

# ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT DRAFT MINUTES

17 June 2016

A quorum was present.

Water Board: Virginia Birkby, President  
Debra Birkby, Treasurer  
Dan Seifer

Excused absent: Ron Schiffman, Vice-President

Sanitary Board: Darr Tindall (non-voting)

Public: George Cerelli  
David & Jeannie Stockton  
Peter Brevig  
Ann Brevig Dudley

Staff: Phil Chick, District Manager  
Steve Hill, Secretary

Ms. Virginia Birkby called the meeting to order at 7:00pm.

**Public Comments:** None.

**Agenda:** Add discussion on ownership of a new truck in new business. In old business pull item D2; Policy Updates – Board Responsibilities. Mr. Seifer moved acceptance of the modified agenda which was seconded by Ms. Debra Birkby. All in favor.

**Consent Agenda:** Pull minutes. Mr. Seifer moved acceptance of the consent agenda as amended which was seconded by Ms. Debra Birkby. All in favor.

**Old Business:**

**Board Position #2:** No applications were received for this position.

**Emergency Preparedness Activity Update – Global Pure Water Demo:** Global Pure Water provided a trial demonstration on June 8<sup>th</sup> in Cannon Beach. Three tests were conducted. The first, with an auxiliary feed pump placed in the creek delivering water directly to the treatment unit provided a flow of 2 gal/min. With the second the treatment system internal pump came in at 1 gal/min followed by a gravity feed test at 2 gal/hr. It was felt that the gallon flows yielded were not to issued specifications and the company said they were intending to make some adjustments but that it basically did provided for water filtration. Cannon Beach is buying three (3) units. Keep on the agenda for next month.

**Brevig Account – Excess Usage:** It was stated that the Board would not forgive the water excess usage charges but that a payment plan could be worked out with staff. It was further noted that a similar customer request for relief had been also been turned down in a recent

meeting. Mr. Chick indicated that a policy letter was transmitted in 2014 referencing both backflow and irrigation policies along with report forms.

Mr. Peter Brevig read the following statement into the record.

“My family has owned the residence at 80286 Pacific Avenue for over 40 years. Tonight I’m here with my sister Ann to contest the decision made by this board not to allow a fee exemption for excessively high water readings of 45,000 gallons, enough to fill several good sized swimming pools.

I would like to recount the story.

Last December Ann received a message from Phil Chick that we had unexpectedly high water meter readings at our house. We were surprised to hear this as the house was unoccupied at that time and in the 40 years that we’ve owned the house we have never had such readings. Phil indicated the water meter showed that the water suddenly came on December 23 and then suddenly shut off December 30. There is no use shown on the meter report prior to December 23 indicating there was no one in the house and minor use beginning on December 31 when my other sister stayed there over New Years. They noted no water leaks or excessive standing water around the house.

Tevis Dooley, a former water board member, and his wife Jude watch over the house for us. We asked him to go take a look to see if there are any leaks or water running inside or outside the house. He reported to us that everything was fine and there were no leaks or water running. This is a vacation home for me and my three siblings, so we like to have the house under their watchful eye as there are months when the home is not occupied. Jude visits the house weekly to check to make sure everything is as it should be both on the inside and outside of the house. During this time she would have visited the house once or twice and she reported no water issues. Tevis has provided a letter indicating his bafflement as to what caused the reading.

If it were a leak, it wouldn’t fix itself. If water was running there is no evidence of it and Jude certainly would have done something about it.

We don’t know what caused this reading. We know from Phil Chick there was no sanitary water surcharge, so if there was water running it did not go into the sewer, as the sanitary metering would surly indicate.

Smart water meters do malfunction. There are many stories on the internet about erroneous readings caused by a number of reasons. Some of these reasons include water that can get into the meters electronics, excessive meter spinning caused by uneven water pressure or air in the line and pressure fluctuations. There was construction across the street during this time. It’s possible a worker took some water from the hose bibb and left it going, but then how did it turn off?

Again, we don’t know what caused this meter reading. I do know it was not from carelessness, from a water leak, from water running in the house and unlikely to have been water running outside the house either.

We are asking the water board to excuse this one time in 40 years incident, as most jurisdictions do in this type of circumstance and charge us for what would be our normal water usage during this time.”

He also acknowledged that an irrigation report had not been filed as provided for under our policy but feels that a one time waiver should be given.

