Annual

Identification of Resource Issues: The sources of water being drawn by the City are surface waters. The issues defined under OAR 890-086-140 (5) (i) include identification of any stream flow-dependent species listed by a state or federal agency as sensitive, threatened or endangered that are present in the source, any listing of the source as water quality limited and the water quality parameters for which the source was listed, and any designation of the source as being in a critical groundwater area. A summary of the streamflow dependent species listed by Oregon or Federal agencies that are present in the area of the City's water sources are listed in Table ES.2.2. A summary of the water quality issues which may impact the City's water sources are listed in Table ES.2.3.

**Table ES.2.2
Streamflow Dependent Species Waldport Water Source Area**

Species	Oregon	Federal
Oregon Coast Coho Salmon (Oncorhynchus kisutch)	Sensitive – Vulnerable	Threatened
Oregon Spring Chinook Salmon (Oncorhynchus tshawytscha)	Sensitive – Critical	N/A
Oregon Spring Steelhead (winter run) (Oncorhynchus mykiss)	Sensitive – Vulnerable	Species of Concern
Western Brook Lamprey	Sensitive – Vulnerable	N/A
Pacific Lamprey	Sensitive – Vulnerable	Species of Concern

**Table ES.2.3
Water Quality Issues Waldport Water Source Area**

Source Area	Parameter
Eckman Creek	Turbidity, Aquatic Weeds/Algae, Dissolved Oxygen, Nutrients, pH, sedimentation
Weist Creek	Turbidity
South Weist Creek	Turbidity

Curtailment Plan: The City has developed a water emergency supply plan. Within that plan is a curtailment plan that was prepared pursuant to ORS 536.780 and consistent with OAR 690-019-0090. The curtailment plan element represents one of three tools available to the City to meet a water emergency. The curtailment plan includes three stages of alert, trigger for each stage, and curtailment actions that will promote conservation practices.

Use Beyond Permit Extension: As part of this submittal, the City has developed a schedule for using water to serve its anticipated 20-year demand. The City will not seek additional water rights, but will make optimal use under the existing permits, including a request for point of diversion (POD) modification. By year 2031 the City will use as much as 0.321 mgd (approx. 0.5 CFS) on an average day and 0.802 mgd (1.24 CFS) on a peak day. The current approved withdrawal rate for permit S-18654 is 0.74 CFS and for permit S-23587 is 0 CFS. The City would like to increase the permitted withdrawal by an additional 0.6 CFS to provide the necessary 1.24 CFS which will be needed by 2031.

ES.3 Proposed Schedule for Updating Plan

Following the administrative rules, the City proposes to submit a progress report within five years of the approval of this WMCP to review noted benchmarking and water use progress. The City understands that a plan update is not required for ten years but that an approved extension of time for Permit S-30624 may require an updated plan to be submitted within a shorter time frame.

1.1 General System Description

The city of Waldport is generally located on a relatively flat area on the south side of Alsea Bay on the Pacific Ocean near the mouth of the Alsea River. This is a small retirement and resort community. In general, this is a relatively rugged and isolated portion of the Oregon coast near the southwest corner of Lincoln County. In June of 2011 and within the service area, the city of Waldport provides drinking water to about 1,063 customers with its own city limits. Outside city limits, there are an additional 219 users for a total of 1,282 customers. The area covered is estimated to be 2.1 square miles. A location map is shown in Figure 1.1.1.

The City has 1,075 single-dwelling residential connections and 242 multi-family residential connections out of a total of 1,467 connections. These constitute approximately 90% of service connections. Residential users account for approximately 81% of the consumption. The remaining consumption is by commercial, institutional and public users.

The City has been granted 6.73 CFS (4.34 MGD) of water rights. Operational treatment capacity of the water plant filters limits production to 0.504 MGD. With filter upgrades, the plant may produce approximately 0.8 MGD. While it appears the City has ample raw water for its needs, the available raw water can be significantly less due to low summer stream flows.

1.2 Purposes

The City last submitted a WMCP in 2002. A new WMCP was required as a condition of approval for that plan. The City applied for a point of diversion (POD) transferred from Eckman Creek 1949 and Eckman Creek 1955 to the main Eckman Creek Intake location. The City coordinated this new plan with ongoing efforts to comply with Division 86 rules.

1.3 Proposed Progress Report and Update Schedule

Following the administrative rules, the City proposes to submit a progress report within five years of the approval of this WMCP to review noted benchmarking and water use progress. The City understands that a plan update is not required for ten years but that an approved extension for Permit S-30624 may require an updated plan to be submitted within a shorter time frame.

1.4 Summary of Data Sources

The majority of data referenced within this WMCP was obtained from city files. These generally consist of water treatment plant and raw water diversion records and billing records. Data regarding system parameters were obtained from previously adopted reports, updated with current information as required. The current Water Master Plan was also a significant source of data.

1.5 Input During Plan Development

City staff from all relevant city departments were interviewed and consulted with regard to water system data, history and management. They were also consulted with regard to conservation alternatives. A final version of this plan will be presented to the City Council for approval.

1.6 Document Organization

This WMCP is organized in a manner consistent with the Division 86 rules. Section 2 describes the water supply system, including key demographic information, water consumption, and the type of infrastructure present in the water system. Section 3 identifies the conservation measures the City has implemented, and has proposed new measures with associated benchmarks for each new measure. Section 4 describes the tools available to the City in the event of a water emergency, including a water curtailment plan. Section 5 uses the information presented in Section 2 to forecast future demand, compares that demand to present water rights, and assesses the need for additional source water diversions.

Municipal Supplier Description

Section

2

2.1 Service Area and Population

Service Area

Within the service area and as of June 2011, the city of Waldport provides drinking water to about 1,282 customers. Inside city limit customers number 1063 and outside city limit customers number 219. This area covered is estimated to be 2.1 square miles. A map of the City's service area is shown in Figure 2.1.1.

Population Estimates

According to Portland State University's College of Urban Public Affairs Population Research Center, the population of Waldport has decreased from 2,110 to 2,033 over the last 5 years. Lincoln County experienced a growth rate of 3.5% between the years 2000 and 2010. The decline in population for Waldport does not correspond with the history of new water services added annually in Waldport during this period (an average of 14.8 EDUs per year). One explanation may be that a significant number of new services are the result of second-home construction. The most reliable projection of population for anticipated water consumption during this study was determined to be one based on the historical trend of previous years. Table 2.1.1 summarizes the current population for the city of Waldport over the past 5 years.

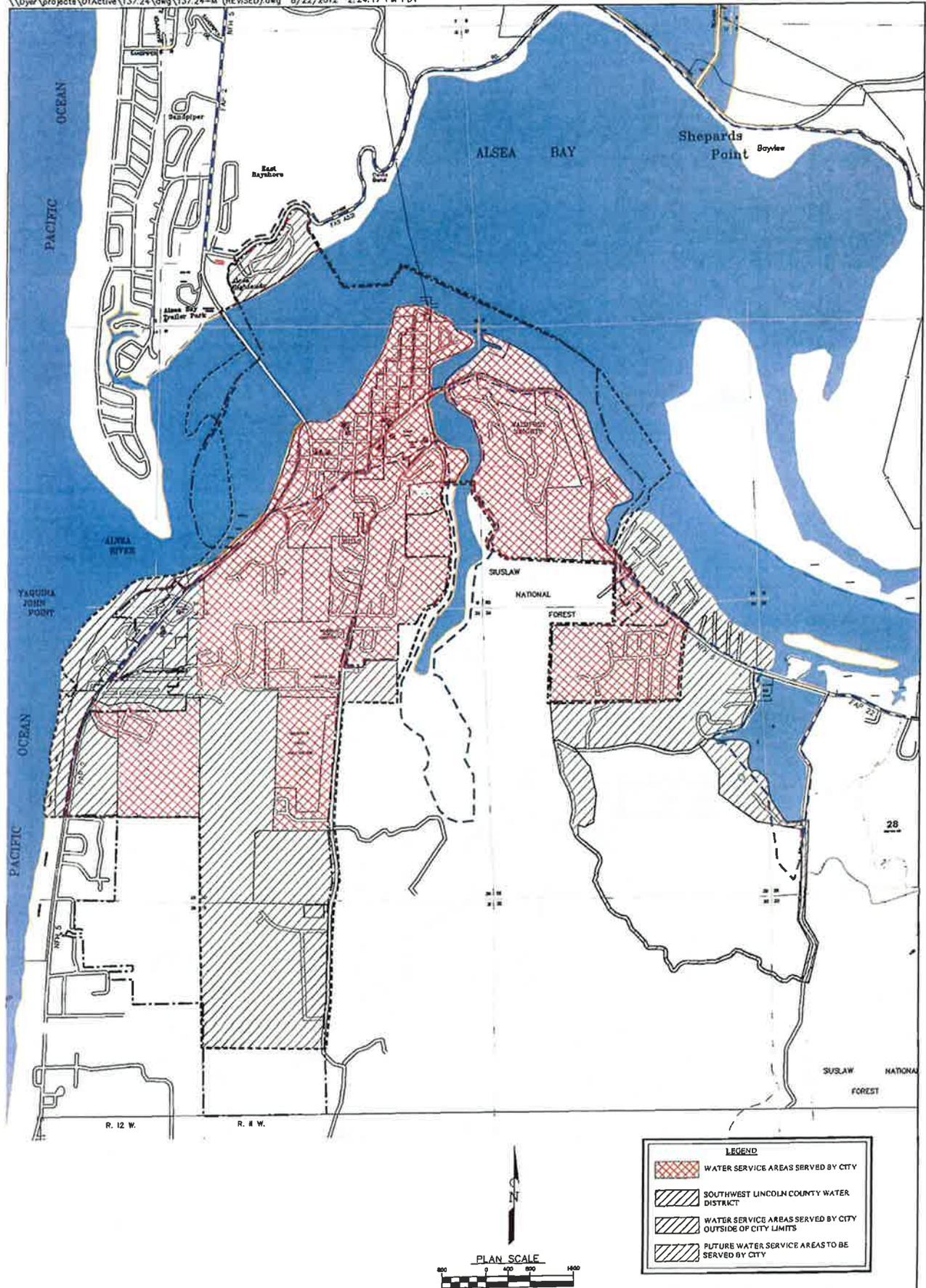
**TABLE 2.1.1
CITY OF WALDPOR POPULATION**

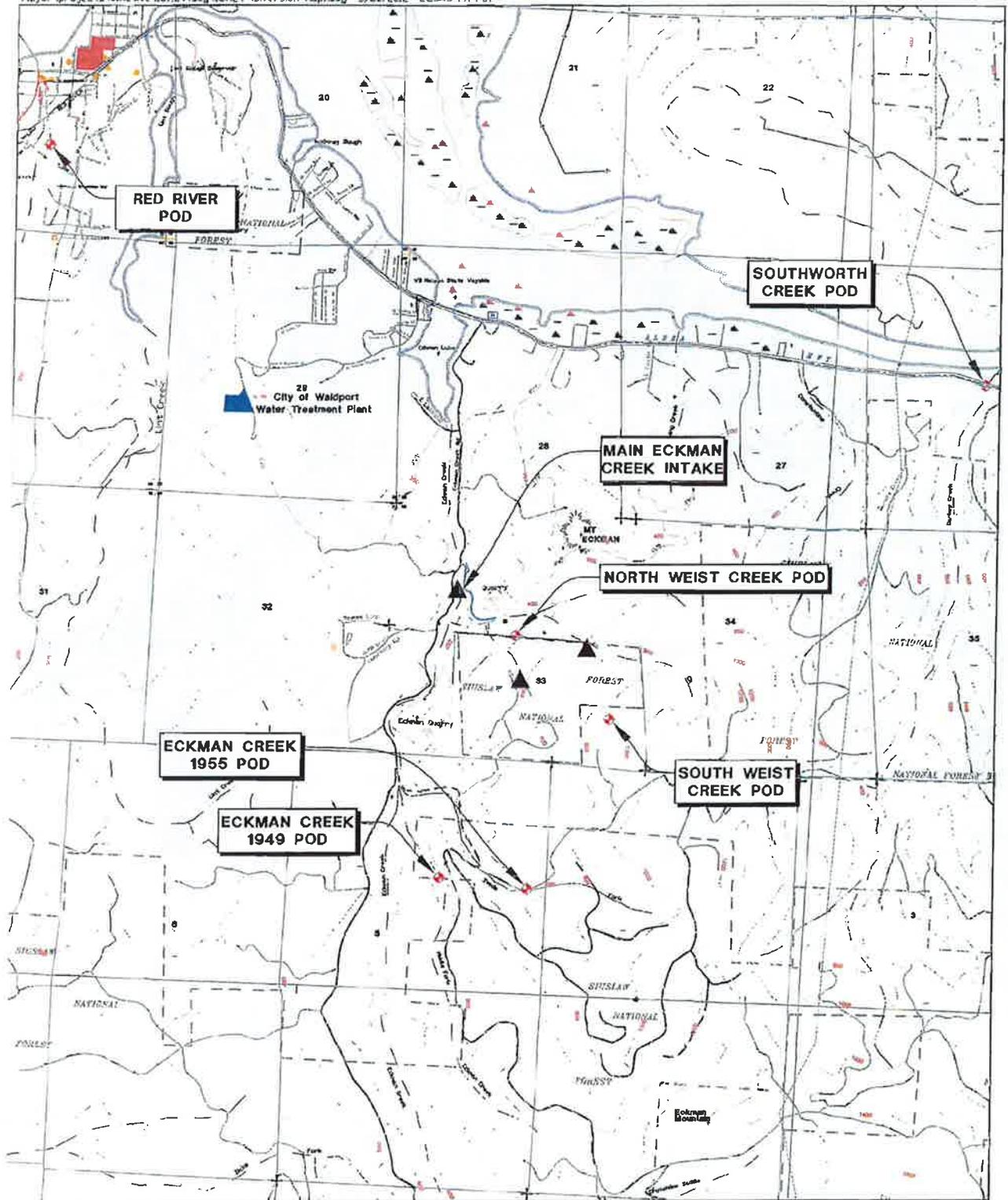
Year	Total Population
2005	2110
2006	2095
2007	2079
2008	2064
2009	2048
2010	2033

2.2 Source of Supply

Summary of Existing Sources

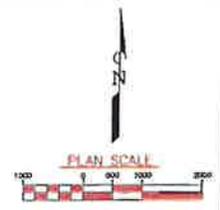
Historically, the city of Waldport has relied upon surface water from tributary streams to the Alsea River to supply raw water to the municipal water system; the City does not own or operate any wells at this time. It is generally maintained that due to the area's underlying geology, which primarily consists of Tertiary age basalt, groundwater is not available in quantities sufficient to supply a municipal water system. Few wells of significant magnitude are located within the study area.





LEGEND + DIVERSION POINT PER WATER RIGHTS
▲ ACTUAL DIVERSION POINT/INTAKE

— CREEK
 CONTOURS ARE 40' INTERVALS



The natural drainage courses of North and South Weist Creeks and Eckman Creek constitute the primary surface water in and near the study area. Presently, the City removes raw water from both Weist and Eckman Creeks. The City also holds a water right on Southworth Creek (formerly known as Darkey Creek), though it is not currently utilized as an active water source. A number of other minor creeks and water features are present within the Study Area. The location of all major diversion points is shown in Figure 2.2.1.

Surface Water Rights (OAR 690-86-140.1.a)

The City of Waldport currently holds surface water rights on a number of area streams. Table 2.2.1, on the following page, describes those water rights, including application, permit, transfer or certificate number, magnitude of diversions, priority dates and other relevant information.

TABLE 2.2.1
SURFACE WATER RIGHTS DOCUMENTATION SUMMARY – CITY OF WALDPORT

Appl No.	Permit No.	Certificate No.	Transfer No.	Priority Date	Source	Use	Allowed Rate (CFS)	Actual Diversion			Notes		
								Max Insta. Rate Diverted to Date (CFS)	Max. Yr. Quantity Diverted to Date (MG)	Ave. Mon. Diversion (MG) ⁷		Ave. Daily Diversion (MG)	Author. Comp. Date
S-14279	S-10315	11150 ¹	T-8835	8/31/1931	North Fork Weist Creek	Municipal	0.23	0.23	25.49	2.12	0.07	10/1/2008 ¹⁰	
S-12728	S-9114	11357 ²	T-8835	5/16/1929	South Fork Weist Creek ⁵	Municipal	0.50	0.50	55.41	4.61	0.15	10/1/2008 ¹⁰	
S-23660	S-18654	N/A ³	T-8834 ⁴	3/18/1949	Eckman Creek ⁶	Municipal	2.00 ⁸	0.74	82.00	6.82	0.223	10/1/2021 ¹¹	
S-29939	S-23587	N/A ³	T-8834 ⁴	4/25/1955	Eckman Creek ⁶	Municipal	2.00 ⁹	0.00	0	0	0	10/1/2021 ¹¹	
S-39480	S-30624	N/A ³	--	2/4/1964	Southworth Creek	Municipal	1.50	0.00	0	0	0	10/1/2000 ¹²	
S-9804	S-7120	6335	--	9/6/1924	Red River	Municipal	0.50	0.50	UNK	0	0	N/A ¹³	

¹ 44450 Cancelled by Sp. Or. Vol 57 Pg 1035 approving Transfer T-8835

² 44357 Cancelled by Sp. Or. Vol 57 Pg 1035 approving Transfer T-8835

³ Permit has not been developed into a certificate

⁴ Permit Amendment

⁵ As modified by Transfer T-8835

⁶ Now transferred to Main Eckman Creek POD intake

⁷ Previous Year

⁸ The Diversion of water under this permit is currently limited to 0.74 CFS conditioned by Final Order issued on 10/29/2002 approving the extension of time for the permit

⁹ The Diversion of water under this permit is currently limited to 0.00 CFS conditioned by Final Order issued on 10/29/2002 approving the extension of time for the permit

¹⁰ By which to complete changes under T-8835. COBU pending seeking confirming certificates.

¹¹ Set by Permit Ext. of Time Final Order 10/29/2002

¹² Set by Permit Ext. of Time Final Order 11/9/1995. An Extension of Time Application (submitted 4/14/2003) is currently pending

¹³ Certificated

¹⁴ Not actively used

Raw Water Storage (OAR 690-86-140.1.a)

The city of Waldport currently has two water storage areas. These storages are located at the North and South Weist Creek diversions. The North Weist Creek storage area is created with the use of an approximately 10-foot high concrete dam. The South Weist Creek raw water storage area is provided with the use of a shallow earth dam approximately 8 feet high.

Groundwater Rights (OAR 690-86-140.1.a)

The City does not currently hold any groundwater rights. Although a hydrologic study of the area has not been performed, information regarding the yield of existing wells within several miles of the City indicates that groundwater is not a viable source for meeting the City’s water needs. Geology in the area is dominated by Tertiary age basalt, which is relatively impervious to water. Most of the area’s precipitation is accounted for in surface runoff, and no significant aquifers have been identified.

2.3 Summary of Recent Use

Average Annual Usage

The total demand the City places on their raw water sources is equal to the total water diverted from all sources. The City meters and records the water diverted from each raw water source. The City diverts water from North and South Weist Creeks for its primary raw water source. In addition to Weist Creeks, the City diverts water from a secondary source, Eckman Creek, in the summer months. A summary of the annual amount of water diverted from each source is provided below in Table 2.3.1.

**TABLE 2.3.1
SUMMARY ANNUAL WATER DIVERSION FROM EACH SOURCE (JULY 2008 – JUNE 2011)**

Year	North Weist Creek Annual Diversion (MG)	South Weist Creek Annual Diversion (MG)	Eckman Creek Annual Diversion (MG)	Yearly Total (MG)
July 08 - June 09	22.81	50.72	13.55	87.08
July 09 - June 10	16.32	44.26	33.3	93.88
July 10 - June 11	20.81	54.39	18.66	93.86
Averages	19.98	49.79	21.84	91.61

Seasonal Usage

Typically during wintertime conditions, the City relies on flows from the two Weist Creek impoundments since sufficient flows are available to meet the City’s needs. The two impoundments are located at a higher elevation than the treatment plant and can use gravity feed via the existing raw water transmission lines to meet flow requirements. Raw water turbidity from the two Weist Creek impoundments is fairly low and averages around 2.4 NTU.

In late spring, summer and early fall, available flows from the Weist Creek impoundments are insufficient to meet the City’s needs. In order to meet these flow requirements, the Eckman Creek Intake/Pump Station is used. The water quality in the Eckman Creek is generally good, with turbidities ranging from 2.4 to 3.6 NTU. Turbidity will occasionally jump to 15 or 20 NTU, though these levels are short-lived.