Mr. Seifer said that while the district had provided a mechanism for relief due to a known plumbing problem that might befall a customer with it’s leak policy that it could not insure against all hazards which might account for excess water usage such as mysterious disappearance or malicious mischief by someone at a hose bib to which Mr. Brevig expressed his understanding. Mr. Brevig also indicated his understanding that there was presently no policy of forgiveness beyond the leak policy.

Ms. Virginia Birkby expressed her appreciation for Ann Dudley and Peter Brevig being at the meeting and for their input.

**Asbury Creek Water Right Extension:** Mr. Chick said that the Oregon Water Resources Department (OWRD) had granted an extension to 2022 to fully develop the Asbury Creek water right for beneficial use. Please see the attached manager’s report and attached correspondence for additional detail.

#### **New Business:**

**2015-16 Budget Adjustment – Resolution 16-07 WD:** Mr. Seifer moved approval of RES 16-07 WD adjusting the debt service budget for 2015-16 for the early payoff of the water tank loan scheduled for July 1, 2016 which was seconded by Ms. Debra Birkby. All in favor.

**Accountant Engagement Letter:** Mr. Hill was asked to have a revised review engagement letter forwarded by Mr. Carney that referenced Oregon State law regarding appropriate requirements.

**Dodge Truck Update:** Mr. Chick reported bad steering problems and necessary front end work with an estimated cost of at least \$2K. At present they are just using the one ton truck. It was his recommendation that they go ahead and make the repairs and begin serious research for a replacement vehicle. It was agreed to have the truck on the agenda on how ownership should be entered into between the districts.

#### **Reports:**

**Accounts Receivable:** Mr. Hill reported receivables to be in excellent condition.

**District Managers Report:** (attached) Mr Horowitz has been approached about using his well as a second source, and would only be interested in the well being used to provide water to the District in the event of a District water emergency. Mr. Chick indicated that he would be out of town from June 24<sup>th</sup> through July 3<sup>rd</sup> and that Mr. Gardner was prepared to cover the

districts needs and that Cannon Beach public works staff stood ready to support Arch Cape if the need should arise.

**Treasurer's Report:** The LGIP account held \$42,055 and the balance in the Columbia Bank checking account was \$51,935.

**Board of Directors' Comments and Reports:** Ms. Debra Birkby recommended filing by-laws and SDC's with the Clatsop County Clerk. Mr. Hill agreed to file the current SDC's with Ms. Sheryl Holcom in the clerk's office. She also recommended being sure of Mr. Horowitz's position as a second water source.

Mr. Seifer encouraged attendance by any who could make the next scheduled design and review meeting in early July to show community support for local involvement.

**July Agenda Items:** Global Pure Water, 2<sup>nd</sup> source, personnel policy, managers salary review, Mr. Hill on county filings, engagement letter, by laws. Mr. Hill said he would provide a contact person form for LGIP that could be submitted on behalf of the district.

**Public Comment:** Mr. David Stockton suggested that we find other districts that have developed specifications for the type of support truck that we desired for Arch Cape and that we use them as a resource.

Ms. Virginia Birkby adjourned the meeting at 8:08pm.

Respectfully submitted,

Steve Hill

Attest \_\_\_\_\_  
Ms. Virginia Birkby, President

Arch Cape Water District  
32065 East Single Mill Lane  
Arch Cape OR 97102

Anne Dudley Brevig

January 22, 2016

Re: Annual Backflow Report Requirements OAR 333-061-0070

Dear Anne,

It is time for the Arch Cape Water District to file its annual backflow report with the Oregon Health Authority's drinking water section. Our records show that this property has a Back Flow assembly. This assembly needs to be maintained and tested yearly.

*If you have an irrigation system, please read the District's irrigation system policy included in this correspondence.* All homes with irrigation systems are required to submit an annual irrigation system report. This particular report requires an annual inspection of the system as well as updated contact information. If you have any questions after reading the form, please feel free to call our office at 503-436-2790.

If you feel you no longer need a backflow device, please arrange for a visit so we can inspect the site and make a determination.

Backflow testing reports are due to the Arch Cape Water District no later than February 28th of each year. The irrigation system report is due by May 1<sup>st</sup> of each year. Thank you for your cooperation.