2.4 Water Customers Served

The City of Waldport tracks its water users under the following classifications:

- Residential
- Multi-Dwelling
- Commercial or Non-Residential

Accounting for these three customer types requires comparing the demand for services from the respective customer with the demand from the average dwelling unit. The relationship is defined as the equivalent dwelling unit (EDU) methodology. An example of the EDU methodology follows:

Based on information from July 2010 to June 2011, the average annual metered consumption of the residential customer is used as the basis of the equivalent dwelling unit (EDU), which in this case is derived as 114 gallons per day (GPD). The average commercial customer used 219 GPD and the average living unit within the multi-dwelling unit (MDU) classification used only 88 GPD. Therefore, while a service classified as residential has an EDU of 1, the average commercial service has an EDU of 1.92 based on $(219 \text{ GPD} / 114 \text{ GPD})$ and the average living unit with an MDU classification has an EDU of 0.84, based on $(88 \text{ GPD} / 114 \text{ GPD})$.

There are approximately 1075 total residential accounts. Residential accounts make up 84% of the total customers, and use approximately 69 % of the total water supply.

There are approximately 242 multi-dwelling units within city limits. Multi-dwelling units annually consume approximately 13 % of the annual water supplied to the city.

The City has approximately 150 commercial or non-residential accounts within city limits. Non-residential accounts annually consume approximately 18 % of the annual water supplied to the City.

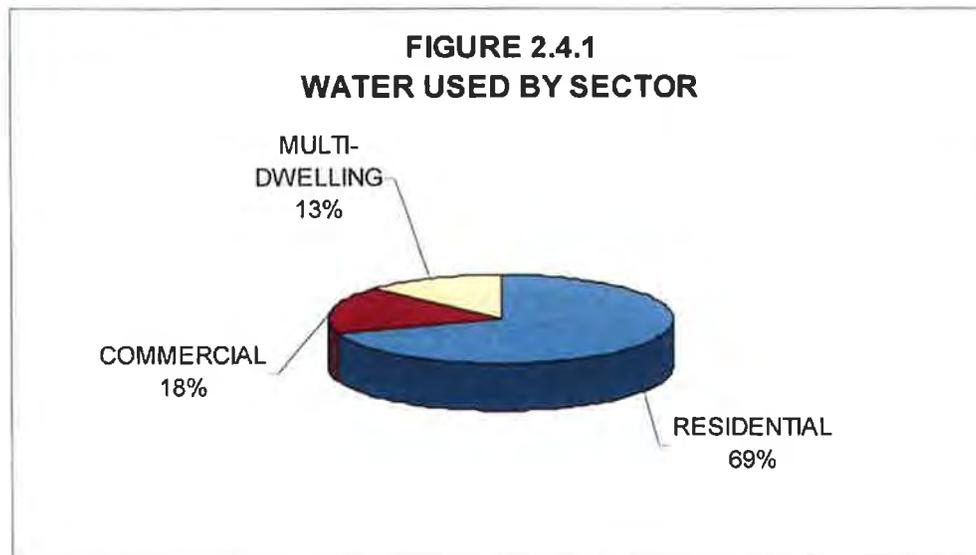
Table 2.4.1 summarizes the July 2010 to June 2011 City EDU totals along with the average water consumption for each sector. It should be reiterated that Table 2.4.1 shows the average consumption levels within the system. All losses, unaccounted water, and other water uses are not accounted for within the consumption data. Water system planning requires that all water diverted from the source be analyzed and considered as total water system consumption.

**TABLE 2.4.1
 WATER CONSUMPTION JULY 2010 TO JUNE 2011**

	RES	COMM	MDU	TOTAL
No. of Units	1075	150	242	1,467
MONTH	RES	COMM	MDU	TOTAL
July	7,654	1,529	1,138	10,321
August	7,003	3,772	1,085	11,860
September	5,305	1,793	955	8,053
October	5,006	1,047	954	7,007
November	4,056	997	736	5,789
December	4,403	1,051	777	6,231
January	4,521	1,034	745	6,300
February	4,170	906	730	5,806
March	4,092	879	793	5,764
April	4,248	949	795	5,992
May	4,462	1,043	792	6,297
June	4,929	1,029	874	6,832
Totals	59,849	16,029	10,374	86,252
Ave/Day	163.97	43.92	28.42	236.31
Ave/Unit	0.15	0.29	0.12	0.16
Ave/Unit GPD	114	219	88	120
EDUs	1075	288	186	1,549

Water consumption shown for July 10 through June 11 in units of 100 cubic feet (748 gallons)

Water use has been recorded for three customer sectors within the city of Waldport. These sectors include residential, multi-dwelling and commercial (includes city and public water use). The distribution of water use by land use sector is summarized in Figure 2.4.1.



The City categorizes their water use as residential, multi-dwelling and commercial use. All public water usages are lumped into the commercial water sector. It is recommended that the City break down and categorize their usage in a more detailed manner in the future.

As shown in Table 2.4.2 and based on the record of water service meters installed in Waldport during the previous 13-year period, it appears that new water EDUs per year average 14.81. For the purposes of this report, it will be assumed that this number of new EDUs will be added annually for the study period. Based on the current 1,549 EDUs, and assuming 14.81 new EDUs per year, this would result in an equivalent water consumption annual growth rate of 0.92% in the next ten years. For purposes of planning, a growth rate rounded to 1% is appropriate.

**TABLE 2.4.2
WATER SERVICE METER INSTALLATION DATA FOR 1998 TO 2010**

Fiscal Year Ending	No. of 5/8" Water Services	Other Water Services	Other Water Service Hydraulic Equivalents
1998	20		
1999	25		
2000	23		
2001	4		
2002	3	(1) 1" meter	EDU 1" = 2.5
2003	10		
2004	21		
2005	16		
2006	20		
2007	16		
2008	9	(1) 1.5" and (1) 2" meter	EDU 1.5" = 5; 2" = 8
2009	7		
2010	3		
Tot. EDUs	177		15.5
Ave EDU/yr.	13.62		1.19
		Total Ave Annual EDU/yr.	14.81

2.5 Facilities Description

Source/Treatment

The location of Waldport's source intake and water treatment plant facility is shown in Figure 2.2.1 and Figure 2.5.2. Waldport's water treatment plant was constructed in 1983. The raw water enters the treatment plant through an 8-inch diameter pipe (20% AC pipe material and 80% PVC pipe material). Raw water is currently gravity fed to the plant from both Weist Creek impoundments, and is pumped to the facility from the Eckman Creek Pump Station. The water treatment plant makes use of the following processes:

- Chemical Coagulation and Polymer Addition
- Sedimentation and Clarification
- Multi-Media Filtration

- Disinfection (Post Chlorination)
- Contact Basin Clearwell

The treatment plant consists of two packaged treatment systems (Aquarius) with a capacity of 175 gpm each under current operational constraints. It is anticipated that improved filters will be installed in the near future to permit filtration at a rate of 280 gpm per filter which matches the capacity of other elements of the treatment system.

The feed rates of the treatment chemicals are generally regulated manually. The chemicals are all injected upstream of the flocculation basins and mixed with a static mixer. The chemicals added include soda ash for pH adjustment, polyaluminum chlorate (PAC) as a coagulant, polymer as a filtration aid, and chlorine as a disinfectant.

After the chemicals are added to the water, the water enters a flocculation basin with variable speed flocculators. The flocculators ensure the chemicals are dispersed through the two aluminum flocculation basins and that collisions between the forming floc is increased.

After leaving the flocculation basins, water enters the clarifier portions of the package systems. Tube settlers assist in the clarification process as heavy particles and floc settle out. However, when operating the plant at capacity, velocities through the clarifier have historically resulted in floc carry-over to the filters.

At the time of the study, the City was in the process of constructing a large rectangular, sedimentation basin adjacent to the plant. Chemicals will be added to the upstream end of the basin and mixed prior to entering a flocculation chamber. A series of baffles and finger launders will assist in the sedimentation process so the majority of the floc and particles will be removed prior to the raw water entering the plant. The sedimentation basin is intended to reduce the loading on the filters and allow the plant to operate at capacity.

The treatment facility is currently staffed full-time during the week. The plant operator examines all the equipment to ensure that everything is operating properly. The operator also records flow rates, adjusts chemical feed rates, batches chemicals when necessary, and backwashes the filters.

Backwash Lagoon. Currently all backwash water is flushed into a backwash lagoon adjacent to the water plant building. The lagoon serves as a settling pond for the brackish water that is backwashed from the filters. The sediments in the water settle out prior to the decanted water flowing into a nearby drainage way. The sludge that accumulates in the bottom of the lagoon is removed once each 5 years, and transported to an appropriate reservoir site. The lagoon was cleaned about 3 years ago and will require cleaning again in about 2 years according to the schedule. The backwash lagoon was originally designed to accommodate approximately 80,000 gallons of backwash water. In recent years, the lagoon has filled in considerably, cutting the available settling volume.

Transmission/Distribution

Waldport's transmission and distribution system is shown in Figures 2.5.1 and 2.5.2. Treated water is delivered to the distribution system via two main transmission pipelines. The first pipeline is 6-inch PVC pipe and is approximately 3,100 feet in length. This pipe extends to the southeast side of the water distribution system. The second pipeline is a 10-inch PVC pipe approximately 4,630 feet in length. This pipe services the southwest section of the water distribution system. The second pipeline splits off

approximately 1,100 feet from the lower reservoir; the pipe coming from this junction is an 8-inch AC pipe. This 8-inch AC pipe extends approximately 2,800 feet before it ties into the northeast section of the distribution system.

For the purposes of this study, distribution piping is generally considered piping that is 2 inches in diameter and larger. Pipe sizes less than this diameter are generally considered service piping. Waldport's distribution system is composed of a wide variety of pipe sizes, with over 125,000 feet (23.8 miles) of pipe, total. A pipe size inventory is shown in Table 2.5.1.

**TABLE 2.5.1
PIPING SYSTEM SIZE INVENTORY**

Pipe Diameter (inches)	Length (feet)	% Of Total
2	24,549	19.53%
3	1,156	0.92%
4	22,363	17.79%
6	43,621	34.71%
8	19,571	15.57%
10	6,632	5.28%
12	7,797	6.20%
Total	125,689	100%

In addition to variation by diameter, the water distribution system is also composed of a variety of pipeline materials. The materials used to construct waterlines over the years depended primarily on the accepted and available materials of the time. In the earlier part of the century, cast and galvanized iron piping was commonly used. Later, asbestos cement (AC) piping became popular. Today ductile iron, polyethylene (PE), and polyvinyl chloride (PVC) piping is used almost exclusively in the construction of new water lines.

The existing condition of the distribution system depends greatly on the materials that were used to construct the system as well as the level of workmanship at the time of construction. Today, many older piping materials show signs of leakage, corrosion, and loss of capacity. Older iron, steel, and cement piping sections frequently are replaced due to their poor condition.

Finished Water Storage

Waldport's finished water storage facilities are shown in Figures 2.5.1 and 2.5.2. The city of Waldport currently has three treated water reservoirs that can accommodate a maximum of 2.325 million gallons of water. The first reservoir is a 2-million-gallon steel reservoir built in 1983 at the water treatment plant. The reservoir is 30 feet high, and 110 feet in diameter. The maximum water surface elevation for this tank is approximately 323.5 feet.

The second reservoir is a 300,000-gallon steel reservoir constructed in 1964. The reservoir is approximately 900 feet downstream from the first reservoir. The reservoir is 32 feet high and 40 feet in diameter. The maximum water surface elevation for the reservoir is approximately 314.83 feet.

An altitude valve is located next to the smaller 300,000-gallon reservoir to prevent the tank from overflowing. A 10-inch ductile iron pipe connects the two reservoirs.

The third reservoir has 25,000 gallons of capacity and was constructed in 2002. The reservoir is located about 725 south of the water treatment plant. The tank is 14 feet in diameter and 22 feet tall. The maximum water surface elevation is approximately 384 feet. This tank provides service for an area on the south side of Eckman Lake.

Pump Stations

Eckman Creek Intake/Pump Station. See Figure 2.5.2. The existing intake/pump station on Eckman Creek consists of a screen basin (12'-8" x 9'-6" inside dimensions) and a duplex pump station consisting of two 300 gpm submersible turbine raw water pumps in a seven foot diameter wet well. The screen inlet is comprised of a concrete diversion box with stream debris deflectors and screens. The intake is used during late spring and summer months when flows from the two Weist Creek impoundments are insufficient to meet the raw water requirements. Access to this site utilizes the same side road leading to the North Weist Creek Diversion, with the intake/pump station being approximately 300-400 feet from the main Eckman Creek Road.

2.6 Interconnections

SLCWD. See Figure 2.5.1. Southwest Lincoln County Water District (SLCWD) provides water to the unincorporated area to the south of the City between Waldport and the city of Yachats. The City is physically connected with the SLCWD system through a single 8-inch PVC pipe with valve isolation that may be opened under emergency situations. The City has entered into a Mutual Aid Agreement with SLCWD to provide and receive water in times of emergency or drought, providing the donor provider has surplus water available.

At this time, the agreement between the City and SLCWD is intended to provide water under emergency conditions only. The agreement is not intended to serve as a regional water supply or water supply partnership.

Although emergency aid is the goal of this system interconnection, it is not anticipated that either SLCWD or the city of Waldport systems would have excess water during a regional drought. Raw water for both systems is obtained from coastal streams, which are subject to the same seasonal climatic patterns and fluctuating flows as the streams within the Alsea River watershed. While they may be able to provide additional waters for firefighting or short-term emergency needs, neither water provider has approached the agreement as a solution to their water supply needs.

Regional Interconnection. The City investigated the viability of a regional water supply between the city of Yachats, SLCWD, the city of Waldport, Seal Rock Water District, and the city of Toledo in 2002. The conclusion of that report was that a regional water supply system was not cost-effective in the foreseeable future.

The aforementioned water providers are already currently connected through various points of system interconnection for emergency distribution. The City is informally discussing the possibility of an additional emergency connection with Seal Rock Water District.

2.7 System Efficiency

The difference between the quantity of water diverted from the raw water source to the treatment plant and the quantity of water delivered through the distribution system and measured at customer meters is referred to as total unaccounted water. The difference can be attributed to system leaks, inaccuracies in customer meters, unmetered services, and other unmetered use such as fire flows and system flushing.

The Oregon Administrative Rules (OAR) section 690-86 states that all water systems should work to reduce unaccounted water levels to 15 percent. If the reduction of "lost" water to 15 percent is found to be feasible, the water provider should work to reduce unaccounted water levels to 10 percent.

The city of Waldport’s system experiences losses on the order of 6 percent. In order to more accurately characterize system losses, an analysis was performed on available records, and an effort was made to identify the sources of losses within each portion of the system. Losses were separated into three distinct categories: raw water, treatment, and distribution system losses. A summary of system losses for the period under study is provided in Table 2.7.1.

**TABLE 2.7.1
SUMMARY OF UNACCOUNTED WATER – LOSSES (JULY 08 – JUNE 11)**

Year	Raw Water Losses (MG)	Plant Losses (MG)	Distribution System Losses (MG)	Total Water System Losses (MG)	Total Water System Losses as a (%)
July 08 - June 09	-2.91	6.36	1.79	5.24	5.59%
July 09 - June 10	3.23	6.06	-3.28	6.01	6.26%
July 10 - June 11	1.11	5.90	-1.91	5.10	5.58%
Average	0.48	6.11	-1.14	5.45	5.81%

The above information was based upon record information. It is apparent that negative losses are not possible. We believe that these results are caused by meter inaccuracies and possible meter reading estimation for some months with subsequent adjustment made to use records when the meters are actually read. We believe that the meters are accurate to within plus or minus 3%.

Therefore, based on the above analysis, average system losses total approximately 6 percent (possible range from 3% to 9%) of the total water diverted from the City’s water sources. Losses within the City system are therefore believed to be within the OAR limits. In order to remain in compliance, the City should maintain their system as needed to eliminate any future water losses to the extent possible and seek to improve meter accuracy.

Conservation Element

Water conservation consists of any beneficial reduction in water losses, waste, or consumption. As water providers face growing demands of them and their limited resources, conservation planning is playing an increasingly important role in their management practices. In effect, water that is conserved becomes a new and relatively inexpensive source of water for the utility.

In 2002, the city of Waldport submitted a Water Master Plan, which included a Water Management and Conservation Plan that was specifically prepared to satisfy the requirements outlined in OAR 690-86-140. The Master Plan was submitted to the Oregon Department of Water Resources as well as the Oregon Health Division for review and acceptance.

3.1 Previous Efforts

In 2002, the city of Waldport developed a Water Master Plan which outlined a number of water conservation measures. The city of Waldport currently utilizes a number of these conservation measures within its regular operating strategy. A summary of the current conservation practices is provided below:

- **Source water metering.** The City currently meters the amount of water removed from each source.
- **System metering.** The existing distribution water system is fully metered, enabling the City to compare the amount of water that is diverted to the amount of water that is consumed by its customers. The data is used for audits and accounting practices. Meters are read at fixed intervals.
- **Public use water metering.** The City meters all water use including public facilities.
- **Meters.** It is estimated that losses in the distribution system are on the order of 1 to 3 percent. Inaccuracies, such as they are, in the determination of the actual distribution system losses can be attributed to old and inaccurate water meters. Over the past few years the City's maintenance crews have been replacing the old meters with new and highly accurate remote sensor meters. The City has replaced over 700 of the old meters since 2005.
- **Public education.** Working with local schools, the City supports programs aimed at educating young students on the benefits of water conservation.
- **Leak Detection.** In 2001, the City of Waldport purchased leak detection equipment to locate and prevent leaks in their system. Recently the City located leaks in waterlines on Willow Street and Highway 101. The City makes regular sweeps with their leak detection equipment and investigates all reported unusual "wet spots" in an effort to eliminate all system leakage.
- **Repair.** The City has the equipment and personnel with the required skills to repair or replace waterlines and appurtenances within the system. Over the past five years, the City has

aggressively sought to replace or repair any deficient piping or leaky system components. The City has noted that their leak repair efforts have resulted in shorter production days at the water treatment plant.

- **Distribution System Piping.** Much of the distribution system consists of aged, small diameter AC piping. In other water systems, piping of this era and material class is considered to be very leaky and inefficient as water conduits. It is anticipated that many of the small diameter AC piping in the city of Waldport distribution system is in similarly poor condition. The City has already replaced a significant amount of suspect and deficient piping sections. Improvements include projects to replace a number of deficient piping sections within this planning period. The City is capable of repairing and replacing piping sections by force account without the need for public contracting as problems are identified.
- **Feasible and Appropriate.** The City has been active in locating and repairing leaks, and repairing or replacing aged infrastructure and, as noted, the City does have a formalized program for leak detection and repair. Based on available data, the City is experiencing approximately 6 percent loss of its diverted water. Consequently, it is considered *appropriate* for the City to continue its informal leak detection and repair program to assist in lowering the existing water loss. Continuation of a leak-detection and repair program is considered *feasible* for the City as it has the means to perform basic leak detection techniques and minor repairs to its system.
- **Schedule and Budgeting.** The City has a goal to complete the replacement of all old style consumption meters. Work toward this goal is well underway and few of the older style meters remain in service.

3.2 Water Use and Reporting

The City currently has meters to measure the flow from each point of diversion, the total flow entering the water treatment plant, and all end users in the service population. The City will install a treatment plant effluent meter in the near future to more accurately characterize water use at the plant.

Monthly records are kept at each measurement point and entered into logs at the water treatment plant. The City reads consumption water meters on a monthly basis and issues monthly bills indicating the volume of water consumed in the previous month. The City then utilizes a simple spreadsheet to perform an overall system audit on a monthly basis. This monthly audit has proven helpful in calling out irregular water use patterns that have turned out to be attributable to leaks, malfunctions, and other system problems. The City submits all annual reports as required.

The City is currently in compliance with the measuring and reporting requirements as outlined in OAR-690-85.

3.3 Rate Structure and Metering

The current water base (meter) rates are shown below in Table 3.3.1. Usage is measured in 100 CF units. A unit equals 748 gallons. The rate for both inside and outside city water users is \$1.99 per 100 CF. All customer use in the City is monitored under metered accounts. The City's 5 year benchmark is to continue to insure that all services are metered.

**Table 3.3.1
Waldport Base Water Rates**

Meter Size	Inside City Base Rate	Outside City Base Rate
5/8"	\$18.73	\$26.36
1"	46.83	\$65.90
1 1/2"	\$93.65	\$131.80
2"	\$149.84	\$210.88
3"	\$280.95	\$395.40

3.4 Additional Conservation Measures

Municipal Water Saving Fixtures.

The City's proposed plans for a new public restroom in the Waldport downtown area include reduced water usage toilets and sinks. This specific project was not addressed in previous conservation measure plans. All new municipal facilities when designed will utilize low flow fixtures.

Recycled Water

The City of Waldport obtained a grant several years ago to install a wastewater recycle delivery line to the local golf course. This 4" PCV line and recycle water use plan was permitted by DEQ, installed and runs between the wastewater treatment plant and the golf course. The owner of the golf course has not been able to afford to make the necessary piping and reservoir improvements at his facility due to current state of the economy. The City was prepared to install the necessary additional filtration and disinfection equipment at the plant as required to treat this recycle stream at the time of the line installation. When economic conditions improve for the golf course owner, it is anticipated that the project will be revived and a recycle stream made available for golf course irrigation use. There is currently no schedule for this. No other feasible recycle water use opportunities in Waldport have been identified.

3.5 Planned Conservation Measures

Improved Water Auditing

Currently the City's water efficiency is averaging greater than 90 percent. Annual audits are performed to maintain efficiency levels. The audits prove to be helpful in calling out irregular water use patterns that may be attributable to leaks, malfunctions, and other system problems. Performance of monthly audits provides the City with relatively "fast" feedback on the performance of its system and the response of specific repairs or improvements that have been developed. At the end of the year, the City performs an annual audit to summarize the individual monthly audits performed throughout the year.

Waldport's billing program flags any readings that are 200 % higher than the same month 1 year ago. When the list is created, a public works employee will go to the property to see if there is something apparently wrong at the meter. If not, then the City contacts the owner via various communication methods depending on the property. (I.e. if they are part-time seasonal residents, the City contacts them by phone. If the customer is a local resident, but not home, they leave a door hanger.)

For billed usage vs. production volume, the City compares a monthly tally of both values. If the difference is greater than 6%, the public works director begins actively looking for leaks. Due to high water tables, any leaks generally become very apparent at the surface, and citizens in the community will report "a new puddle of water".

Waldport actually has a Citizens' Patrol group that looks for unusual activity (such as the "new puddles of water" as noted above), and they report to the City and/or Sheriff's Department. They notice and have reported water leaks, illegal activities such as un-authorized/un-metered filling of tanker trucks from fire hydrants and illegal utility connections such as mobile homes with utility connections to permanent homes. Because the unaccounted difference in billed water and produced water is small and because of the active observation of the community by both the City employees and the Citizen's Patrol, un-metered or unauthorized uses are estimated to so insignificantly small that further investigation would prove ineffective and would certainly not be cost effective.

Meter Testing and Maintenance

Program. The City has been replacing all old customer meters with new meters in the past few years. A testing and maintenance program for meters is currently practiced. Once a new meter is installed and in operation, it is expected that they function at or near 100 percent accuracy. Any deviations from "normal" readings are investigated by first re-reading the meter and then testing as required.

The City maintains and calibrates its source water production meters annually under contract with a local service technician employed by TAG, Inc. This meets the manufacturer's suggested testing interval. The City only replaces or upgrade these meters if the calibration indicates that the meter is not working properly and repair is not cost effective or feasible. The City's five year bench mark for this activity is to continue with this same program.

Leak Detection and Repair

Currently the City experiences losses of less than 10 percent. The City is not required to participate in a leak detection program but has leak detection equipment. However, the City uses the equipment regularly to check for leaks in the system whenever a wet spot or other sign of leakage is observed. The City currently uses an LD-14 Ultrasonic Leak Detector. The City's five year bench mark for this activity is to continue with this same program.

Public Education

The City currently has a public education program that includes teaching students in the public school system the benefits of conservation as well as ways to conserve water. The City's water bills also contain literature that explains and encourages conservation efforts.

The City operates and maintains a website for the community. The website includes information about town meetings, news events, public works, issues, and many other topics. In an effort to increase public awareness of water conservation, the City has shown an example of how water and sewer rates are

calculated. The calculations demonstrate to the customers that if they use less water, they will be charged less money. The City's five year bench mark for this activity is to continue with this same program.

Toilet Retrofit Kits

Based on previous experience, it is believed that of the 1075 residential customers, the offer of a toilet retrofit kit (high flush/low flush ball cock modification) offered during a street fair event for example, would be accepted by as many as 100 households. As installation of these kits requires approximately 2 hrs of effort by the homeowner, it is estimated that only 70 would actually be installed with only 50 remaining fully in service one year later due to dissatisfaction with performance. In order to purchase and distribute the \$80 kits, and provide City employees salaries and other expenses to vet the recipients and explain installation would cost approximately \$750 for a day long event. The cost for the program is estimated to be approximately \$8750. Like the basic retro-fit kits, these devices alone could be expected to save 10 to 12 gallons per day per household for a net annual water savings of approximately 0.20 MG per year or 0.20 percent of average water use. At the equivalent of \$8,750 for a 0.38 gpm supply increase, the City does not believe this to be cost effective.

Retrofit Kits

Based on previous experience, it is believed that of the 1075 residential customers, the offer of a retrofit kit (toilet ball volume displacement bag, 2 shower heads, 2 sink aerators and swivel adapter, educational materials) offered, as discussed above, during a street fair event for example, would be accepted by as many as 80 households. As installation of these kits requires approximately 4 hrs of effort by the homeowner, it is estimated that only 50 would actually be installed with only 30 remaining fully in service one year later due to dissatisfaction with performance. In order to purchase and distribute the \$40 kits, and provide City employees salaries and other expenses to vet the recipients and explain installation would cost approximately \$750 for a day long event. The cost for the program is estimated to be approximately \$4,000. The kits could be expected to save 10 to 12 gallons per day per household for a net annual water savings of approximately 0.12 MG per year or 0.125 percent of average water use. At the equivalent of \$4,000 for a non-confirmed 0.23 gpm supply increase, the City does not believe this to be cost effective.

Conservation Savings

The City of Waldport currently practices water conservation efforts which they believe have the greatest impact with regard to water conservation. Based on subjective estimates and a review of other communities claimed savings, the first four items listed below in Table 3.5.1 are believed to currently reduce demand by approximately 4% with respect to what use would be otherwise. The values for water savings based on the distribution of retrofit kits are based on estimates of the success of previous campaigns by the City.

Table 3.5.1
5-Year Benchmark Savings

Conservation Program	Estimated Savings
Annual Water Audit	Currently in Place
Leak Detection	Currently in Place
Meter Testing	Currently in Place
Public Education	Currently in Place

Water use is currently fully metered and many in Waldport are living on fixed or low incomes. Economic circumstances further the cause of residential water conservation likely as much as any other public participation measures. There do not appear to be any other conservation measure that would provide water at a cost that is equal to or lower than the cost of the City's identified sources.

3.6 Summary of 5-Year Benchmarks

The following conservation plan will are currently implemented by the City and will be continued. However they will be formally committed to upon adoption of this Water Conservation and Management Plan report by City council. Some program items such as water audit, leak detection and meter testing are already in place. Table 3.6.1 provides a schedule and budget that the City will formally implement.

**Table 3.6.1
Budget Figures for Conservation Programs**

Conservation Program	Budget Amount/Year	Implementation Years
Annual Water Audit	\$400 Current	Annual
Leak Detection	\$2,400 Current	Every Other Even Year
Meter Testing	\$1,200 Current	Annual
Public Education	\$500 Current	Annual

Curtailment Plan Elements

A water curtailment plan is defined as a short-term, mandatory program intended to drastically reduce water consumption, usually due to an emergency, catastrophic event, or serious water shortage. According to OAR 690-86-140, a water provider is to develop a water curtailment plan with planning criteria, specific operating guidelines, and the enforcement measures that may be required in the event of a serious emergency or water shortage.

Most water systems have critical components, which if damaged or destroyed, could cripple or prevent delivery of potable water to its consumers. Such a crisis could last from a few hours to many days. As part of a comprehensive water management and conservation plan, a curtailment plan would provide the City with the planning and information necessary for managing a “short-term” supply deficiency crisis.

Due to occasional drought conditions, equipment failure, or other water system problems, the City’s water supply may become significantly and seriously depleted. The deficiency, which could last from weeks to months, could be serious enough that there is not enough water to provide for the needs of the community. Being prepared for curtailment situations will allow a water provider to survive serious “long-term” supply-deficiencies.

The following sections provide information required by OAR 690-86-140 for water curtailment plans. The City may wish to develop a comprehensive emergency plan for all city operations. A curtailment plan can be used as the water supply element of such a comprehensive emergency plan.

4.1 Ability to Maintain Water Delivery

Within the past 10 years, the City of Waldport has experienced no deficiencies which have prevented adequate water supply with the exception of an event approximately 6 years ago. A logging operation caused a large amount of sediment to enter the supply pond at South Weist Dam. In this case the City accelerated their scheduled pond flushing and had the pond back in service. At the time of this incident, the City was able to use stored water and could go for 2 to 3 days without producing water. The issue was resolved with the logging company and they began informing us of any activities near City sources and improved silt prevention methods.

With regard to the ability to maintain delivery during a long term drought, other source shortages caused by natural disaster or other circumstances that in an overwhelming disaster, the City could experience a level of drought or damage in which they would not be able to maintain delivery. As a part of the City’s Tsunami preparedness, the Fire District will provide a supply of drinking water at Waldport’s designated emergency response site, the Crestview School Grounds. The Fire District has a total of 41 barrels, 55 gallons each, on site. The City is also currently investigating the purchase of a water purification system for further supply in a major disaster. The City has a joint plan with Lincoln County Emergency Management and they have the Red Cross “on board” as a partner. The Fire District can use their trucks to obtain water at a relatively clean (non-salty) source and then filter and disinfection it from the truck.

4.2 Tools at the City's Disposal

For a short-term water supply emergency, the City would rely on their volume of stored finished water in the amount of 2.3 million gallons (with full tanks) for a few days. The City normally maintains the water level such that approximately 80% is available at any given time, but of course this is not assured.

Waldport has interties and mutual aid agreements with Southwest Lincoln County Water District (SLCWD) and with the city of Yachats, which is connected further south with SLCWD. However, the source streams for these communities would also have reduced flows should the water emergency be the result of an area drought and not able to provide assistance. In addition, the interconnections at best could provide only limited amounts of flow.

Therefore, the City has a water curtailment plan in place to respond to a water supply emergency.

4.3 Water Emergency Response

The City of Waldport will adopt the Curtailment Plan described in this report upon the acceptance of this report and approval by the WRD. A water curtailment plan includes a list of predetermined levels of severity or descriptions of specific scenarios that will invoke a predefined level of water curtailment alert. Specific “triggers” initiate a specific alert stage in the plan.

In many cases it is appropriate to include a number of issues that could serve as potential triggers for a phase of a curtailment plan, so that one, two, or combinations of many triggers will initiate specific actions from the community. This approach to curtailment triggers allows more evidence to be gathered to suggest an appropriate response, and provides the City with more flexibility to manage the water system during difficult water shortages. The following includes potential indicators for each level-of-alert.

Each level-of-alert was developed with the aid of stream flow levels. A chart showing the monthly stream flow data for each raw water source is shown in Table 5.3.2. The combined estimated stream flows were used to establish triggers to be used in the curtailment plan. The raw water creeks may need to have gauging stations developed if the City decides to use combined stream flows as a trigger.

The following are provided as stages of alert for the City of Waldport Water Curtailment Plan:

Alert Stage No. 1: Water Alert Status

General. This level-of-alert would be declared if a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the demands of its customers. Indicators include a moderate decrease of flows in the Alsea River Basin along with regional forecasts that predict drought or low stream flows in the watershed. Other indicators include moderate decreases in impoundment levels (below one-half total capacity) at an earlier than normal date and an inability for the system to restore reserves in a timely manner. National indices are to be referenced to provide further support for requiring specific curtailment actions.

It may be appropriate to declare this alert stage at the beginning or during major construction or maintenance of existing water system components. A possible scenario would include taking one reservoir temporarily off-line to paint or clean it or perform some minor maintenance.

Streamflows. The water treatment plant diverts water from 3 primary locations, Eckman Creek, North Weist Creek, and South Weist Creek. Over the past 4 years, the City has not needed water from the

Eckman Creek POD until the month of July. A possible Level 1 curtailment trigger would occur if the City required water from Eckman Creek prior to the month of July, indicating the possible beginning of a drought condition. The City may also wish to establish a Level 1 curtailment trigger when less than 2.5 cfs is available from the combined raw water sources. Table 5.3.2 has a summary of combined stream flow estimates.

Palmer Index (PI). The Palmer Index is a widely used scale for measuring drought conditions. The PI is based on long-term records of temperature and precipitation and is tabulated by the US National Weather Service on a weekly basis. PI calculations are made for 350 climate divisions in the United States and posted on the NOAA and National Weather Service websites.

Normal weather has an index of zero in all seasons in any climactic region; droughts have negative index values while wet periods have positive values. Consecutive negative values from week to week can provide initial warning of an impending drought. Long-term negative values can assist the City in determining the severity of the drought condition.

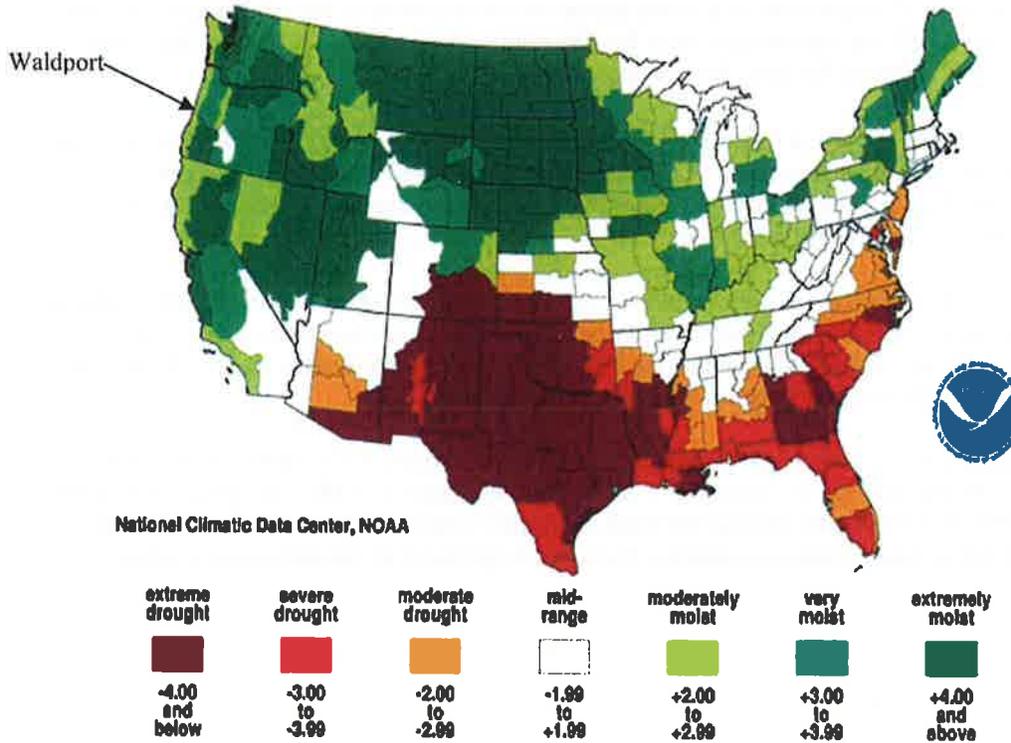
In terms of a water curtailment plan, the City would be interested in the negative or drought index regime. Conveniently, the negative PI regime is divided into three drought levels; moderate drought (-2 to -3), severe drought (-3 to -4), and extreme drought (-4 and lower). The City could easily use the three tiers of the negative PI as triggers for the first three levels of the curtailment plan.

For Level 1 alert status, the City may wish to use the PI of -2 to -3. Figure 4.3.1 shows the PI for the month of July 2011. As can be seen in Figure 4.2.1, the City of Waldport is in the lime green band along the Oregon coast. The PI for this area, during this week, indicates a moderately moist range; if adopted as a trigger, this would not invoke curtailment actions. There are no portions of the state experiencing drought.

Figure 4.3.1

**Palmer Hydrological Drought Index
Long-Term (Hydrological) Conditions**

July 2011

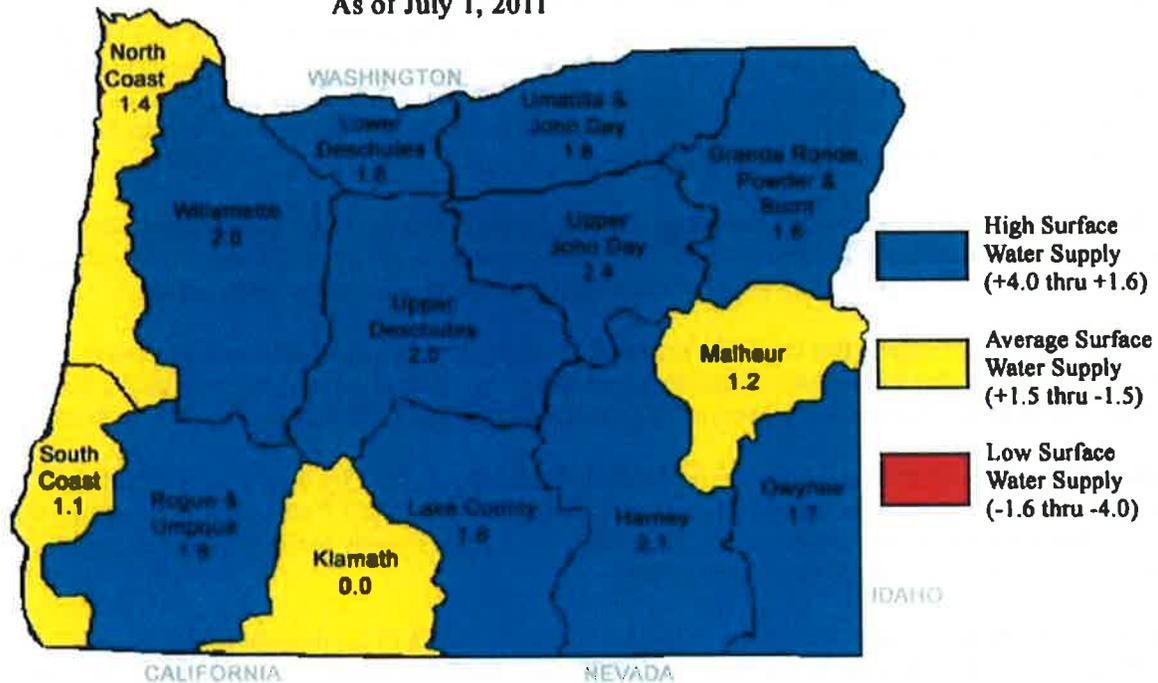


Used as part of a multiple trigger curtailment plan, the PI can provide valuable information for the determination of the severity of a water supply crisis, even though the PI is not necessarily supply-specific. The PI is updated weekly or monthly and is easily accessible at the following website:
<http://lwf.ncdc.noaa.gov/oa/climate/research/prelim/drought/phdiimage.html>

Surface Water Supply Index (SWSI). The SWSI is similar to the Palmer Index in that it is an index that describes the current state of water resources in a given area. Calculated monthly by the National Resource Conservation Service (NRCS) for the major river basins within the state of Oregon, the SWSI can be used to identify which river basins are above, below, or at normal surface water supplies. Figure 4.2.2 shows the SWSI for the various basins in the state of Oregon for the month of July 2011.

Figure 4.3.2

OREGON SURFACE WATER SUPPLY INDEX (SWSI)
As of July 1, 2011



For the purposes of curtailment triggers, the ranges of interest are between -1.5 and -4. An appropriate division may be as follows:

- 1.5 to -2.5 = Level 1 Curtailment
- 2.5 to -3.25 = Level 2 Curtailment
- 3.25 to -4.0 = Level 3 Curtailment

The SWSI for Oregon is updated monthly and can be viewed and downloaded at the following website:
<http://www.or.nrcs.usda.gov/snow/watersupply/swsi.html>

In addition to monthly SWSI data, significant historical data is available on the website to indicate the frequency and reoccurrence intervals expected for the various levels of curtailment. The history of the SWSI suggests the sensitivity the area has to annual rainfall and the impact it has on surface water availability.

System Manager Assessment. Few will know more about the viability and condition of a water supply than the operators and managers of the water system. If the operators and/or system managers consider it necessary to invoke Level 1 curtailment actions, the ordinance should provide them with that latitude. This “trigger” is important for such items as maintenance or construction on a critical system component, knowledge of raw water deficiencies other than volume, or other situations requiring specific curtailment actions.