Sincerely,

Phil Chick  
District Manager  
Arch Cape Water District

LOCAL TESTERS:

M&F Plumbing  
10117 7<sup>th</sup> Street  
Seaside, OR 97138  
P.O. Box 541  
503-738-8966

McDonald Plumbing  
2041 N Roosevelt Dr.  
Seaside, OR 97138  
503-738-3456

Backflow Services  
Cindy Olson  
PO Box 541  
Seaside, OR 97138  
503-738-9735

**ARCH CAPE  
WATER & SANITARY DISTRICTS  
32065 East Single Mill Lane  
Arch Cape OR 97102  
1-503-436-2790**

**January 14, 2014**

**Harold Brevig**

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**RE, 80286 Pacific, Arch Cape, OR 97102**

Re: Annual Backflow Report Requirements OAR 333-061-0070

Once again the district needs to file its annual backflow report with the department of human services, drinking water section.

Our records show that this property has a Back Flow assembly. This assembly needs to be maintained and tested yearly.

If you have an irrigation system, please note our new irrigation system policy, adopted January 10, 2014. All homes with irrigation systems will now be required to submit an annual irrigation system report. This particular report requires an annual inspection of the system as well as updated contact information. If you have any questions after reading the form, please feel free to call our office at 503-436-2790.

If you feel you no longer need the device, please arrange for a visit so we can inspect the site and make a determination.

Backflow testing reports are due to the Arch Cape Water District no later than February 15<sup>th</sup> of each year. The irrigation system report is due by May 1<sup>st</sup> of each year.

Local Testers;

M&F Plumbing  
10117 7<sup>th</sup> Street  
Seaside, OR 97138  
1-503-738-8966

McDonald Plumbing  
2041 N Roosevelt Dr.  
Seaside, OR 97138  
1-503-738-3456

Backflow Services  
Cindy Olson  
P.O. Box 541  
Seaside, OR 97138  
1-503-738-9735

Arch Cape Water District  
POLICY 14-00 WD  
IRRIGATION

Arch Cape is a water conservation district; in an effort to protect our water supply the district has adopted this policy dated January 10, 2014

Irrigation systems are an underground or above ground system of pipes, fittings and sprinkler heads which when in operation dispense onto lawns and landscape. Irrigations systems are an external use of the districts water supply and are not subject to local or unified plumbing code.

Irrigation systems operating within the district boundaries shall submit a yearly maintenance and operations report. Simple residence drip systems shall be maintained by the homeowner.

- The report shall contain a certification of proper operation of the controllers and piping systems.
- The report shall contain the time and rate of use in gallons per minute GPM.
- The report shall contain current names and current phone numbers for the homeowner and their irrigation contractors.
- All irrigation system shall be physically disconnected in the winter.
- All irrigation systems will comply with OAR chapter 333-061-0078 and Ordinance 11-04 WD cross connection control program.
- The report shall be submitted to no later then May 1 of each year.
- If a report is not submitted by May 1 each year. The homeowner shall not receive relief under the districts leak policy.

Type of Controller \_\_\_\_\_ Date of inspection \_\_\_\_\_  
Report and Repairs \_\_\_\_\_

Number of Zones \_\_\_\_\_  
Time of day each zone is used  
1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_ 6 \_\_\_\_\_ 7 \_\_\_\_\_ 8 \_\_\_\_\_  
Rate of use for each zone (GPM)  
1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_ 6 \_\_\_\_\_ 7 \_\_\_\_\_ 8 \_\_\_\_\_  
Total gallons used per day (GPD) \_\_\_\_\_  
Home Owners Name \_\_\_\_\_  
Home Owners Phone Number \_\_\_\_\_  
Irrigation Contractors Name \_\_\_\_\_  
Irrigation Contractors Number \_\_\_\_\_

Please submit this report to:  
Arch Cape Water District,  
32065 East Shingle Mill Lane  
Arch Cape, OR 97102

Rick Gardner, President \_\_\_\_\_ Date \_\_\_\_\_

Attest \_\_\_\_\_

Adopted: January 10, 2014

TO THE BOARDS OF DIRECTORS OF THE ARCH CAPE SANITARY AND  
WATER DISTRICTS:

REGARDING THE OVER USAGE BY THE BREVIG REIDENCE:

Belated as this may be I am asking the boards to reconsider their decision to charge the Brevigs full scale for the over usage at 80286, Pacific, during the month of December, 2015.