Alert Stage No 2: Water Warning Status

General. This level-of-alert could be declared if a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the demands of its customers. Indicators may include a significant decrease in the Eckman Creek or Weist Creek flows along with regional forecasts that low streamflows are expected to drop further. Other indicators may include a significant decrease in impoundment levels (below three-quarter total capacity) at an earlier than normal date and an inability for the basin to restore reserves in a timely manner.

It may be appropriate to declare this alert stage if a component within the water system breaks down or is taken off-line for an extended period of time. This would include major repairs or renovations within the water treatment plant, major renovation of a reservoir, or another major improvement project.

Scenarios that would require this level-of-alert would typically be those that could be planned and prepared for. This alert stage could be instituted as a follow-up status to Level 1 after the public has been informed of potential problems and given an opportunity to carry out voluntary conservation activities.

Streamflows. Based on the streamflows discussed in Alert Stage 1, the City may wish to establish a stage 2, low flow criteria when combined raw water sources are less than 2.0 cfs. Estimates indicate that the combined stream flows get close to the Alert Stage No. 2 trigger yearly in the month of September, but may not drop below 2.0 cfs on an average year.

Palmer Index (PI). As described earlier in this section, utilizing the PI for drought prediction and determination of drought severity can be a very useful tool. Based on Figure 4.2.1, a PI of -3.0 to -4.0 could be used to describe Level 2 alert status.

Surface Water Supply Index. As described earlier in this section, the SWSI can be utilized similarly to the PI for drought prediction or to describe the current status of the water supply. Based on Figure 4.2.2, a SWSI of -2.5 to -3.25 could be used to describe a Level 2 alert status. Figure 4.2.2 shows the North Coast to be experiencing no curtailment actions.

System Manager Assessment. System management should continue to have the ability to invoke a Level 2 water curtailment status. If more serious conditions warrant increased activity and restrictions, the system manager needs the autonomy to require this level of curtailment.

Alert Stage No 3: Water Emergency Status

General. This level-of-alert could be declared if a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the demands of its customers. Indicators may include an eminent loss of a portion or total source of supply. Other indicators could include a chemical spill in a water supply, severe equipment failure, and other severe water supply issues.

Scenarios that would result in a declaration of a water emergency would be of an unplanned nature. This may include natural disasters such as earthquakes or landslides, acts of terrorism or sabotage, complete failure of water system components, and other emergency conditions. A few specific scenarios are listed below:

- Landslide that destroys, intakes, and/or raw water supply piping,
- Collapse or failure of a storage reservoir,

- Severe source contamination by pesticide, chemical spill, sabotage, etc.,
- Landslide that destroys treated waterline from water plant to City system or the raw water intake system, and
- Extreme drought conditions resulting in the near inability to obtain raw water for basic service.

While many of the scenarios listed above are not likely to occur, it is not unreasonable for the City to develop plans and strategies to prepare for emergency conditions within its water system.

Streamflows. Based on the streamflows discussed in Alert Stage 1, the City may wish to establish a Stage 3, low flow criteria on combined raw water flows of 1.5 cfs. Estimates indicate that combined flows in the raw water sources will not decrease to this trigger level in an average year. If the study area experiences a severe drought or emergency, the Alert Stage No. 3 may be achieved. By using a trigger of 1.5 cfs, the City would be mandating an increased level of curtailment with increased restrictions of water use.

Palmer Index (PI). As described earlier in this section, utilizing the PI for drought prediction and determination of drought severity can be a very useful tool. Based on Figure 4.2.1, a PI of -4 or less could be used to describe Alert Stage No. 3 status. For example, Figure 4.2.1 shows portions of the Texas experiencing conditions that could warrant Level 3 curtailment activity.

Surface Water Supply Index. As described earlier in this section, the SWSI can be utilized similarly to the PI for drought prediction or to describe the current status of the water supply. Based on Figure 4.2.2, a SWSI of -3.25 to -4.0 could be used to describe a Level 3 alert status.

System Manager Assessment. System management should continue to have the ability to invoke a Level 3 water curtailment status. If more serious conditions warrant increased activity and restrictions, the system manager needs the autonomy to require this level of curtailment.

Alert Stage No 4: Critical Water Supply Status

This final level-of-alert is necessary if scenarios from Level 3 result in disaster conditions that make it impossible for the water system to continue functioning under normal parameters. Indicators of this level include the inability of the water plant to produce additional water or the distribution system to deliver potable water to the consumers. This status is only for the most extreme cases where resources must be managed carefully and water rationed to consumers for the purpose of sustaining life.

The City should develop an ordinance that provides the water system manager with the necessary authority to govern all facets of the water system under the most difficult of circumstances.

4.4 The Curtailment Plan

Each level-of-alert should include a description of conservation measures appropriate to that level. These measures should provide guidelines, define acceptable and prohibited water usage, and describe the penalties for not abiding by the declaration of water curtailment.

The following describes certain stand-by water use curtailment actions for each level-of-alert.

Alert Stage No. 1: Water Alert Status

General. This level-of-alert is intended to inform the public, begin water restrictions, or ask for voluntary reductions in water use practices. Actions for this level include advertising on radio, television, newspaper, and other media to announce the curtailment situation. Leaflets may be distributed or included within the monthly water bill. Each form of media contact should include suggestions, tips, and information for the consumers to reduce water consumption within their homes.

Consumers may wish to install retrofit kits supplied by the City. The kits may be supplied free of charge or for a small fee. All water conservation at this level is on a voluntary basis. The City should be prepared to provide information and support for this voluntary effort.

Water Provider. The water provider should develop specific actions and tasks that it will undertake when faced with a water alert stage. For water curtailment Level 1, the City should develop a water system “reporting sign” to indicate the general condition of the City’s water supply. Often used to warn of varying levels of fire danger, a properly located reporting sign can send a regular reminder to consumers that the water supply is tenuous. Under Level 1 curtailment, the reporting sign should raise the alert that the water supply is low and remind consumers to use water wisely.

Other efforts should be made by the City to educate consumers about the general condition of the water system and warn them about how the situation could worsen. If restrictions are to begin with Level 1, efforts should be made to “get the word out” that water curtailment restrictions are being enforced.

Water Consumers. The water curtailment ordinance should outline some specific restrictions and requirements of water consumers. The City may wish to restrict lawn and landscape irrigating to every other day or require watering take place only during the nighttime hours.

The City may also request that consumers make efforts to voluntarily reduce water consumption up to 10 percent of normal through personal conservation efforts. This may include the repair of household leaks, installation of low flow fixtures, reduction or elimination of landscape watering, and other conservation efforts.

Alert Stage No. 2: Water Warning Status

General. This level-of-alert includes mandatory water conservation requirements and would likely be declared in the form of an ordinance. Conservation actions should restrict the irrigation of lawns, gardens, and landscaping to odd/even watering days and require irrigation to be performed during the night hours.

The ordinance should also prohibit some optional outside water uses including car washing, sidewalk and street washing, filling of swimming pools, water use for dust control, fire training, and other non-essential water uses.

Water Provider. The water provider should increase efforts to educate the public about the seriousness of the water supply shortage and the upgrading of the severity to a Level 2-curtaiment condition. The City reporting sign should indicate the upgrade of severity and further caution consumers about wise and prudent water use.

The water provider may wish to make low flow retrofit kits available to all water consumers upon request. The provider may also begin a campaign to retrofit older, inefficient toilets, and even offer rebates for the installation of newer, more efficient fixtures.

The water provider may consider a temporary rate change or drought surcharge to provide financial encouragement for water conservation. A rigorous public education program should follow any rate change to explain the purpose for the change and how the consumer can best avoid higher prices for water service.

The water provider may wish to enact changes in operations that will reduce water consumption. This may include fire department use, line flushing, street cleaning, park and landscape watering, and other nonessential water usage.

Water Consumers. Level 2 curtailment should include mandatory restrictions and no longer rely on voluntary water conservation. Watering of lawns and landscaping with overhead sprinklers may be banned under Level 2 curtailment. Irrigation should only be allowed by hand-held (watering can) or drip system methods. Washing of vehicles, boats, buildings, equipment, or other outdoor washing may be prohibited.

To save water as well as provide valuable public information, restaurants may be required to post drought notices and offer drinking water only upon request. Other high volume water consumers (hotels, recreation centers, etc.) may be required to post drought notices apprising their clientele of the drought conditions.

Alert Stage No. 3: Water Emergency Status

General. Alert Stage No. 3 includes additional mandatory conservation requirements brought on by severe or emergency conditions and would likely be declared in the form of an ordinance.

This level-of-alert would include all the curtailment actions and restriction described in Levels 1 and 2 along with provisions to prohibit all watering of lawns, landscaping, gardens and any other outside water use. Severe penalties should be enforced for those not abiding by these strict water curtailment actions.

Water Provider. The City should continue a public information campaign to educate their consumers about the dire condition of the water system. The water system reporting sign should indicate the existing emergency conditions. Handouts, leaflets, and press releases should be distributed with water bills or provided at various public locations within the community.

The City may wish to set limits on all consumers based on the water consumption records for the lowest consumption month of the year. If, for instance, February is the lowest consumption month within the system, consumers may be allowed to use the amount of water consumed the previous February. If the consumer uses more, they will be charged at a rate double or triple the normal consumption rate. If non-compliance continues, the consumer could be disconnected from the water system.

The City may also choose to allow no new connections or special water use until the integrity of the water system is restored.

Water Consumers. A complete ban on outside watering may be enforced. Strict penalties may be levied against consumers known to be using water inappropriately for Level 3 curtailment. Water consumers, including commercial consumers, should make all efforts possible to eliminate all nonessential water consumption.

Alert Stage No. 4: Critical Water Supply Status

This level-of-alert applies to an extreme water curtailment condition. The goal of Level 4 curtailment should be to provide enough water to sustain human life. Conservation actions within this stage may include closing the distribution system or disconnecting all water users from the system. The City may choose to ration all water use from a central location, reservoir, or directly from the water treatment plant.

In the event that the reservoirs, treatment plant, or some other component is damaged or destroyed, the City would be responsible to locate a safe, emergency water source and make efforts to provide rations to the community.

The likelihood of this scenario occurring is extremely small; however, the City may wish to develop general plans for emergency preparedness including operating procedures and guidelines for the water system.

A summary of the recommended curtailment plan is provided in Table 4.3.1.

**TABLE 4.3.1
SUMMARY OF RECOMMENDED WATER CURTAILMENT PLAN**

Alert Stage	Potential Triggers	Potential Action Measures
No. 1 Water Alert	<ol style="list-style-type: none"> 1. PI (-2 to -3) and/or 2. SWSI (-1.5 to -2.5) and/or 3. Eckman Creek flows fall below 2.5 cfs and/or 4. Water Treatment Plant relies on water from Eckman Creek prior to June 15. 5. Combined raw water flows fall below 2.5 cfs. and/or 6. Staff assessment. 	<ol style="list-style-type: none"> 1. Water status sign will indicate Alert Stage No. 1. 2. Call for voluntary reduction in all water use; mandatory for watering. 3. Prohibit outside watering between 7 a.m. and 9 p.m.. 4. Restrict outside watering for even addresses on even numbered days & odd addresses on odd numbered days. No outside watering on Sundays. 5. Prohibit water wasted down gutters or streets & washdown of paved surfaces, streets, & structures. 6. Water use for washdown of paved surfaces & structures only for health & safety purposes. 7. Public outreach promoting conservation. 8. Implement curtailment water rates & enforce penalties. 9. Cease sale of water to users not currently on the system. 10. Prohibit new hook-ups to the City's water system. 11. Prohibit water use by Fire Department for drills or truck washing.
No. 2 Water Warning	<ol style="list-style-type: none"> 1. PI (-3 to -4) and/or 2. SWSI (-2.5 to -3.25) and/or 3. Combined raw water flows fall below 2.0 cfs and/or 4. Staff assessment. 	<ol style="list-style-type: none"> 1. Water status sign will indicate Alert Stage No. 2. 2. All Stage No. 1 prohibited activities are also forbidden under Stage No. 2. 3. Curtailment water rates & penalties remain in-place. 4. Continue public outreach to community. 5. Watering of any lawn, landscaping bushes, golf course, parks, school athletic fields, shrubs & trees is prohibited. 6. Watering of any vegetable or flower garden or fruit tree is restricted to watering by hand using either a hose with self-closing nozzle, a container (e.g. bucket), or a drip irrigation system. 7. Prohibit washing of any vehicle, except a commercial fixed washing facility. 8. Prohibit water for the use of scenic/recreational fountains, ponds & lakes except required to support fish. 9. Restaurants discontinue routinely offering water to customers unless specifically requested. 10. Prohibit use of water in any air conditioner or air-cooling mechanism, except at a commercial business. 11. Prohibit adding water to any swimming pool.
No. 3 Water Emergency	<ol style="list-style-type: none"> 1. PI (-4 and lower) and/or 2. SWSI (-3.25 to -4.0) and/or 3. Combined raw water flows fall below 1.5 cfs and/or 4. Staff assessment. 	<ol style="list-style-type: none"> 1. Water status sign will indicate Alert Stage No. 3. 2. All Stage No. 2 prohibited activities are also forbidden under Stage No. 3. 3. Water curtailment rates & penalties remain in place. 4. Continue public outreach to community. 5. Water to residential customers will be allotted based on the number of persons living at each household (e.g. 50 gallons/capita). 6. Commercial & industrial users will be restricted to the same volume of water used in prior February. 7. Implement a surcharge pricing structure for water use over the allotted use.
No. 4 Critical Water Supply	<ol style="list-style-type: none"> 1. Delivery disruption > 24 hrs. forecasted storage < 1 day, and/or 2. Delivery disruption > 3 days, forecasted storage < 3 days, and/or 3. Staff assessment. 	<ol style="list-style-type: none"> 1. Water status sign will indicate Alert Stage No. 4. 2. City will discontinue water service through its normal distribution system. 3. If water remains in the City's finished water tanks, water may be provided in small quantities to residents in their containers either directly from a designated tank or location within the City. 4. If water is not available in the City's finished water tanks, the City would locate a source of potable water & have it delivered to the City. Small quantities of potable water would be provided to residents, at no cost, in their containers.

PI – Palmer Index, SWSI – Surface Water Supply Index

4.5 Staff Responsibilities

The following staff will have responsibilities for the following tasks in the event the water curtailment plan is enacted.

- Nancy Leonard, City Manager - Media Relations including media outreach efforts.
- Lincoln County Sheriffs Department - Law Enforcement. Enforce curtailment measures
- John Alfano, Public Works Director – Work with businesses to reduce consumption.
- Ty Arrant, Chief Water Treatment Plant Operator – Coordinate with public users and City to ensure activities are in accordance with curtailment plan.

Municipal Water Supply Element

Section
5

5.1 Future Service Area

Population

According to Portland State University’s College of Urban Public Affairs Population Research Center, the population of Waldport has decreased from 2,050 to 2,033 between the years of 2000 and 2010. This population decline is approximately -0.1% per year. Within the last few years, the population has decreased by 112, according to publications, although this may simply be a census adjustment reflecting annual declines over the last decade. The historical growth rate between 1975 and 2010 was approximately 1.84% per year. Lincoln County experienced a growth rate of 3.35% since 2000, which is an annual growth rate of 0.34% per year. Another method shall be used for determining future demand based on the inconsistent data for population.

Since population is inconsistent with water demand and does not correspond with the history of new water services or EDUs added annually in Waldport, the most reliable projection for future demands will be based on the historical trend of new water services added. From Table 2.4.2, the number of new EDUs per year is 14.81. This produces a growth rate of approximately 1% per year which will be the basis of calculating future growth demand. Population projections are shown in Table 5.1.1.

Employment

Projections for employment are shown below in Table 5.1.1 based on the latest available census information. Categories of employment are shown in Table 5.1.2 and are assumed to be consistent over the 20-year planning period.

**Table 5.1.1
Population and Employment Projections (2000-2020)**

Year	Pop	Labor Force	Employed
2000	2050	889	762
2010	2033	882	756
2011	2053	890	763
2012	2074	899	771
2013	2095	908	779
2014	2116	917	786
2015	2137	927	794
2016	2158	936	802
2017	2180	945	810
2018	2201	955	818
2019	2223	964	826
2020	2246	974	835

**Table 5.1.2
Categories of Employment**

Ag./ Fish. Mining	Construction	Manufacturing	Whole- sale	Retail	Transp./ Ware H.	
2.49%	4.72%	5.64%	2.49%	21.00%	4.99%	
Inform. Services	Fin./Insurance/ Real Est.	Prof./Man./ Admin.	Edu./ Med. Arts	Art/Entert./ Food Ser.	Public Admin.	Other
0.52%	7.35%	3.15%	15.09%	20.21%	8.53%	3.81%

Land Use Development

Land use within Waldport is categorized into five general uses: residential, commercial, public facilities, and marine. There is an estimated 1,821 acres within the current Urban Growth Boundary (UGB). The Waldport zoning map is shown in Figure 5.1.1. The five land use classifications are briefly discussed below:

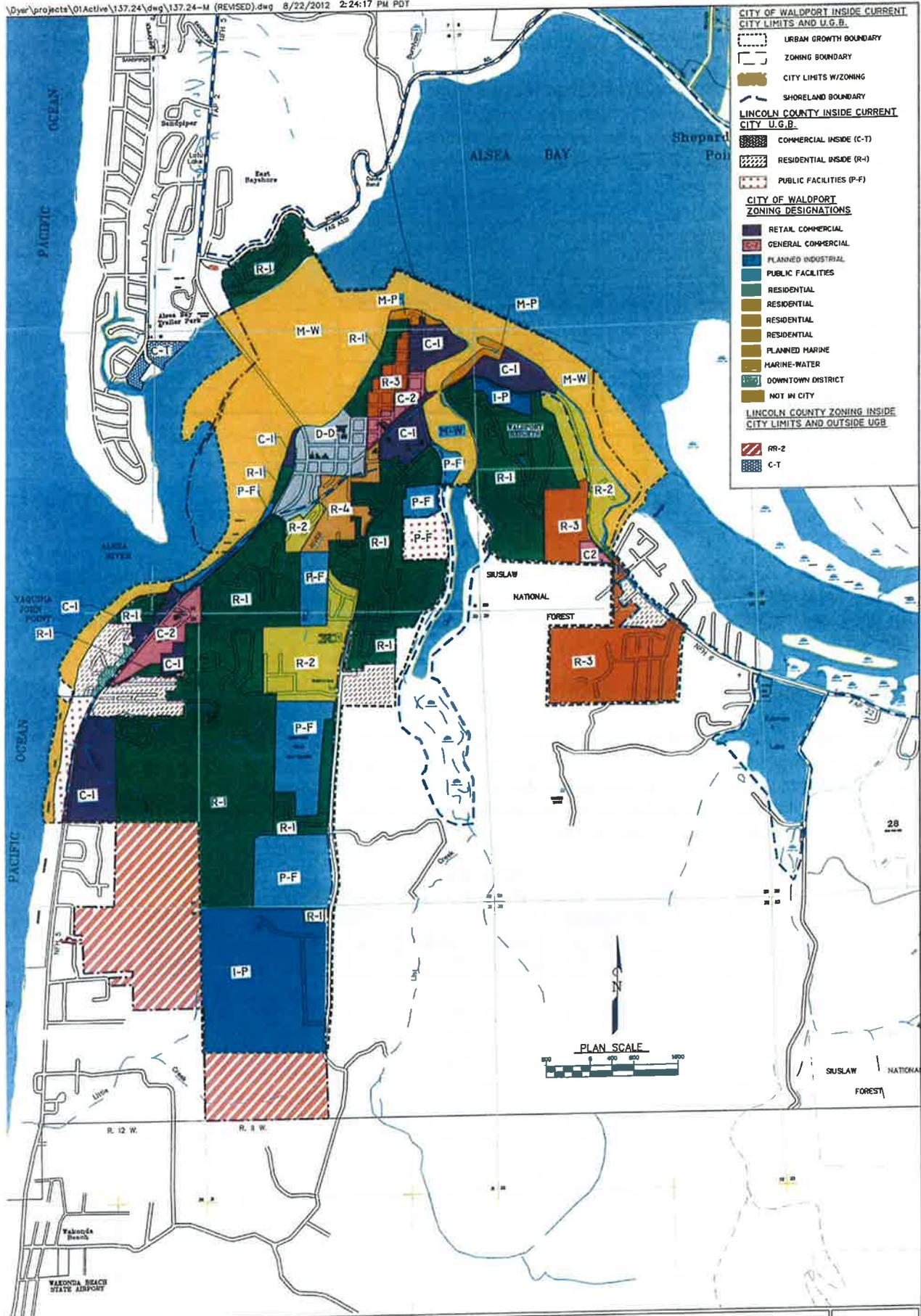
- **Residential Lands.** Much of Waldport's residential lands are located in the original townsite area east of Highway 101 and north of Highway 34 (Alsea Highway) to Alsea Bay. Residential lands also occupy the elevated marine terrace directly south of town and new subdivisions are being constructed in the hilly areas surrounding town.
- **Commercial Lands.** Waldport's commercial lands are generally located adjacent to Highway 101 and Highway 34. The commercial land within the UGB is at present time approximately 168 acres. Some of Waldport's commercial activities are retail and tourist-related services.
- **Public Facilities.** Public facilities consist of government offices, schools, hospital, transportation facilities, parks, and recreation areas such as golf courses..
- **Industrial Lands.** According to the recent zoning map update, the City has 7 acres of industrial lands along Highway 34 near Waldport Heights. There is an additional 160 acres of developed area within the UGB dedicated to future industrial use.
- **Marine.** Marine areas are zoned M-P (Planned Marine) and M-W (Marine-Water). The Planned Marine area consists of narrow strips of land on the eastern mouth of Lint Slough as it enters Alsea Bay and near the western month of Lint Slough at the northern most contiguous portion of Waldport.

Figure 5.1.1 shows a graphical depiction of the various land use zones within the City of Waldport.

5.2 Future Demand

Average Day Demand (ADD)

The average annual demand can be defined as the average water demand for any day in a given year. ADD is most commonly used to size facilities based on average water demand. When water diversion data is used to determine the ADD, it also becomes the basic unit that other demand quantities are built upon.



The ADD for the City of Waldport is summarized below in Table 5.2.1. The per capita ADD includes all commercial and residential water consumption along with all losses, leakage, meter inaccuracies, unmetered use, and all other lost water levels. Water diversion for the period of January to December for each of the years of 2008 to 2010 is listed below in Table 5.2.1.

**Table 5.2.1
Annual Average Day Demand - (2008-2031)**

Year	Annual Demand (Gal x 1000)	ADD (Gal x 1000)	Water Demand (Population)	Water EDUs	ADD/person (gpcd)
2008	95,700	262	2,145		127
2009	100,070	274	2,145		134
2010	88,510	242	2,033		119
Ave 2008-2010	94,760	260	2108		123
2011	95,708	262	2,053	1,549	128
2016	100,590	275	2,158	1,628	128
2021	105,721	289	2,268	1,711	128
2026	111,114	304	2,384	1,798	128
2031	116,781	320	2,505	1890	128

Based on water production data and the equivalent service population as presented in the table above and the estimated trend in water consumption, an ADD per capita consumption value of 128 gallons per capita per day (gpcd) represents water usage in the city of Waldport. The ADD per EDU consumption value is 169.7 gpd.

Maximum Monthly Demand (MMD)

Water demand in the city of Waldport fluctuates monthly with the highest demands generally in July. The higher summertime flows can be attributed to a combination of increased outdoor water use (i.e. landscaping) and the increase in population due to tourism and vacationers. A summary of the City's maximum month water demand and calculated peaking factors from 2008 to 2010, and projection for 20 years in five-year increments is provided in Table 5.2.2.

**Table 5.2.2
Maximum Month Water Demand - (2008-2031)**

Year	Max Month (Days)	Monthly Demand (Gal x 1000)	MMD (gpd x 1000)	Peaking Factor (MMD/ADD)
2008	July(31)	11,230	362	1.38
2009	July(31)	13,600	439	1.60
2010	July(31)	10,870	351	1.45
2008-2010 Ave.	July(31)	11,900	384	1.48
2011	July(31)	12,019	388	1.48
2016	July(31)	12,632	408	1.48
2021	July(31)	13,276	428	1.48
2026	July(31)	13,954	450	1.48
2031	July(31)	14,665	473	1.48

Peaking factors are commonly used to develop relationships between the ADD and the other planning criteria. As developed in Table 5.2.2, a MMD peaking factor of 1.48 is appropriate for the City’s demand data. Peaking factors tend to be consistent from one water system to another. It is common for water systems to have a MMD peaking factor on the order of 1.5 times the ADD.

Maximum Day Demand (MDD) and Peak Hour Demand (PHD)

The MDD is the demand that is experienced on the highest demand day of the year. The MDD is commonly used in sizing facilities to provide capacity for periods of high demand. The MDD may be experienced on a holiday such as the Fourth of July or during a local festival. The MDD is usually associated with the warmest part of the year when agriculture, irrigation, and recreational uses of potable water are at their greatest. Peaking factors between 2 and 2.5 are commonly used for MDD.

PHD is associated with the highest demand experienced during a single hour. Peak hour demand is commonly experienced during the early morning hours when many water users are bathing, cooking, and engaging in other activities that require widespread water use. PHD is used to size facilities for short periods of extreme demand. Peaking factors between 3 to 5 are commonly used for PHD.

A summary of the City's water demand criteria including PHD and MDD and associated peaking factors is provided in Table 5.2.3.

**Table 5.2.3
Summary Of Water Demand Peaking Factors**

Demand Parameter	Peaking Factor	Per Capita Demand (GPCD)
Average Day (ADD)	1	128
Maximum Month (MMD)	1.48	189
Maximum Day (MDD)	2.5	320
Peak Hour Demand (PHD)	4	512

It should be reiterated: the water demand figures developed above are based on total water diverted and include all unaccounted water.

5.3 Long-Range Supply Plan

Capacity Assessment

The capacity and sizing of a water system is based on the amount of anticipated water demand. Water system demand is the amount of water delivered from the source of supply to the distribution system over a given period. In most systems, the rate of demand varies considerably throughout the year and during each day. The demand rate is typically lower in the winter months and increases significantly in the summer months. Per capita demand is commonly used to evaluate and compare system demands.

Projections of future water demand are used to determine the adequacy of existing facilities and the capacity of proposed improvements. The projections are also used to evaluate existing water rights and source capacities.

The goal of responsibly projecting future water demands is not to build larger facilities to accommodate excessive water consumption, but rather to evaluate the capability of existing components and to size new facilities for reasonable demand rates. Waldport currently has minimal leakage and does not have excessive water consumption. Water demand projections are based on acceptable water loss quantities, and the community's expected water use characteristics. There does not appear to be any additional water conservation measures which may be implemented in a cost effective manner that would offset the amount of additional water needed. We believe this conclusion is borne out by the conservation analysis in Section 3.

Water demands are projected into the future using historical water demand levels and projected population and system growth characteristics. According to OAR 690-86-140, a water system should endeavor to reduce unaccounted water levels to 15 percent or less of the total water diverted from their raw water sources. The city of Waldport has done so. As developed previously in this section, the City experiences average unaccounted water levels on the order of 6 percent.

In order to project the water demand values into the future with reasonable and responsible levels of unaccounted water, the average total diverted water between 2008 and 2010 was used to project future water needs. The resulting demands were recalculated at this demand level and projected throughout the planning period.

Table 5.3.1 below summarizes the EDUs and water demand projections for the various planning criteria developed above using the average of 2008 to 2010 as the base.

**Table 5.3.1
Future Water Demand For The City Of Waldport**

Parameter	2011	2021	2031	2061
# of EDU's	1,549	1,697	1,845	2,290
Water Demand (MGD) – Basis For Long Range Supply Plan				
ADD (169.7)	0.263	0.290	0.321	0.432
MMD (251.1)	0.389	0.430	0.475	0.640
MDD (424.1)	0.657	0.726	0.801	1.080
PHD (678.6)	1.051	1.161	1.283	1.729

Ten, 20 and 50-year projections have been provided in Table 5.3.1 for the purposes of long-term planning. However, the growth rates and demand estimates should be reviewed at the beginning of each planning cycle.

It should be reiterated that the above projections are based on average demand levels and assume the City will be successful in maintaining overall unaccounted water levels under 10 percent. If the City is unsuccessful in this effort, future demands are likely to be higher.

Projected 20-year Withdrawal

The maximum day demand (MDD) for the 20-year planning period is approximately 801,005 gpd. This MDD equates to 1.24 cfs (556 gpm). The City has primary water rights on Eckman Creek totaling 4 cfs.

0.23 cfs from North Weist Creek, and 0.5 cfs from South Weist Creek. In addition to the rights on its sources, the City holds a permit for 1.5 cfs on Southworth Creek that has not yet been developed.

While at face value it appears the City has ample raw water for its needs, the available raw water can be significantly less due to low summer stream flows. Table 5.3.2 summarizes basin information, water right information, and estimated stream flow information for each permitted raw water source.

**Table 5.3.2
Estimated Available Stream Flows**

Creek Name	N. Weist	S. Weist	Eckman '49 (upstream)	Eckman '55 (downstream)	Southworth
DRAINAGE AREA	0.29 Sq. Miles	0.29 Sq. Miles	0.45 Sq. Miles	1.09 Sq. Miles	2.74 Sq. Miles
Permit Rate	0.23 cfs	0.5 cfs	2.0 cfs	2.0 cfs	1.5 cfs
Month	Flow (cfs)	Flow (cfs)	Flow (cfs)	Flow (cfs)	Flow (cfs)
January	2.81	2.81	4.35	10.55	26.52
February	1.96	1.96	3.05	7.38	18.56
March	1.96	1.96	3.05	7.38	18.56
April	1.4	1.4	2.18	5.27	13.26
May	0.94	0.94	1.45	3.52	8.84
June	0.84	0.84	1.31	3.16	7.95
July	0.56	0.56	0.87	2.11	5.3
August	0.37	0.37	0.58	1.41	3.54
September	0.28	0.28	0.44	1.05	2.65
October	0.47	0.47	0.73	1.76	4.42
November	1.78	1.78	2.76	6.68	16.79
December	3.37	3.37	5.23	12.66	31.82

The current pump system at Eckman Creek provides 332-gpm (0.74 cfs). When the active pump is operating, the Weist Creek waterlines do not provide a significant amount raw water due to hydraulic conditions. The yield provided from the pump during months of low raw water does not satisfy the existing MDD of 1.02 cfs, nor will it meet the projected 2021 MDD of 1.12 cfs. New piping and valves would improve simultaneous diversion of raw water from the Weist Creek and Eckman Creek sources in the future. A planned upgrade to the existing water treatment plant will allow withdrawal and treatment at 560 gpm (1.25 CFS). However, the actual water available at the Eckman Diversion is limited to increased withdrawal due to existing pump size, low flow and concerns for potential in-stream ODFW claims for a portion of water during low flow periods. Therefore, the City is in the process of “making proof” on Transfer T-8835 (proposed to re-certificate the 0.23 CFS flow from North Weist Creek and 0.50 CFS flow from South Weist Creek) and intends to partially certificate an initial withdrawal rate of 0.73 CFS from the Upstream Eckman Creek and then to further “green light a withdrawal of an additional 0.5 CFS to total 1.24 CFS under permit S-18654. An Extension of Time Application is currently pending for the City's Southworth Creek water right (Permit S-30624).

To summarize, the City wishes to developing the Point of Diversion (POD) on Eckman Creek into a certificate for 1.24 cfs (556 gpm). As previously shown, the available flows in Eckman Creek and Weist

Creeks will not be sufficient to meet the City’s 50-year demands. The City’s raw water system capacity is source-limited by availability and stream flow rather than by water right.

A summary of the 20-year projected demands and the minimum water available in Eckman and Weist Creeks is provided below in Table 5.3.3 shows the estimated flows of the streams in the lowest flow month of September.

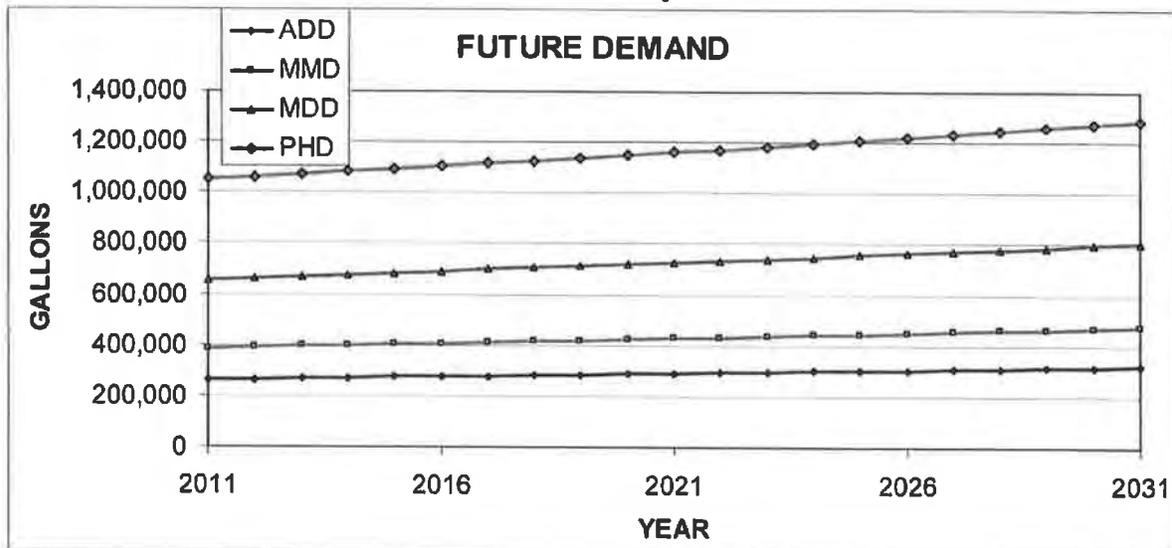
**Table 5.3.3
Projected Water Requirements Vs Available Water**

Criteria	2031 Demand Level* (cfs)	Minimum Combined Flows: Eckman and Weist Creeks (cfs) Approx.*
ADD	0.496	2.05
MMD	0.734	2.05
MDD	1.240	2.05
PHD	1.984	2.05

*These are combined estimated stream flows for September of any year. This does not mean that all the flow can be diverted at once from one diversion.

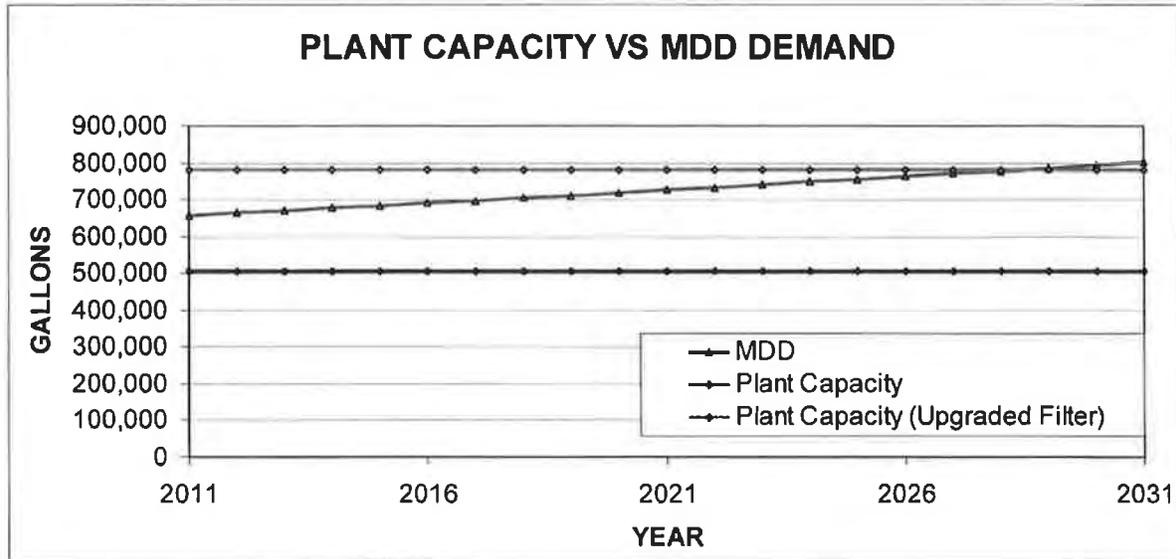
It should be reiterated that the water demands summarized above in Table 5.3.3 have been adjusted to represent approximate consumption rates if unaccounted water levels are kept the same. Figure 5.3.2 shows a graph with the projected demands over the 20-year planning period.

**Figure 5.3.1
Future Demand Projections**



The current water treatment plant can process approximately 493,500 gallons a day. This number assumes that the plant would be operating at 350 gpm for 23.5 hours a day. The plant has to backwash a minimum of once every twenty-four hours, and the backwash cycle takes approximately 30 minutes. Based on these projections, the plant has exceeded its capacity to handle the MDD demand. Planned improvements to increase the filter capacity to 560 gpm will allow the plant to produce 789,600 gallons per day (560 gpm x 23.5 hrs). The plant will then be anticipated to provide MDD demands until just prior to the year 2031. A major treatment capacity upgrade on or before 2031 will be required to meet the maximum demand day requirements thereafter. Figure 5.3.3 Shows Plant capacity vs. MDD for the plan period.

**Figure 5.3.2
Plant Capacity vs MDD**



5.4 Schedule for Beneficial Use

The City currently withdraws water from four separate water rights. All water rights are for municipal use. Only two of these water rights had been certificated. These certifications were cancelled to a transfer of the point of diversion. The City of Waldport is currently working to reestablish these two certificated water rights. In order to solidify its present permits, the City has developed a timeline for applying beneficial use and certification of each unperfected right. That schedule is shown in Table 5.4.1 on the following page. The City’s water needs are based on the demand forecast in Table 5.3.1 – “Future Water Demand for the City of Waldport”.

**Table 5.4.1
City of Waldport Water Rights Perfection Schedule**

Permit No.	Priority Date	Certificate	Rate CFS	Perfection Schedule	Notes
10315	3-Aug-31	11150	0.23	2013	Re-Certificated -N. Fork Weist Creek
9114	16-May-29	11357	0.50	2013	Re-Certificated -S. Fork Weist Creek
18654	18-Mar-49	---	0.74	2013	Partial Certification Eckman Creek – 1949
18654	18-Mar-49	---	1.24	2018	Partial Certification Eckman Creek – 1949
23587	5-Apr-55	---	Transferred	NA	Eckman Creek - 1955
30624	4-Feb-64	---	1.25	2018	Southworth Creek
7120	6-Sep-24	6335	0.50	Complete	Red River

5.5 Identification of Resource Issues

The sources of water being drawn by the City are surface waters. The issues defined under OAR 890-086-140 (5) (i) include identification of any stream flow-dependent species listed by a state or federal agency as sensitive, threatened or endangered that are present in the source, any listing of the source as water quality limited and the water quality parameters for which the source was listed, and any designation of the source as being in a critical groundwater area.

In the area of the City's surface water sources, are the following listings:

Oregon Coast Coho Salmon (*Oncorhynchus kisutch*)

State of Oregon: Sensitive – Vulnerable
Federal: Threatened

Oregon Spring Chinook Salmon (*Oncorhynchus tshawytscha*)

State of Oregon: Sensitive – Critical
Federal: N/A

Oregon Spring Steelhead (winter run) (*Oncorhynchus mykiss*)

State of Oregon: Sensitive – Vulnerable
Federal: Species of Concern

Western Brook Lamprey

State of Oregon: Sensitive – Vulnerable

Pacific Lamprey

State of Oregon: Sensitive – Vulnerable
Federal: Species of Concern

During a review of the draft report, WRD noted that the City's surface water sources are listed in DEQ's Water Quality Assessment Database – 2010 Integrated Report are impacted or may be impacted by the following parameters.

Eckman Creek: Turbidity, Aquatic Weeds/Algae, Dissolved Oxygen, Nutrients, pH, Sedimentation

Weist Creek: Turbidity

South Weist Creek: Turbidity

Contact with DEQ regarding this issue prompted the following response:

Specific case for Waldport's DWSA:

The Waldport drinking water source area (DWSA) is located within the Lower Alsea River (10-digit HUC 1710020504). The three creeks mentioned in the WRD excerpt located within the Waldport DWSA are:

1. *Eckman Creek/Unnamed Lake (Eckman Lake)*
2. *South Fork Weist Creek*
3. *Weist Creek*

*The status of each of these water bodies, for each of the pollutants that was assessed, is **Category 3: Insufficient data**. Therefore, none of these water bodies are currently listed as impaired (water quality limited or WQL; (i.e., as Category 5 – 303(d) listed)) on Oregon's Integrated Report.*

*There is a note in the assessment information for Eckman Creek that states: Waldport, City of. SDWIS database (DHS) shows shutdown(s) due to turbidity. Data not sufficient to determine if shutdowns are more frequent than normal operation patterns.
ref="http://170.104.63.9/index.html">Safe Drinking Water Information System - Data Access"*

We concluded that there is sufficient information to show that turbidity and total suspended sediment is a concern for Waldport's DWSA, based on past incident(s) associated with private industrial forestry practices that resulted, among other things, in an enforcement action by the Oregon Dept of Forestry. We are not aware of ongoing turbidity problems and would need more specific information from the City to make that assessment.