I'm sure Phil reported his notes indicating that the meter showed a consistent, minimal daily use related to the sprinkler both before and after the period of gross over useage. It was between the dates of 12/23/15, to 12/30/15, that 44+thousand gallons passed through the Brevigs meter, which no one questions but the fact is, no one knows where it went. Jude Lally checks the residence for security on a weekly basis and noted nothing that indicated a leak, as an open hose bib or a toilet, during this time.

I have worked for the Brevigs for 36 years and I can assure the Boards members that these are honest, trustworthy people, so if they say no family member or friends or guests were at the residence during the period in question, then this whole community, represented by the Boards members, should accept that. Therefore, this lost water remains a mystery and as such should fall into the same category as an accidental leak.

There is no good reason to have the Brevigs pay punitive costs for an accident. Even though they cannot explain the mystery, they are willing to pay the related costs incurred by the Districts to process the water.

In the past, the Arch Cape Sanitary and Water Districts have shown leniency under similar circumstances and the community would be well served to do the same now.

Thank you for your consideration in this matter and although I recognize the Boards have already considered and ruled on this, I also will note that this is no supreme court



and as such should be willing to revisit this issue. There is no risk of setting a dangerous precedent here.

Sincerely,

Tevis Dooley

June 3, 2016

Arch Cape Water District  
Attn: Phil Chick, District Manager  
32065 East Shingle Mill Lane  
Arch Cape, OR 97102

SUBJECT: Water Management and Conservation Plan

Dear Mr. Chick:

Thank you for preparing Arch Cape Water District's (District) Water Management and Conservation Plan (WMCP) for submittal on March 7, 2016. The Department appreciates the District's commitment to water conservation and management.

Our Department has completed a review of the District's WMCP, and pursuant to OAR 690-086-0905, the Department published notice of the availability of the plan for review on March 15, 2016. No public comments were received during the 30-day public comment period.

Overall, the District's plan was excellent and includes most of the elements required by OAR 690-086. Our main concern about the plan revolves around the need for minor clarifications. It is not clear whether the District is requesting authorization to legally divert more than 0.145 cfs (of the total permitted 0.3 cfs) under Permit S-53492. The results of our review are provided in the attached review worksheet.

There are two alternatives available to the District in response to this review. The District may choose to:

1. Identify information in the draft plan that we may have missed that would alter the results of the review and provide a basis for concluding that the plan is fully consistent with OAR Chapter 690, Division 86; *or*
2. Modify the draft plan to address the deficiencies identified in the attached comments and review worksheet.

**NOTE:** The Department's preferred method is to receive a "preliminary" revised plan with edits identified (*i.e., track-changes, red-line, etc.*). You may also use the review worksheet format to assist in responding to the Department's comments. The Department will review the "preliminary" revised plan and, when all deficiencies have been sufficiently addressed, will notify you to submit the final revised plan.

WMCP Review

June 3, 2016

Page 2 of 2

Please notify us by **Tuesday, July 5, 2016** of the alternative you wish to pursue or if you would like additional time to evaluate these alternatives. If you select to modify your plan under Alternative 2, please indicate the date by which you can submit the additional information. If you do not notify us by **Tuesday, August 30, 2016** of the alternative you wish to pursue, we will issue an order on your water management and conservation plan as we understand it now.

Please do not hesitate to contact me by telephone at 503-986-0919 or by e-mail at [Kerri.H.Cope@wrds.state.or.us](mailto:Kerri.H.Cope@wrds.state.or.us) if you have any questions or if I can be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Kerri H. Cope". The signature is written in a cursive style and is positioned above the typed name.

Kerri H. Cope  
Water Management and Conservation Analyst  
Water Right Services Division

Enclosure

cc: WMCP File  
District #01, Watermaster Nikki Hendricks

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-53492, Water Right Application S-73332, ) FINAL ORDER  
in the name of the Arch Cape Water District )

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**Permit Information**

Application File S-73332/ Permit S-53492

Basin 1 – North Coast Basin / Watermaster District 1

Date of Priority: April 6, 1993

Authorized Use of Water

Source of Water: Asbury Creek, a tributary of Pacific Ocean  
Purpose or Use: Municipal Use  
Maximum Rate: ~~3.0~~ 0.3\* Cubic Feet per Second (cfs)