As noted in Section 4.1, the incident noted above was resolved with enforcement action by the Oregon Department of Forestry and no further incidents have occurred since then.

Under OAR 690-086-0170(7), for expanded or initial diversion of water under an existing permit, the water supplier is to describe mitigation actions it is taking to comply with legal requirements of the Endangered Species Act, Clean Water Act, and other applicable state or federal environmental regulation. The City currently is not required to take any mitigation actions under state or federal law.



Water Solutions, Inc.

To: Kerry Kemp, City of Waldport

From: Adam Sussman, GSI Water Solutions, Inc.

Date: June 22, 2015

Re: City of Waldport Water Rights Summary

At your request, GSI Water Solutions (GSI) has developed this brief summary of the water rights held by the City of Waldport (City). This summary includes an inventory of water rights held by the City and describes the status of each water right. A table summarizing the water rights and current status is attached.

Introduction to Water Rights

Under Oregon water law, with a few exceptions, the use of public water requires a water right from the Oregon Water Resources Department (OWRD). The right to use water is typically first granted in the form of a water use permit. The permit describes the priority date, amount of water that can be used, point of diversion, type of water use, and place of use. The permit allows the water user to develop the infrastructure needed to put the water to full beneficial use.

Permits also describe the timeline for making full beneficial use of the water. If the water right holder completes its development of the water by this deadline, it can complete a claim of beneficial use and request a certificate. If a water right holder needs more time to develop the water right, it may request an "extension of time" from OWRD. For the holders of certain "municipal use permits" an extension of time may limit the amount of water accessible under the "extended permit." In order to access additional water, the municipal permit holder may need to submit a Water Management and Conservation Plan (WMCP) to OWRD and receive OWRD approval of the WMCP.

The holder of a water right must apply to OWRD to change any of the elements of their water right. A permit holder can request a change to the point of diversion, and under limited circumstances, the place of use, through a "permit amendment" process. The holder of a certificate can request a change to the point of diversion, place of use, and type of use through a "transfer" process.

Typically, if the holder of a water right certificate does not use water for five consecutive years, a presumption of forfeiture is established and OWRD can initiate a proceeding to cancel the water right. However, municipal use certificates are generally not subject to forfeiture.

Existing Water Rights

The City holds seven distinct water rights summarized in the attached table. Four of the water rights are evidenced by a water right certificate. For water rights certificates 6335 (0.5 cfs from Red River; not currently used by the City), 88452 (0.5 cfs from Weist Creek), 88453 (0.23 cfs from North Fork Weist Creek) and 88507 (0.74 cfs from Eckman Creek), no additional action is needed since these are certificated water rights for municipal use. However, water right certificate 6335 is in the name of Z.C Copeland, so if the City is the owner/holder of this water right, it could provide documentation and submit a change in ownership form to OWRD.

The City holds three water right permits and each requires additional actions.

Permit S-18654, 1.26 cfs from Eckman Creek:

Permit S-18654 was originally issued in 1949 for 2.0 cfs for use of Eckman Creek for municipal purposes. In June 2003, OWRD approved a permit amendment (T-8834), which modified the place of use and adjusted the point of diversion on Eckman Creek. In June 2013, the City was able to “partially certificate” the permit and received certificate 88507 (described above) for 0.74 cfs. In other words, the City was able to demonstrate the beneficial use of 0.74 cfs of the 2.0 cfs authorized under permit S-18654 and receive a certificate. Therefore, the remaining portion of permit S-18654 is 1.26 cfs.

The permit currently has a development deadline of October 1, 2021.

Needed Actions:

- **Access to water under the permit** - The recent permit extension for Permit S-18654 precluded use of the 1.26 cfs until the City had an approved WMCP demonstrating the need for the water. In September 2014, OWRD approved the City’s WMCP and authorized access to 1.24 cfs of the 1.26 cfs remaining under the permit. (See attached Final Order approving the City’s WMCP). An updated WMCP will be needed to access the remaining 0.02 cfs under the permit.
- **Progress Report** - The most recent permit extension for permit S-18654 requires the City to submit a Progress Report by October 1, 2017 that provides information on activities taken to develop the permit.
- **Water Right Certificate** – In order to obtain a water right certificate, the City (before October 1, 2021) will need to develop and submit a claim of beneficial use demonstrating the use of water under Permit S-18654. Under OWRD’s current guidance, this requires a demonstration of beneficial use (for example, treatment of the water and placement into the distribution system) for a period of four hours over an eight hour period. We understand that the full beneficial use of the permit was not previously demonstrated due to infrastructure limits (distribution and treatment) and natural limits on the amount of water in the system during peak demand.

Permit S-23587, 2.0 cfs from Eckman Creek:

Permit S-23587 was originally issued in 1955 for 2.0 cfs for use of Eckman Creek for municipal purposes. In June 2003, OWRD approved a permit amendment (T-8834), which modified the place of use and adjusted the point of diversion on Eckman Creek. To date, the City has not relied on this permit to meet its water supply demands.

The permit currently has a development deadline of October 1, 2021.

Needed Actions:

- **Access to water under the permit** - The recent permit extension for Permit S-23587 precluded use of the 2.0 cfs until the City had an approved WMCP demonstrating the need for the water. In September 2014, OWRD approved the City's WMCP, but the City did not seek access to any of the water under Permit S-23587. (See attached Final Order approving the City's WMCP). An updated WMCP will be needed to access water under the permit.
- **Progress Report** - The most recent permit extension for Permit S-23587 requires the City to submit a Progress Report by October 1, 2017 that provides information on activities taken to develop the permit.
- **Water Right Certificate** – In order to obtain a water right certificate, the City (before October 1, 2021) will need to develop and submit an updated WMCP seeking access to water under the permit and then submit a claim of beneficial use demonstrating the use of water under Permit S-23587. Under OWRD's current guidance, this requires a demonstration of beneficial use (for example, treatment of the water and placement into the distribution system) for a period of four hours over an eight hour period. We understand that beneficial use of the permit to date has not been demonstrated due to infrastructure limits (distribution and treatment) and natural limits on the amount of water in the system during peak demand.

Permit S-30624, 1.50 cfs from Southworth Creek

Permit S-30624 was originally issued in 1966 for 1.50 cfs for use of Southworth Creek for municipal purposes. The current timeline to develop the permit expired in October 2000.

In August 2013, the City "updated" its pending permit extension application. In October 2013, OWRD reviewed and processed the application, including the requirement to condition the permit to "maintain the persistence of listed fish species" and issued an order proposing to approve an extension of time to October 1, 2052. The proposed approval (Proposed Final Order) was protested by WaterWatch of Oregon in November 22, 2013. The main issue of the protest was that the 'fish passage' condition (a future agreement between the City and Oregon Department of Fish and Wildlife (ODFW)) was not adequate and needed to be in the Proposed Final Order so the public could be involved.

Since the protest was filed, the City has been conducting a fish passage study in cooperation with ODFW. Ultimately, the results of the study will be incorporated into OWRD's permit extension approval and resolve the WaterWatch protest.

The permit currently has a development deadline of October 1, 2000.

Needed Actions:

- **Complete the permit extension process** - The City will first need to complete its fish passage study and then work with ODFW and OWRD to resolve the permit extension protest and obtain a final order of approval. It is anticipated that the development deadline will be extended to October 2052.
- **Permit Amendment** – The authorized point of diversion for Permit S-30624 is at a location very close to Highway 34. Once the permit extension is approved, the City should modify the current point of diversion location to the location contemplated for the diversion facility.
- **Access to water under the permit** – the approved permit extension will require an updated WMCP be submitted within 3 years of the extension final order. In order to obtain access to water under Permit S-30624, the City’s WMCP (or a subsequent WMCP) must demonstrate the need to access the water under Permit S-30624 over the next 20 years.
- **Water Right Certificate** – After all the steps above are accomplished and the City is using Permit S-30624 for beneficial use, the City can seek a water right certificate.

Water Management and Conservation Plan

The City’s current Water Management and Conservation Plan was approved October 17, 2014. A progress report is required to be submitted by September 17, 2019. An updated plan is to be submitted by March 17, 2024. As described above, once the permit extension for Permit S-30624 is approved, an updated plan will be required within 3 years and the current deadlines for the WMCP will be replaced.

Water Rights Summary

CITY OF WALDPORT WATER RIGHTS SUMMARY
June-2015

Appl No.	Permit No.	Certificate No.	Transfer No.	Priority Date	Source	Allowed Rate (cfs)	Completion Date	Notes
S-9804	S-7120	6335	N/A	9/6/1924	Red River	0.50	N/A	Source not currently used by City. Certificate in the name of Z.C. Copeland.
S-12728	S-9114	88452	T-8835	5/16/1929	Weist Creek	0.50	N/A	Confirming certificate issued 6/12/2013
S-14279	S-10315	88453	T-8835	8/31/1931	North Fork Weist Creek	0.23	N/A	Confirming certificate issued 6/12/2013
S-23660	S-18654	88507	T-8834	3/18/1949	Eckman Creek	0.74	N/A	Partial perfection certificate issued 6/19/2013
S-23660	S-18654	N/A	T-8834	3/18/1949	Eckman Creek	1.26	10/1/2021	Limited to 1.24 cfs per Approved Water Management and Conservation Plan. Permit Extension Progress Report due 10/1/2017. An updated WMCP will be needed to access the remaining 0.02 cfs under the permit.
S-29939	S-23587	N/A	T-8834	4/25/1955	Eckman Creek	2.00	10/1/2021	Limited to 0 cfs per Approved Water Management and Conservation Plan. Permit Extension Progress Report due 10/1/2017. An updated WMCP will be needed to access water under the permit.
S-39480	S-30624	N/A	N/A	2/4/1964	Southworth Creek	1.50	10/1/2000	Permit extension Proposed Final Order Protested by WaterWatch of Oregon. Resolution (fish passage study) underway. Following an approved extension of time, need to do a permit amendment to move location of point of diversion. Limited to 0 cfs until permit extension is approved and additional use approved through an updated Water Management and Conservation Plan.

Certificate 6335

STATE OF OREGON

COUNTY OF LINCOLN

CERTIFICATE OF WATER RIGHT

This is to Certify, That **Z. C. Copeland**

of **Waldport**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Red River** a tributary of **Alsea Bay** for the purpose of **Municipal supply for City of Waldport** under Permit No. **7120** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **September 6, 1924**;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.5 cubic foot per second**;

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

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows: **Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Nineteen (19), Township Thirteen South, Range Eleven West of the Willamette Meridian, in Lincoln County, Oregon.**

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this **1st** day of **July**, 192**6**.

RHEA LUPER,

State Engineer.

Recorded in State Record of Water Right Certificates, Volume **6**, page **6335**.

Certificate 88452

STATE OF OREGON

COUNTY OF LINCOLN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF WALDPORT
 PO BOX 1120
 WALDPORT OR 97394

confirms the right to use the waters of WEIST CREEK, tributary of ECKMAN CREEK, and ECKMAN CREEK, tributary to ALSEA RIVER for MUNICIPAL USE.

This right was perfected under permit S-9114. The date of priority is MAY 16, 1929. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.5 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversions.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	11 W	WM	33	SE NW	ECKMAN CREEK POD - NORTH 47 DEGREES 30 MINUTES 22 SECONDS WEST, 1693 FEET FROM C1/4 CORNER, SECTION 33
13 S	11 W	WM	33	NW SE	SOUTH WEIST CREEK POD - SOUTH 6 DEGREES 13 MINUTES 28 SECONDS EAST, 766 FEET FROM C1/4 CORNER, SECTION 33

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
13 S	11 W	WM	18	SW SE
13 S	11 W	WM	18	SE SE
13 S	11 W	WM	19	NE 1/4
13 S	11 W	WM	19	SW 1/4
13 S	11 W	WM	19	SE 1/4
13 S	11 W	WM	20	NW 1/4
13 S	11 W	WM	20	SW 1/4
13 S	11 W	WM	20	SE 1/4
13 S	11 W	WM	29	NE 1/4
13 S	11 W	WM	28	W 1/2 W 1/2
13 S	11 W	WM	29	NE NW
13 S	11 W	WM	29	SE NW
13 S	11 W	WM	29	NE SW
13 S	11 W	WM	29	NE SE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q-Q
13 S	11 W	WM	29	NW SE
13 S	11 W	WM	30	NW NE
13 S	11 W	WM	30	SW NE
13 S	11 W	WM	30	NW 1/4
13 S	11 W	WM	30	NE SW
13 S	11 W	WM	30	NW SW
13 S	11 W	WM	30	NW SE
13 S	12 W	WM	25	SW NE
13 S	12 W	WM	25	SE NE
13 S	12 W	WM	25	NE SE

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available from the original point of diversion.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The types and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall maintain and operate fish screening as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

This certificate is issued to confirm a change in PLACE OF USE, A CHANGE IN POINT OF DIVERSION, AND AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered July 16, 2003, at Special Order Volume 57, Page 1035, approving Transfer Application 8835, and supersedes Certificate 11357, State Record of Water Right Certificates.

Issued JUN 12 2013


 Dwight W. French
 Administrator, Water Right Services, for
 Phillip C. Ward, Director

Certificate 88453

STATE OF OREGON

COUNTY OF LINCOLN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF WALDPORT
 PO BOX 1120
 WALDPORT OR 97394

confirms the right to use the waters of the NORTH FORK OF WEIST CREEK, a tributary of WEIST CREEK and ECKMAN CREEK, a tributary to ALSEA RIVER for MUNICIPAL SUPPLY.

This right was perfected under permit S-10315. The date of priority is AUGUST 31, 1931. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.23 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	11 W	WM	33	SE NE	NORTH WEIST CREEK POD - NORTH 87 DEGREES 52 MINUTES EAST, 58 FEET FROM C-E1/16 CORNER, SECTION 33
13 S	11 W	WM	33	SE NW	ECKMAN CREEK POD - NORTH 47 DEGREES 30 MINUTE 22 SECONDS WEST, 1693 FEET FROM C1/4 CORNER, SECTION 33

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
13 S	11 W	WM	18	SW SE
13 S	11 W	WM	18	SE SE
13 S	11 W	WM	19	NE 1/4
13 S	11 W	WM	19	SW 1/4
13 S	11 W	WM	19	SE 1/4
13 S	11 W	WM	20	NW 1/4
13 S	11 W	WM	20	SW 1/4
13 S	11 W	WM	20	SE 1/4
13 S	11 W	WM	28	W 1/2 W 1/2
13 S	11 W	WM	29	NE 1/4
13 S	11 W	WM	29	NE NW
13 S	11 W	WM	29	SE NW
13 S	11 W	WM	29	NE SW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q-Q
13 S	11 W	WM	29	NE SE
13 S	11 W	WM	29	NW SE
13 S	11 W	WM	30	NW NE
13 S	11 W	WM	30	SW NE
13 S	11 W	WM	30	NW 1/4
13 S	11 W	WM	30	NE SW
13 S	11 W	WM	30	NW SW
13 S	11 W	WM	30	NW SE
13 S	12 W	WM	25	SW NE
13 S	12 W	WM	25	SE NE
13 S	12 W	WM	25	NE SE

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available from the original point of diversion.

When required by the Department, the water user shall install and maintain headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The types and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall maintain and operate fish screening as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

This certificate is issued to confirm a change in PLACE OF USE, A CHANGE IN POINT OF DIVERSION, AND AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered July 16, 2003, at Special Order Volume 57, Page 1035, approving Transfer Application 8835, and supersedes Certificate 11150, State Record of Water Right Certificates.

Issued **JUN 12 2013**


 Dwight W. French
 Administrator, Water Right Services, for
 Phillip C. Ward, Director

Certificate 88507

STATE OF OREGON

COUNTY OF LINCOLN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF WALDPORT
 PO BOX 1120
 WALDPORT OR 97394-1120

confirms the right to use the waters of ECKMAN CREEK, a tributary of ALSEA RIVER, for MUNICIPAL USE.

This right was partially perfected under Permit S-18654. The date of priority is MARCH 18, 1949. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.74 CUBIC FEET PER SECOND, or its equivalent in case of rotation with other water users, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	11 W	WM	33	SE NW	NORTH 47 DEGREES 30 MINUTES 22 SECONDS WEST, 1693 FEET FROM C 1/4 CORNER, SECTION 33

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
13 S	11 W	WM	18	SW SE
13 S	11 W	WM	18	SE SE
13 S	11 W	WM	19	NE 1/4
13 S	11 W	WM	19	SW 1/4
13 S	11 W	WM	19	SE 1/4
13 S	11 W	WM	20	NW 1/4
13 S	11 W	WM	20	SW 1/4
13 S	11 W	WM	20	SE 1/4
13 S	11 W	WM	28	W 1/2 NW 1/4
13 S	11 W	WM	28	W 1/2 SW 1/4
13 S	11 W	WM	29	NE 1/4
13 S	11 W	WM	29	NE NW
13 S	11 W	WM	29	SE NW
13 S	11 W	WM	29	NE SW
13 S	11 W	WM	29	NE SE
13 S	11 W	WM	29	NW SE
13 S	11 W	WM	30	NW NE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q-Q
13 S	11 W	WM	30	SW NE
13 S	11 W	WM	30	NW 1/4
13 S	11 W	WM	30	NE SW
13 S	11 W	WM	30	NW SW
13 S	11 W	WM	30	NW SE
13 S	12 W	WM	25	SW NE
13 S	12 W	WM	25	SE NE
13 S	12 W	WM	25	NE SE

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Lot	Measured Distances
14 S	11 W	WM	5	SE NW	7	SOUTH 23 DEGREES 25 MINUTES EAST, 2110.96 FEET FROM NW 1/4 CORNER OF LOT 2, SECTION 5

When required by the Department, the water user shall install and maintain headgate, in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The types and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Water shall be acquired from the same surface water source as the original point of diversion.

The water user shall maintain and operate a fish screen or fish by-pass device as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

This certificate is issued for a partial perfection of Permit S-18654 as described in OAR 690-320-0040 and at Special Order Volume 89, Page 914.

Issued **JUN 19 2013**



Dwight W. French
 Administrator, Water Right Services, for
 Phillip C. Ward, Director

Permit S-18654

**Final Order - Application for
Extension of Time for
Permit S-18654
(Issued 10/29/2002)**

BC 00

* APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, City of Waldport, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation Municipal Corporation

1. The source of the proposed appropriation is Echman creek, a tributary of Alsea Bay

2. The amount of water which the applicant intends to apply to beneficial use is TWO cubic feet per second.

**3. The use to which the water is to be applied is Municipal Purposes

4. The point of diversion is located Section 5 corner of Section 5

Point of diversion is S. 23 deg 25' E. 2110.96 ft. from the N.W. Corner of Lot 2, Section 5.

being within the Lot 7 of Sec. 5, Tp. 14 S., R. 11 W., W. M., in the county of Lincoln

5. The Pipe line to be 7300 ft in length, terminating in the S.E. 1/4 of S.W. 1/4 of Sec. 33, Tp. 13 S., R. 11 W., W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 5 feet, length on top 25 feet, length at bottom 15 feet; material to be used and character of construction Concrete

(b) Description of headgate

(c) If water is to be pumped give general description

* A different form of application is provided where storage works are contemplated.

** Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission.

T-8834 Δ POU/P&D perm. Amend 81029

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 7300 ft.; size at intake, 8" in.; size at ft. from intake in.; size at place of use 8 in.; difference in elevation between intake and place of use, 230 ft. Is grade uniform? No Estimated capacity, Two sec. ft.

8. Location of area to be irrigated, or place of use

Township	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
13 S	17 W	25	N.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$	
"	"	24	S.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ Portion	
"	"	19	All	
"	"	20	All	
"	"	29	N.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$	
"	"	28	North Half	
"	"	28	W. $\frac{1}{2}$ of S.W. $\frac{1}{4}$	
"	"	33	W. $\frac{1}{2}$ of N.W. $\frac{1}{4}$	
"	"	33	N. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$	

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.

(Legal Subdivision)

Tp., R., W. M.

(No. N. or S.)

(No. E. or W.)

(f) Is water to be returned to any stream?

(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.

(No. N. or S.)

(No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

Municipal or Domestic Supply—

10. (a) To supply the city of Waldport
Lincoln County, having a present population of 700
(Name of)
 and an estimated population of 1200 in 1954.
 (b) If for domestic use state number of families to be supplied _____

(Answer questions 11, 12, 13, and 14 in all cases)

- 11. Estimated cost of proposed works, \$ 20,000.
- 12. Construction work will begin on or before June 1949.
- 13. Construction work will be completed on or before 1954.
- 14. The water will be completely applied to the proposed use on or before _____

(Sgd) City of Waldport
(Signature of applicant)

City recorder
(Sgd) Neta Twombly

Remarks: This application is to provide for adequate water supply
for the future use of the city and surrounding areas.

STATE OF OREGON, }
 County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for Completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before April 25, 1949.

WITNESS my hand this 25th day of March, 1949.

CHAS. E. STRICKLIN
STATE ENGINEER

By Ed K. Humphrey, Assistant

Application No. 23660

Permit No. 18654

PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Division No. District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 18th day of March, 1949, at 8:00 o'clock A.M.

Returned to applicant:

Corrected application received:

Approved:

April 25, 1949

Recorded in book No. 46 of

Permits on page 18654

CHAS. E. STRICKLIN STATE ENGINEER

Drainage Basin No. 18 Page 12 A

Fees Paid \$22.00

PERMIT

STATE OF OREGON, } ss. County of Marion,

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Echman Creek

The use to which this water is to be applied is municipal

If for irrigation, this appropriation shall be limited to - - - of one cubic foot per second

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

The priority date of this permit is March 18, 1949

Actual construction work shall begin on or before April 25, 1950 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before

October 1, 1951

Complete application of the water to the proposed use shall be made on or before

October 1, 1952

WITNESS my hand this 25th day of April, 1949

CHAS. E. STRICKLIN

STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 2, chapter 74, Oregon Laws 1933.

BC21

Final Order¹
Extension of Time for Permit Number S-18654

Application History

On NOVEMBER 6, 2001, the CITY OF WALDPORT submitted an application to the Department for an extension of time for permit number S-18654. The Department issued permit number S-18654 on APRIL 25, 1949. The permit called for completion of construction of the water development project by OCTOBER 1, 1951, and complete application of water to the full beneficial use by OCTOBER 1, 1952. In accordance with OAR 690-315-0050(2), on AUGUST 13, 2002, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2021. The protest period closed SEPTEMBER 27, 2002, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

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

CONDITIONS

1. Water Management and Conservation Plan

Within two years of the issuance of this Proposed Final Order for an Extension of Time, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management and Conservation Plan.

2. Development Limitations

The permittee may continue to appropriate a maximum rate of 0.74 cfs (330.0 gpm) of water under Permit #S-18654 until or unless a Water Management and Conservation Plan demonstrating the need for additional water is approved by the Department in accordance

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the Circuit Court for the County in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

with OAR Chapter 690, Division 86. No additional water may be developed until the final order approving the Water Management and Conservation Plan under OAR Chapter 690, Division 86 is issued by the Department. The Department will limit the additional quantity of water and may add additional limitations and conditions consistent with the policy and rules of the Department in place at the time the Water Management and Conservation Plan is approved.

3. **Progress Reporting**

In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, of the years 2007, 2012 and 2017.

The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

The Department's continuing evaluation reveals that the following modifications must be made to the Proposed Final Order:

CONDITIONS

1. **Development Limitations and Water Management and Conservation Plan**
The permit holder is limited to a maximum diversion rate of 0.74 cfs (330.0 gpm) of water under Permit #S-18654. Diversion of water beyond 0.74 cfs shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86. The required Water Management and Conservation Plan shall be submitted to the Department within 3 years from the date of issuance of this extension order.

2. **Progress Reporting**
In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, of the years 2007, 2012 and 2017. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration any reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

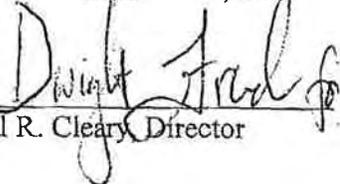
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

The factors shown by the applicant, together with the conditions imposed by the Department and the modifications made herein, establish good cause for the permit extension.

Order

The extension of time for Application Number S-23660, Permit Number S-18654, therefore, is approved with the above modifications to the Proposed Final Order. The deadline for completing construction is extended to OCTOBER 1, 2021. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2021.

DATED: October 29, 2002


Paul R. Cleary, Director

Permit S-23587

**Final Order - Application for
Extension of Time for
Permit S-23587
(Issued 10/29/2002)**

*APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, CITY OF WALDPORT, OREGON (Name of applicant) of WALDPORT (Mailing address) State of OREGON, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation Municipal Corporation (1911)

1. The source of the proposed appropriation is Branch of Salmon Creek (Name of stream), a tributary of Tillamook Bay

2. The amount of water which the applicant intends to apply to beneficial use is 7.0 cubic feet per second. (If water is to be used from more than one source, give quantity from each)

*3. The use to which the water is to be applied is Municipal water supply (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located ft. and ft. from the corner of (Section or subdivision)

Sec. 10 between Sec. 5 and Sec. 6 East

2630 feet from the NW 1/4 corner of Section 5

South 10° 00' East 2000 feet from the North West corner of Section 5 (If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the 1st 10 of Sec. 5, Tp. 14 S. (Give smallest legal subdivision) (N. or S.)

R. 12 W. M., in the county of LINCOLN. (E. or W.)

5. The (Main ditch, canal or pipe line) to be (Miles or feet) in length, terminating in the (Smallest legal subdivision) of Sec. (N. or S.)

R. W. M., the proposed location being shown throughout on the accompanying map. (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 6 feet, length on top 15 feet, length at bottom 15 feet; material to be used and character of construction Concrete (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate 3 1/2 inch Valve (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description (Size and type of pump) (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

7-7-34

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, ~~4 1/2~~ ^{approximately 8000 feet} ft.; size at intake, 8" in.; size at ft. from intake 8 in.; size at place of use 8 in.; difference in elevation between intake and place of use, 250 - ft. Is grade uniform? No Estimated capacity, 2 2 sec. ft.

8. Location of area to be irrigated, or place of use

Township	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
13S	11W	18-19-20	Corporate Limits in these sections	
13S	11W	18-19-20	Corporate Limits in these sections.	

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.
(Legal subdivision)

Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

Municipal or Domestic Supply—

23587

10. (a) To supply the city of Waldport Waldport
Lincoln County, having a present population of 1000 plus 500 outside City
(Name of) and an estimated population of 2000 in 19 60

(b) If for domestic use state number of families to be supplied City.....

(Answer questions 11, 12, 13, and 14 in all cases)

- 11. Estimated cost of proposed works, \$.....
- 12. Construction work will begin on or before June 1960 June 1960
- 13. Construction work will be completed on or before Sept 1970 Sept 1970
- 14. The water will be completely applied to the proposed use on or before Sept 1970

William F. Keady
(Signature of applicant)

Recorder.

Remarks: This application is for future use of
the City of Waldport and the area adjacent thereto.

Application has been made to the Bureau of Land Management
in Twp. 14S 511 N with the Bureau of Land Management.

This application is for future needs of the City of Waldport
and adjacent area.

Application has been made for Lot 10 Section 5 in Twp 14S range 11
with the Bureau of Land Management.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for completion.

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before July 25, 1955.

WITNESS my hand this 26th day of May, 1955.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Eckman Creek

The use to which this water is to be applied is municipal

If for irrigation, this appropriation shall be limited to - - of one cubic foot per second

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

The priority date of this permit is April 25, 1955

Actual construction work shall begin on or before September 22, 1960 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1961

Complete application of the water to the proposed use shall be made on or before October 1, 1962

WITNESS my hand this 22nd day of September, 1955

Lewis A. Stanley

STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 2, chapter 74, Oregon Laws 1933.

Application No. 29939
Permit No. 23587

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

Division No. District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 25th day of April, 1955, at 8:00 o'clock A. M.

Returned to applicant:

Corrected application received:

Approved:

September 22, 1955

Recorded in book No. 62 of Permits on page 23587

LEWIS A. STANLEY
STATE ENGINEER

Drainage Basin No. 18 Page 128

Fees Paid \$22.00

STATE PRINTING DEPT.

ABC

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-29939

Final Order¹
Extension of Time for Permit Number S-23587

Application History

On NOVEMBER 6, 2001, the CITY OF WALDPORT submitted an application to the Department for an extension of time for permit number S-23587. The Department issued permit number S-23587 on SEPTEMBER 22, 1955. The permit called for completion of construction of the water development project by OCTOBER 1, 1961, and complete application of water to the full beneficial use by OCTOBER 1, 1962. In accordance with OAR 690-315-0050(2), on AUGUST 13, 2002, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2021. The protest period closed SEPTEMBER 27, 2002, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

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

CONDITIONS

1. **Water Management and Conservation Plan**
Within two years of the issuance of this Proposed Final Order for an Extension of Time, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management and Conservation Plan.
2. **Development Limitations**
The permittee may not develop water under Permit #S-23587 until or unless a Water Management and Conservation Plan demonstrating the need for water is approved by the

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the Circuit Court for the County in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

Department in accordance with OAR Chapter 690, Division 86. No additional water under this permit may be developed until a final order approving a revised Water Management and Conservation Plan under OAR Chapter 690, Division 86 is issued by the Department. The Department will limit the additional quantity of water and may add additional limitations and conditions consistent with the policy and rules of the Department in place at the time a revised Water Management and Conservation Plan is approved.

3. **Progress Reporting**

In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, of the years 2007, 2012 and 2017. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or

- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

The Department's continuing evaluation reveals that the following modifications must be made to the Proposed Final Order:

CONDITIONS

1. **Development Limitations and Water Management and Conservation Plan**
The permit holder has not diverted any water under Permit #S-23587. Diversion of water under this permit, therefore, shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86. The required Water Management and Conservation Plan shall be submitted to the Department within 3 years from the date of issuance of this extension order.
2. **Progress Reporting**
In accordance with OAR 690-315-0050(6), the permittee must submit a written progress report to the Department by October 1, of the years 2007, 2012 and 2017. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration any reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

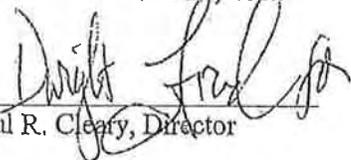
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

The factors shown by the applicant, together with the conditions imposed by the Department and the modifications made herein, establish good cause for the permit extension.

Order

The extension of time for Application Number S-29939, Permit Number S-23587, therefore, is approved with the above modifications to the Proposed Final Order. The deadline for completing construction is extended to OCTOBER 1, 2021. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2021.

DATED: October 29, 2002


Paul R. Cleary, Director

Permit S-30624

**Proposed Final Order -
Application for Extension of
Time for Permit S-30624
(Issued 10/8/2013)**

**WaterWatch Protest to
Proposed Final Order
(Dated 11/22/2013)**

*APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, City of Waldport, Oregon (Name of applicant)
of City Hall, Waldport (Mailing address)
State of ... do hereby make application for a permit to appropriate the

following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Darkey Creek (Name of stream)
a tributary of the Alsea River

2. The amount of water which the applicant intends to apply to beneficial use is 1.5
cubic feet per second. (If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Municipal domestic supply, fire
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)
protection and light irrigation

4. The point of diversion is located 3151.26 ft. N and 109.00 ft. W from the S 1/2
corner of section 26, T13S, R11W, W.M. (Section or subdivision)

Point of Diversion is N1°59'W 3153.15' from the S 1/2 Cor. Sec. 26, T13S, R11W,
W.M. (If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)
being within the NW 1/4 of Sec. 26, Tp. 13S (N. or S.)
R. 11W, W. M., in the county of Lincoln

5. The Main ditch, canal or pipe line to be (Miles or feet)
in length, terminating in the (Smallest legal subdivision) of Sec. (N. or S.)
R. (E. or W.), W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 8 feet, length on top 125 feet, length at bottom
100 feet; material to be used and character of construction Earth fill with
concrete spillway over the dam. (Loose rock, concrete, masonry,
rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description Vertical Turbine
650 gpm @ 225' head, 40 hp. (Size and type of pump)
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

30624

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 11,000 ft.; size at intake, 10" in.; size at ft. from intake in.; size at place of use 10", 8", & 6" in.; difference in elevation between intake and place of use, 0 ft. Is grade uniform? Yes Estimated capacity, 4 sec. ft.

8. Location of area to be irrigated, or place of use

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
13S	11W	26	W $\frac{1}{2}$ of Section	320
13S	11W	27	All W$\frac{1}{2}$ of Section	320
13S	11W	28	All W$\frac{1}{2}$ of Section	320
13S	11W	29	E $\frac{1}{2}$ W$\frac{1}{2}$ of Section	160
13S	11W	20	All SW$\frac{1}{4}$ of Section	160
13S	11W	20	All SW$\frac{1}{4}$ of Section	320
13S	11W	19	All SW$\frac{1}{4}$ of Section	320
13S	11W	19	All SW$\frac{1}{4}$ of Section	160

Municipal Use from 4/14/64

(If more space required, attach separate sheet)

(a) Character of soil Sandy loam

(b) Kind of crops raised Lawns and Gardens

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet. (Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec. (Legal subdivision)

Tp., R., W. M. (No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream? (Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M. (No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served **30624**

10. (a) To supply the city of Waldport 30624

Lincoln County, having a present population of 715
(Name of)

and an estimated population of 2500 in 1985

(b) If for domestic use state number of families to be supplied 400

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ 100,000

12. Construction work will begin on or before Dec. 1968

13. Construction work will be completed on or before June 1969

14. The water will be completely applied to the proposed use on or before 1973

City of Waldport

(Signature of applicant)

By Richard T. Wright
Engineer

Remarks: _____

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for completion

completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before April 24, 1964

RECEIVED
AUG 11 1965
STATE ENGINEER
SALEM, OREGON

~~September 28, 1964~~
Sept. 7, 1965

WITNESS my hand this 14th day of February, 1964

~~27th day of July, 1964~~
7th day of July, 1965

CHRIS L. WHEELER

STATE ENGINEER

By Walter Long
ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.5 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Darkey Creek

The use to which this water is to be applied is Municipal

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

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

The priority date of this permit is February 4, 1964

Actual construction work shall begin on or before January 5, 1967 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1967. ABC 10-1-70 EXTENDED TO OCT. 1 1980

Complete application of the water to the proposed use shall be made on or before October 1, 1968. ABC 10-1-70 EXTENDED TO OCT. 1 1980

WITNESS my hand this 5th day of January, 1966

ABC to 10-1-95
B+C to 10-1-2000

Chris I. Wheeler
STATE ENGINEER

Application No. 39480
Permit No. 30824

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 4th day of February, 1964, at 8:00 o'clock A.M.

Returned to applicant:

Approved:

January 5, 1966

Recorded in book No. 30824 of

CHRIS I. WHEELER
STATE ENGINEER

Drainage Basin No. 18 page 126
Fees \$200

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-30624, Water Right Application S-39480,) PROPOSED FINAL ORDER
in the name of the City of Waldport)

Permit Information

Application File S-39480/ Permit S-30624

Basin 18 – Mid Coast Basin / Watermaster District 1

Date of Priority: February 4, 1964

Authorized Use of Water

Source of Water: Southworth Creek, a Tributary of the Alsea River
Purpose or Use: Municipal Use
Maximum Rate: 1.5 Cubic Feet per Second (cfs)

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315.**

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

This Proposed Final Order applies only to Permit S-30624, water right Application S-39480.

Review Criteria for Municipal and Quasi-Municipal Water Use Permits [OAR 690-315-0080(1)]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0080(1). This determination shall consider the applicable requirements of ORS 537.230¹, 537.630² and/or 539.010(5)³

Complete Extension of Time Application [OAR 690-315-0080(1)(a)]

9. On April 14, 2003, the Department received a completed application for extension of time and the fee specified in ORS 536.050.

Start of Construction [OAR 690-315-0080(1)(b)]

10. Permit S-30624 was issued prior to June 29, 2005; therefore, the permit holder is not required to provide evidence of actions taken to begin actual construction of the project.⁴

Duration of Extension [OAR 690-315-0080(1)(c) and (1)(d)]

Under OAR 690-315-0080(1)(c) and (1)(d), in order to approve an extension of time for municipal and quasi-municipal water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

11. The remaining work to be accomplished under Permit S-30624 includes land acquisition, construction of a Southworth Creek pump station, water treatment plant, and treated water reservoir; expanding an existing plant filter; making improvements to the raw water system; adding, replacing and improving waterlines; and completing construction and applying water to full beneficial use.
12. As 2013, the permit holder has not diverted any of the 1.5 cfs of water authorized under Permit S-30624 for municipal purposes. There is an undeveloped portion of 1.5 cfs of water under Permit S-30624 as per OAR 690-315-0010(6)(g).
13. In addition to the 1.5 cfs of water authorized under Permit S-30624 the City holds the following municipal use water right certificates and permits:
 - Certificate 6335 for 0.5 cfs of water from the Red River;
 - Certificate 88452 for 0.5 cfs of water from the Weist Creek and Eckman Creek;
 - Certificate 88453 for 0.23 cfs of water from the North Fork Weist Creek and Eckman Creek;
 - Certificate 88507 for 0.74 cfs of water from the Eckman Creek (partial perfection of Permit S-18654);

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.630 applies to ground water permits only.

³ ORS 537.010(5) applies to surface water and ground water permits.

⁴ Section 5, Chapter 410, Oregon Laws 2005 and OAR 690-315-0070(1)(d).

- Permit 18654, modified by Permit Amendment T-8834 for 1.26 cfs of water from the Eckman Creek;
 - Permit S-23587, modified by Permit Amendment T-8834 for 2.0 cfs of water from the Eckman Creek;
14. The City's surface water rights total 6.73 cfs from four different sources of water. The city does not currently use water from the Red River. Water supplies from Weist Creek and Northfork Weist Creek are limited in the summer months, and therefore are typically relied on to meet current demands only in the wintertime. When Weist Creek impoundments are insufficient to meet the City's needs, water from Eckman Creek authorized under Certificate 88507 is used to meet current demands
 15. The City does not currently hold any groundwater rights. According the City's current WMCP, information regarding the yield of existing wells within several miles of the City indicates that groundwater is not a viable source form meeting the City's municipal water needs.
 16. The City has a Mutual Aid Agreement with Southwest Lincoln County Water District (SLCWD) to serve the unincorporated area of the City in times of emergency and drought, and for sharing water through a single pipeline intertie during times of surplus. In addition, the following water providers currently share connection for regional emergency water distribution: the Cities of Yachats, Waldport, and Toledo; and SLCWD and Seal Rock Water District.
 17. According to the City, in 2000, the population within the service boundary of City of Waldport was 2,050. The City estimates the population will increase at an approximate growth rate of 1 percent per year, reaching an estimated population of 3,088 by the year 2052.
 18. The City has 1,075 single-dwelling residential connections and 242 multifamily residential connections, which combined constitute approximately 90% of all service connections. The remaining consumption is by commercial, institutional and public water users.
 19. The City's peak water demand within its service area boundaries is 0.74 cfs.
 20. The City's peak day demand is projected to be approximately 1.5 cfs of water by the year 2052.
 21. According the City, there are an estimated 1,821 acres within the current Urban Growth Boundary (UGB) divided into five use classifications: residential lands, commercial lands, public facilities, industrial lands and marine lands. Based on the history of water services added by category (single-dwelling, multifamily, and commercial, institutional and public users), the City anticipates appropriate lands being available to accommodate the growth needed to reach it's projected future water demand within the next 52 years. (See Revisions to Extension Application, FIGURE 5.1.1, dated August 14, 2013.)

22. Full development of Permit S-30624 is needed to address the present and future water demand of City of Waldport, including system redundancy and emergency regional use.
23. In accordance with OAR 690-315-0080(1)(d) and as described in Finding 21, above, the City demonstrated that their estimated demand projection is consistent with the amount and types of lands and uses proposed to be served by the water user.
24. The City's request for an extension of time until October 1, 2052, to complete construction and to apply water to full beneficial use under the terms of Permit S-30624 is both reasonable and necessary.

Good Cause [OAR 690-315-0080(1)(e) and (3)(a-g)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3).

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0080(3)(a), (3)(c) and (4)]

Reasonable diligence and good faith of the appropriator must be demonstrated during the permit period or prior extension period as a part of evaluating good cause in determining whether or not to grant an extension. In determining the reasonable diligence and good faith of a municipal or quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(4) and shall evaluate how well the applicant met the conditions of the permit or conditions of a prior extension period.

25. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame.
26. During the last extension period, being October 1, 1995 to October 1, 2000, the City accomplished the following:
 - Completed improvements to downtown waterlines; and
 - Installed computer meter boxes.
27. Since October 1, 2000, the City has accomplished the following:
 - Continued installation of computer meter boxes;
 - Completed improvements to the Salmon, Rose and Michael Street waterlines;
 - Installed the Willow waterline;
 - Surveyed the Southworth POD;
 - Acquired an easement for the Southworth POD;
 - Acquired engineering services and water rights consultation for the permit extension; and
 - Submitted a WMCP to the Department.