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\* The Final Order contained a typographical error showing the maximum rate as 3.0 cfs, and is herein shown corrected to 0.3 cfs. This CORRECTED Page 1 of 3 replaces Page 1 of 3 on the Final Order dated May 20, 2016

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

Appeal Rights

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

Application History

Permit S-53492 was issued by the Department on October 21, 1998. The permit called for complete application of water to beneficial use by October 1, 2002. On February 19, 2003, Arch Cape Water District submitted an application to the Department for an extension of time for Permit S-53492. In accordance with OAR 690-315-0050(2), on March 22, 2016, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2022. The protest period closed May 6, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

Final Order: Permit S-53492

Special Order Volume 100 page 448

CORRECTED Page 1 of 3

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-53492, Water Right Application S-73332,  
in the name of the Arch Cape Water District

Superseded by  
"Corrected" Page 1 of 3  
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))

FINAL ORDER

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Purpose or Use: Municipal Use

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0.3 (AUR)

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## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated March 22, 2016.

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. Development Limitations

A maximum diversion of 0.145 cfs of water is currently allowed under Permit S-53492. Any diversion of water beyond 0.145 cfs (not to exceed the maximum amount authorized under the permit, being 0.3 cfs) 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 of water 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-53492 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, on file with the Department.

The Development Limitation established in the above paragraph supersedes any prior limitation of the diversion of water under Permit S-53492 that has been established under a prior WMCP or Extension final order issued by 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.

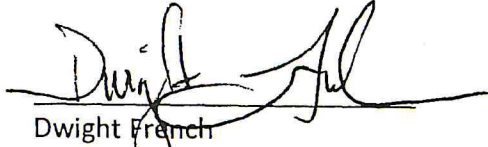
## CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0080(3).

## ORDER

The extension of time for Application S-73332, Permit S-53492, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from October 1, 2002 to October 1, 2022.

DATED: May 20, 2016



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

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

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

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**Oregon Water Resources Department (OWRD)**  
**Municipal Water Management and Conservation Plan (WMCP) Review Worksheet**  
(OAR Chapter 690, Division 086)

<b>Name of Supplier: Arch Cape Water District</b> (Date WMCP Received by OWRD: March 7, 2016)	
OWRD Reviewer:	Kerri H. Cope
Date of OWRD Review:	06/02/2016
Reason for submittal of the WMCP:	Update to 1998 WMCP
If a previous WMCP has been submitted, was it approved contingent upon the completion of certain <b>Work Plan</b> activities? If so, list those Work Plan items here:	WMCP submitted in 1996 and updated in 1998 (permits 52408 and 52409) which was approved June 16, 1998 included a list of work activities that must be completed (please see attached approval letter)
Are there any "Development Limitation" conditions established by a Final Order approving a previous WMCP or Permit Extension of Time?	Development limitation of 0.145 cfs (out of the total permitted 0.3 cfs) for permit S-53492 (approved 5/20/16)

<u><b>Rule Reference</b></u>	<u><b>OWRD Review Comment</b></u>
<b>ORS 536.050(1)(u) – Fees for Water Management and Conservation Plans</b>	
<p><b>\$900</b> – for examination of a Plan submitted by a municipal water supplier serving a population of 1,000 or fewer; or</p> <p><b>\$1800</b> – for examination of a Plan submitted by a municipal water supplier serving a population of more than 1,000.</p> <p><i>Current fee schedule effective July 1, 2013 (ORS 536.050).</i></p>	<p>Paid \$900 03/07/2016</p> <p>See page 7 – estimate peak population served = 900</p>
<b>OAR 690-086-0125 – Additional Requirements</b>	
(5) A list of the affected local governments to whom the draft plan was made available pursuant to 690-086-0120(8) and a copy of any comments on the plan provided by the local governments;	<p>Meets the requirement.</p> <p>See page 1 and pages 4-5</p>
(6) A proposed date for submittal of an updated plan within no more than 10 years based on the proposed schedule for implementation of conservation measures, any relevant schedules for other community planning activities, and the rate of growth or other changes expected by the water supplier; or an explanation of why submittal of an updated plan is unnecessary and should not be required by the Department; and	<p>Meets the requirement.</p> <p>See page 5</p> <p>Please note: 10 year updated plan would be January 2026</p>