28. According to the City, as of 2013, they have invested approximately \$690,782, which is approximately 8 percent of the total projected cost for complete development of this project. The City estimates an \$8,003,500 investment is needed for the completion of this project. The Department recognizes that while some of these investment costs are unique to construction and development solely under S-30624, other costs included in this accounting are not partitioned out for S-30624 because (1) they are incurred under the development of a water supply system jointly utilized under other rights held by the City, and/or (2) they are generated from individual activities counted towards reasonable diligence and good faith as listed in ORS 690-315-0080(4) which are not associated with just this permit, but with the development and exercise of all the City's water rights.
29. Since the issuance of Permit S-30624 on January 5, 1966, the City has not diverted any of the 1.5 cfs allowed for beneficial municipal purposes under the terms of this permit.
30. The Department has considered the City's compliance with conditions, and did not identify any concerns.

Financial Investment and Cost to Appropriate and Apply Water to a Beneficial Purpose

[OAR 690-315-0080(3)(b)]

31. According to the City, as of 2013, they have invested approximately \$690,782, which is approximately 8 percent of the total projected cost for complete development of this project. The City estimates an \$8,003,500 investment is needed for the completion of this project.

The Market and Present Demands for Water *[OAR 690-315-0080(3)(d)]*

32. As described in Findings 12 through 22 above, the City has indicated, and the Department finds that the City must rely on full development of their Permit S-30624
33. The City estimates an annual population growth rate of about 1 percent per year over a 52 year period, being the years 2000 to 2052.
34. Given the current water supply situation of the City, including current and expected demands, the need for system redundancy, and regional emergency water supply, there is a market and present demand for the water to be supplied under Permit S-30624.
35. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide that diversion of any water under Permit S-30624 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 which grants access to water under this extended permit. A "Development Limitation" condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this requirement.

Fair Return Upon Investment *[OAR 690-315-0080(3)(e)]*

36. Use and income from the permitted water development project would result in reasonable returns upon the investment made in the project to date.

Other Governmental Requirements [OAR 690-315-0080(3)(f)]

37. Delays caused by any other governmental requirements in the development of this project have not been identified.

Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]

38. Delay of development under Permit S-30624 was due, in part, to the size and scope of the municipal water system, which was designed to be phased in over a period of years.

Maintaining the Persistence of Listed Fish Species [OAR 690-315-0080(1)(f) and (2)]

The Department's determination regarding maintaining the persistence of listed fish species shall be based on existing data and advice of the Oregon Department of Fish and Wildlife (ODFW). The determination shall be limited to impacts related to stream flow as a result of use of the undeveloped portion of the permit and further limited to where, as a result of use of the undeveloped portion of the permit, ODFW indicates that stream flow would be a limiting factor for the subject listed fish species.

39. The pending municipal Application for Extension of Time for Permit S-30624 was delivered to ODFW on August 3, 2012, for ODFW's review under OAR-690-315-0080.
40. Notification that the pending municipal Application for Extension of Time for Permit S-30624 was delivered to ODFW for review was sent to the City on August 3, 2012.
41. Notification that the pending municipal Application for Extension of Time for Permit S-30624 was delivered to ODFW for review was published in the Department's Public Notice dated August 7, 2012. No public comments were received regarding this notice.
42. On January 22, 2013, the Department received ODFW's Division 315 Fish Persistence Evaluation for Permit S-30624.
43. Summary and Excerpts of Advice from ODFW:

Use of water under the portion of this permit that is undeveloped as of the date of the extension final order should be conditioned to maintain the persistence of listed fish species in the portions of waterways affected by water use under the permit. ODFW has determined that the reach from the mouth of Southworth Creek to the point of diversion on Southworth Creek would be affected by water use under this permit. ODFW's advice is based on the best available information and existing data.

ODFW recognizes that long term climatic variations will affect the amount of water in the system. In favorable water years, fish populations tend to increase and in unfavorable water years, fish populations contract. The long term objective for a listed species is to have the population increase to a sustainable level over time and to be able to maintain itself through natural fluctuations in the environment.

44. Department's Findings Based on Review of ODFW's Advice:

There is an undeveloped portion of 1.5 cfs of water under Permit S-30624 per OAR 690-315-0010(6)(g). Authorization to use any water under this permit can only be granted through the Department's review and approval of the municipal water user's future WMCPs (OAR 690-086).

The proposed condition in this extension of time is based on the following findings:

- a. ODFW's advice recognized that the use of the undeveloped portion of the permit would likely represent most or all of the natural streamflow during the summer months, and about 10% of the natural flow during the winter months.
- b. The key issue to maintaining the persistence of fish persistence when diverting the undeveloped portion of the permit is having sufficient flows between the mouth of Southworth Creek and the POD in order to allow unimpeded movement of fish upstream to spawning and rearing habitat located above the POD.
- c. Diversion of up to 1.5 cfs from May 1 to October 15 could adversely affect juvenile fish passage between the mouth of Southworth Creek and the POD.
- d. Passage of adult salmon and steelhead migrating upstream past the POD is a concern from October 15 to April 30.
- e. The City of Waldport shall work with ODFW to determine the amount of flow necessary to ensure fish passage, and must provide OWRD with an executed agreement between ODFW and the City which sets out specific passage requirements that ensure adequate upstream and downstream passage for fish when diverting up to 1.5 cfs under Permit S-30624.

45. The Department finds, based on ODFW's advice, that in the absence of conditions, the use of the undeveloped portion of Permit S-30624 will not maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit, and as a result of the use of the undeveloped portion of the permit, stream flows would be a limiting factor for the listed fish species.

46. Based on ODFW's advice, the Department proposes to require a condition to maintain, in the portions of the waterways affected by water use under Permit S-30624, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. (See Item 2 of the "Conditions" section of this PFO.)⁵

⁵ The Department, based on advice from the ODFW, has determined that the conditions contained in this PFO are appropriate for this extension. In other municipal extensions that require conditions to maintain the persistence of listed species, different conditions may be warranted depending on the advice received from ODFW and communications with the particular extension applicant.

47. On October 4, 2013, ODFW notified the Department that the proposed “Conditions to Maintain the Persistence of Listed Fish” for Permit S-30624 are consistent with their advice.
48. On October 4, 2013, the Department notified the City as per OAR 690-315-0080(2)(f) of ODFW’s written advice and the “Conditions to Maintain the Persistence of Listed Fish” proposed in this PFO for the pending municipal Application for Extension of Time for Permit S-30624.

CONCLUSIONS OF LAW

1. The City is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(2).
2. The City has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0080(1)(a).
3. Pursuant to Section 5, Chapter 410, Oregon Laws 2005, the permit holder is not required to demonstrate that actual construction of the project began within one year of the date of issuance of the permit, as otherwise required by OAR 690-315-0080(1)(b).
4. The time requested to complete construction and apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2052⁶. The estimated demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder pursuant to OAR 690-315-0080(1)(d).
6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the City has shown good cause for an extension of time to complete construction and to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. As required by OAR 690-315-0090(3) and as described in Finding 35, above, and specified under Item 2 of the “Conditions” section of this PFO, the diversion of any water beyond under Permit S-30624 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 which grants access to water under this extended permit.

8. In accordance with OAR 690-315-0080(1)(f), and as described in Findings 39 through 48, above, the persistence of listed fish species will not be maintained in the portions of the waterways affected by water use of the undeveloped portion under this municipal use permit, in the absence of special conditions. Therefore, the diversion of any water under Permit S-30624 will be subject to the conditions specified under Item 2 of the “Conditions” section of this PFO.

Proposed Order

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

Extend the time to complete construction under Permit S-30624 from October 1, 2000 to October 1, 2052.

Extend the time to apply the water to beneficial use under Permit S-30624 from October 1, 2000 to October 1, 2052.

Subject to the following conditions:

CONDITIONS

1. Development Limitations

Diversion of any water under Permit S-30624 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 that authorizes access to a greater rate of diversion under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. The amount of water used under Permit S-30624 must be consistent with this and subsequent WMCP’s approved under OAR Chapter 690, on file with the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of the final order may also meet the WMCP submittal requirements of other Department orders.

2. Condition to Maintain the Persistence of Listed Fish

Prior to diversion of any water under Permit S-30624 from Southworth Creek, the City of Waldport shall work with ODFW to determine the amount of flow necessary to ensure fish passage from the mouth of Southworth Creek to above the point of diversion on Southworth Creek, and must provide OWRD with an executed agreement between ODFW and the City which sets out specific passage requirements

that ensure adequate upstream and downstream passage for fish when diverting up to 1.5 cfs under Permit S-30624.

DATED: October 8, 2013


Dwight French
Water Right Services Division Administrator

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **November 22, 2013**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

If you have any questions about statements contained in this document, please contact Ann L. Reece at 503-986-0834.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.

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

Address any correspondence to: Water Right Services Division
725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266

**Oregon Water Resources Department
Water Rights Division**

In the Matter of Extension of) Time for S-30624 in the) Name of the City of) Waldport	PROTEST TO PROPOSED FINAL ORDER
---	------------------------------------

I. Name, Address and Telephone Number of Protestant

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

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II. Interests of Protestant

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

WaterWatch and its members have invested time and money promoting sound water policy, including in securing the fish persistence standard in ORS 537.230(2)(c).

WaterWatch also has invested time and money in ensuring fair water policy in which a beneficial user of water does not lose priority to a later user simply on grounds that the later user applied for and obtained a permit that was not developed with reasonable diligence within the statutory time required by law.

WaterWatch also represents the public's interest in protecting Oregon's waterways from exploitation and waste, investing its time and resources to ensure the highest beneficial use is realized from the public waterways. WaterWatch does this by participating in the water permitting process, including by reviewing and filing protests, as appropriate, to water permitting decisions; participating in the public review process for Water Management and Conservation Plans; and working in the Oregon legislature and on rules advisory committees, all with the goal of ensuring that the water laws are properly implemented so to achieve the sustainable and beneficial use of Oregon's waterways.

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

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

1. Water use under the extended permit, as conditioned, would harm existing surface water uses and their ability to support fish and aquatic ecosystems. The members of WaterWatch use water downstream of the proposed use for boating, fishing and recreation.

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

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3. Issuance of the permit would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring that the state not extend speculative water rights.

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

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

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

1. The PFO is contrary to law (ORS 537.230(2)(c)) and not supported by the evidence because use of the undeveloped portion of the permit is not conditioned to maintain the persistence of listed fish.

The PFO contains one permit condition (# 2) related to the statutory fish persistence requirement, ORS 537.230(2)(c). The condition reads in full:

Condition to Maintain the Persistence of Listed Fish

Prior to Diversion of any water under Permit S-30624 from Southworth Creek, the City of Waldport shall work with ODFW to determine the amount of flow necessary to ensure fish passage from the mouth of Southworth Creek to above the point of diversion on Southworth Creek, and must provide OWRD with an executed agreement between ODFW and the City which sets out specific passage requirements that ensure adequate upstream and downstream passage for fish when diverting up to 1.5 cfs under Permit S-30624.

PFO, p. 11-12. For reasons including but not limited to the following, that condition does not meet the requirements of ORS 537.230(2)(c) and any determination by WRD that it does is not supported by a preponderance of the evidence.

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a) The condition requiring an agreement to be made in the future, the contents and specifics of which are unknown, cannot meet the substantive fisheries protection standard of ORS 537.230(2)(c). Because the condition relies on a future agreement of unknown contents, there is no way to determine whether the condition will result in use of the undeveloped portion of the permit occurring in a way that maintains the persistence of listed fish, as required by the statute. Reliance on a future negotiation with no public review or notice also deprives the public of any ability to monitor, participate or seek review of the result.

b) The condition is contrary to the statutory requirement that WRD's fish persistence determination be based on existing data and the advice of ODFW, because it would rely on data to be developed in the future.

c) Even if the contents of a future agreement would substantively maintain fish persistence, the condition could not meet the requirements of the statute because it does not appear to provide WRD with the authority to enforce the contents of the agreement. It appears that the intention is for the agreement would identify a bypass flow to support fish migration, but nothing in the condition states that maintaining such a bypass flow would become a permit condition or that WRD would have the authority to enforce maintenance of the bypass flow. The condition should specifically identify what is enforceable by WRD and specifically what is a permit condition, and those enforceable

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permit condition components must ensure that use of the undeveloped portion of the permit will maintain fish persistence.

d) The condition is also deficient because it does not specify the duration of the agreement. This could result in a limited duration agreement fulfilling the condition, when such an agreement would not meet the requirements of ORS 537.230(2)(c) because use of the undeveloped portion would not be conditioned to maintain the persistence of listed fish after expiration of the limited duration agreement. The condition should explicitly require any agreement to be enforceable unless or until such time as the permit and any certificates issued for the permit are cancelled.

e) There is no evidence to support limiting the bypass flow condition from May 1 to October 15. The ODFW Advice (p. 3) identifies passage of adult salmon and steelhead migrating past the POD as a concern in all months, not just May 1 to October 15. The bypass flow should be required year-round, even if in some months it may be met without curtailing use of the permit.

f) The ODFW Advice (p. 2) states that winter steelhead and coho salmon rear in the reach between the POD and the mouth. In order to maintain fish persistence in the portions of the waterway affected by the permit, as required by statute, the use should be conditioned to protect rearing in addition to migration.

2. The PFO's market and present demand finding is **RECEIVED**

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The PFO states that the peak day demand for water in 2052 is projected to be 1.5 cfs. P. 5. The City holds 6.73 cfs in surface water rights, of which (excluding the permit at issue) 1.23 cfs are reported to be either unused or not reliable during the summer. PFO at p. 4-5. Given that the City is holding 5.5 cfs in reportedly usable water rights yet has a 2052 peak day demand of only 1.5 cfs, the PFO's finding that there is a market and present demand for this permit is in error. If the City is holding this permit for emergency backup or redundancy to its other permits and certificate, it should be conditioned to limit the total diversion among the permits and certificates to reflect the City's reasonable projected demand.

3. The PFO's finding of reasonable diligence is in error.

It does not appear that the City has done anything to construct works to utilize the permit in the nearly 50 years since permit issuance. That is not reasonable diligence, which is required for extension issuance. ORS 537.230(2).

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

1. The errors and deficiencies should be corrected by either denying the extension or issuing a Final Order properly conditioning the extension as described above.

V. Citation Of Legal Authority

Applicable legal authorities where known are cited above.

VI. Protest Fee

The required fee of \$600.00 is included with this protest.

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VII. Request For Hearing

Protestant requests a contested case hearing.

Dated: November 22, 2013

Respectfully submitted,

Lisa A. Brown

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

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SALEM, OREGON

Certificate of Service

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

CITY OF WALDPOR
PO BOX 1120
WALDPOR, OR 97394

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

Water Rights Services Division
Oregon Water Resources Department
725 Summer St. NE, STE A
Salem, OR 97301-1266
By hand delivery

Dated: November 22, 2013

Lisa A. Brown

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

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Final Order Approving a Water Management and Conservation Plan



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

September 22, 2014

City of Waldport
Attn: Kerry Kemp, City Manager
PO Box 1120
Waldport, OR 97394

Subject: Water Management and Conservation Plan

Dear Mr. Kemp:

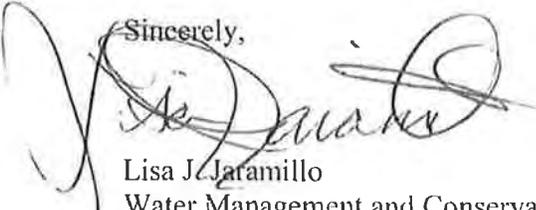
Enclosed, please find the final order approving the City of Waldport's Water Management and Conservation Plan (plan) and authorizing the diversion of up to 1.24 cfs of water under Permit S-18654 (Eckman Creek).

The attached final order specifies that the City of Waldport's plan shall remain in effect until **September 17, 2024**. Additionally, the City is required to submit a progress report to the Department by **September 17, 2019**, detailing progress made toward the implementation of conservation benchmarks scheduled in the plan. Finally, the City must submit an updated Water Management and Conservation Plan to the Department by **March 17, 2024**.

***NOTE:** The deadline established in the attached final order for submittal of an updated water management and conservation plan (consistent with OAR Chapter 690, Division 086) shall not relieve the City of Waldport from any existing or future requirement(s) for submittal of a water management and conservation plan at an earlier date as established through other final orders of the Department.*

We appreciate your cooperation in this effort. Please do not hesitate to contact me at 503-986-0880 or Lisa.J.Jaramillo@wrd.state.or.us if you have any questions.

Sincerely,



Lisa J. Jaramillo
Water Management and Conservation Analyst
Water Right Services Division

Enclosure

cc: WMCP File
Application S-23660 (Permit S-18654)
Application S-29939 (Permit S-23587)
District #01 Watermaster
The Dyer Partnership, 1330 Teakwood Avenue, Coos Bay, OR 97420
GSI Water Solutions, Inc., Attn: Adam Sussman, 1600 Western Blvd, Suite 240, Corvallis, OR 97333

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water)
Management and Conservation Plan for)
City of Waldport, Lincoln County) **FINAL ORDER APPROVING A
WATER MANAGEMENT AND
CONSERVATION PLAN**

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. The City of Waldport submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on April 11, 2012. The plan was required by a condition set forth under the City's previously approved plan (*Sp. Or. Vol. 61, Pg. 103*) issued on August 11, 2004.
2. The Department published notice of receipt of the plan on April 24, 2012, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the City on June 25, 2012. In response, the City submitted several revisions to the plan. The final revised plan was submitted on September 5, 2014.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125.
5. The projections of future water needs in the revised plan demonstrate a need for 1.24 cfs of water available under Permit S-18654 to help meet the City's overall projected water demands for the next 20 years and to help provide more redundancy and reliability in the City's water supply. These projections are reasonable and consistent with the City's land use plan.
6. The City's system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 6.0 percent.

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

7. The revised plan includes 5-year benchmarks for the continuation and/or implementation of the following conservation measures: a fully metered water system; a meter testing and maintenance program; a leak detection and repair program; a rate structure that includes a base rate and volumetric charge; and a program to educate its water customers about water conservation by including conservation messages and information on water bills and on the City's website, as well as educating students in the public school system.
8. The revised plan identifies North Fork Weist Creek, South Fork Weist Creek and Eckman Creek as the main water sources of the City's water rights; however the City also holds water rights on Southworth Creek and Red River. The plan accurately and completely describes the listed fish species that occur in the vicinity of the City's water sources, namely: Oregon Coast Coho Salmon (*federally-listed as threatened and state-listed as sensitive-vulnerable*); Oregon Coast Spring Chinook Salmon (*state-listed as sensitive-critical*); Oregon Coast Steelhead (*federally-listed as a species of concern and state-listed as sensitive-vulnerable*); Western Brook Lamprey (*state-listed as sensitive-vulnerable*); and Pacific Lamprey (*federally-listed as a species of concern and state-listed as sensitive-vulnerable*).
9. The water curtailment element included in the revised plan satisfactorily promotes water curtailment practices and includes a list of four stages of alert with concurrent curtailment actions.
10. The diversion of water under Permit S-18654 will be expanded during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by Finding of Fact #7 above, the revised plan includes a description of continued implementation of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources.
 - b. Considering that water savings alone from identified conservation measures cannot fully meet projected water demands for the City, that water savings from identified conservation measures would not provide the additional supply redundancy the City is seeking, and that interconnection with other neighboring water suppliers is not viable because excess water supply is not available from those water suppliers, the increased diversion of water under Permit S-18654 is the most feasible and appropriate water supply alternative available to the City at this time; and
 - c. The City is not currently required to take any mitigation actions under state or federal law related to the diversion of water under Permit S-18654.

Conclusion of Law

The Water Management and Conservation Plan submitted by the City of Waldport is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

1. The City of Waldport Water Management and Conservation Plan is approved and shall remain in effect until September 17, 2024, unless this approval is rescinded pursuant to OAR 690-086-0920.

2. The limitation of the diversion of water under Permit S-18654 established by the extension of time approved on October 29, 2002, is removed and, subject to other limitations or conditions of the permit, the City of Waldport is authorized to divert up to 1.24 cfs under Permit S-18654.
3. The limitation of the diversion of water under Permit S-23587 established by the extension of time approved on October 29, 2002 remains unchanged. Subject to other limitations or conditions of the permit, therefore, the City of Waldport is not authorized at this time to divert any water under Permit S-23587.
4. The City of Waldport shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than March 17, 2024.
5. The City of Waldport shall submit a progress report containing the information required under OAR 690-086-0120(4) by September 17, 2019.
6. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the City of Waldport from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this 17 day of September, 2014.


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

Mailing date: SEP 22 2014