<p>(7) If the municipal water supplier is requesting additional time to implement metering as required under OAR 690-086-0150(4)(b) or a benchmark established in a previously approved plan, documentation showing additional time is necessary to avoid unreasonable and excessive costs.</p>	<p>Not applicable See section 3.4 (page 15)</p>
<p><b>OAR 690-086-0140 – Water Supplier Description</b></p>	
<p>(1) A description of the supplier's source(s) of water; including diversion, storage and regulation facilities; exchange agreements; intergovernmental cooperation agreements; and water supply or delivery contracts;</p>	<p>Meets the requirement. See pages 6-7 and Appendix C Note: both permits S-53491 and S-53492 are for 750 hookups . Page 13 says no interconnections (except temporary). Are there any other types of exchange agreements or intergovernmental cooperation?</p>
<p>(2) A delineation of the current service areas and an estimate of the population served and a description of the methodology(ies) used to make the estimate;</p>	<p>Meets the requirement. See appendix B and page 7.</p>
<p>(3) An assessment of the adequacy and reliability of the existing water supply considering potential limitations on continued or expanded use under existing water rights resulting from existing and potential future restrictions on the community's water supply;</p>	<p>Meets the requirement. See page 8 and section 2.5 (page 10).</p>
<p>(4) A quantification of the water delivered by the water supplier that identifies current and available historic average annual water use, peak seasonal use, and average and peak day use;</p>	<p>Meets the requirement. See page 9.</p>
<p><b>Comment pertaining to 690-086-0140(5)(a)-(h) below: OWRD has prepared a modified water right inventory that incorporates necessary information. After reviewing it, please feel free to use it.</b></p>	
<p>(5) A tabular list of water rights held by the municipal water supplier that includes the following information:</p>	
<p>(a) Application, permit, transfer, and certificate numbers (as applicable);</p>	<p>Meets the requirement. See appendix C (however this needs to be broken up by application number, please see attached revised water right inventory prepared by OWRD)</p>
<p>(b) Priority date(s);</p>	<p>Meets the requirement. See appendix C</p>
<p>(c) Source(s) of water;</p>	<p>Meets the requirement; however clarification is requested. See appendix C Regarding Certificate 27506, is North Fork Asbury Creek also known as Shark Creek?</p>
<p>(d) Type(s) of beneficial uses specified in the right;</p>	<p>Meets the requirement. See appendix C (note: this should give more detail on the number of hookups if applicable. Please see attached revised water right inventory prepared by OWRD)</p>

<b>(e)</b> Maximum instantaneous and annual quantity of water allowed under each right;	Does not meet requirement. See appendix C – Need to identify the maximum instantaneous rate for Certificate 27509. Also, the allowed quantity for Certificate 27507 should be 1.0 acre feet.
<b>(f)</b> Maximum instantaneous and annual quantity of water diverted under each right to date;	Does not meet requirement. Appendix C shows this information for permits 53491 and 53492. Is Arch Cape using its other water rights? – if not please provide estimates of past use.
<b>(g)</b> Average monthly and daily diversions under each right for the previous year, and if available for the previous five years;	Meets the requirement. See appendix C
<b>(h)</b> Currently authorized date for completion of development under each right; and	Clarification needed. Note: the authorized completion date for S-53492 is now 10/01/2022.
<b>Environmental Concerns:</b> <b>(i)</b> Identification of any streamflow-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 ground water area.	Does not meet requirement. See appendix C and page 10. Please see attached list of environmental listings for water rights S-53491, S-53492 and C27506.
<b>(6)</b> A description of customers served including other water suppliers and the estimated numbers; general water use characteristics of residences, commercial and industrial facilities, and any other uses; and a comparison of the quantities of water used in each sector with the quantities reported in the water supplier's previously submitted water management and conservation plan and progress reports;	Meets the requirement. See pages 10-12. Great job on this section!
<b>(7)</b> Identification and description of interconnections with other municipal supply systems;	Meets the requirement. See page 13.
<b>(8)</b> A schematic of the system that shows the sources of water, storage facilities, treatment facilities, major transmission and distribution lines, pump stations, interconnections with other municipal supply systems, and the existing and planned future service area; and	Additional information is needed. See appendix B. Note: Please add location of reservoir Certificate 27507. Also, is Certificate 27506 at the same POD as other Asbury Creek water right? Is not, please show this as well.
<b>(9)</b> A quantification and description of system leakage that includes any available information regarding the locations of significant losses.	Clarification needed. Please provide explanation of possible cause for vast difference in water loss between 2011 (31%), 2012/2013 (11%) and 2014 (17%) and any available information regarding the locations of significant losses.

<b>OAR 690-086-0150 – Water Conservation Element</b>	
(1) A progress report on the conservation measures scheduled for implementation in a water management and conservation plan previously approved by the Department, if any;	Clarification needed. See page 14. Please address work plan requirements from Final Order approving 1998 WMCP (attached) and status updates for each requirement.
(2) A description of the water supplier's water use measurement and reporting program and a statement that the program complies with the measurement standards in OAR Chapter 690, Division 85, that a time extension or waiver has been granted, or that the standards are not applicable;	Meets the requirement. See page 14.
(3) A description of other conservation measures, if any, currently implemented by the water supplier, including any measures required under water supply contracts;	Meets the requirement. See page 14. Please note: I've attached WRD's water conservation brochures. Please consider including them in yearly mailings to water customers to help fulfill the public education portion of the WMCP requirement.
(4) A description of the specific activities, along with a schedule that establishes five-year benchmarks, for implementation of each of the following conservation measures that are required of all municipal water suppliers:	
(a) An annual water audit that includes a systematic and documented methodology for estimating any un-metered authorized and unauthorized uses;	Meets the requirement. See page 15. Great job on setting 5 year benchmark.
(b) If the system is not fully metered, a program to install meters on all un-metered water service connections. The program shall start immediately after the plan is approved and shall identify the number of meters to be installed each year with full metering completed within five years of approval of the water management and conservation plan;	Meets the requirement. See page 15. System is fully metered.
(c) A meter testing and maintenance program;	Meets the requirement. See pages 15-16 Great job on setting 5 year benchmark.
(d) A rate structure under which customers' bills are based, at least in part, on the quantity of water metered at the service connections;	Clarification needed. See page 16, section 3.6 which mentions discussion of billing for water use above 5000 gallons in <b>Section 3.14</b> which is not in plan? Please provide either Section 3.14 with this discussion or provide the rates/tiers for use over 5000 gallons.
(e) If the annual water audit indicates that system leakage exceeds 10 percent, a regularly scheduled and systematic program to detect leaks in the transmission and distribution system using methods and technology appropriate to the size and capabilities of the municipal water supplier; and	Meets the requirement. See pages 16-17.

<p><b>(f)</b> A public education program to encourage efficient water use and the use of low water use landscaping that includes regular communication of the supplier's water conservation activities and schedule to customers;</p>	<p>Clarification needed. See page 17, Section 3.8. Are the listed conservation measures currently in use, or planned for the future?</p>
<p><b>(5)</b> If the supplier proposes to expand or initiate diversion of water under an extended permit for which resource issues have been identified under OAR 690-086-0140(5)(i), a description of the specific activities, along with a schedule that establishes five-year benchmarks, for implementation of:</p>	
<p>A system-wide leak repair or line replacement program to reduce system leakage to no more than 15 percent or sufficient information to demonstrate that system leakage currently is no more than 15 percent.</p>	<p>WMCP does not ask for “greenlight” water; however this needs to be addressed if Arch Cape wishes to divert more than 0.145 cfs (out of the total permitted 0.3 cfs) for Permit S-53492. Please note: if Arch Cape plans to ask for “greenlight” water the WMCP needs to address this requirement. To do so, the WMCP could be updated to state that Arch Cape plans to continue leak detection program and repair leaks and replace pipe as needed when detected, etc.</p>
<p><b>(6)</b> If the supplier serves a population greater than 1,000 and proposes to expand or initiate diversion of water under an extended permit for which resource issues have been identified under OAR 690-086-0140(5)(i), or if the supplier serves a population greater than 7,500, a description of the specific activities, along with a schedule that establishes five-year benchmarks, for implementation of each of the following measures; or documentation showing that implementation of the measures is neither feasible nor appropriate for ensuring the efficient use of water and the prevention of waste:</p>	
<p><b>(a)</b> A system-wide leak repair program or line replacement to reduce system leakage to 15 percent, and if the reduction of system leakage to 15 percent is found to be feasible and appropriate, to reduce system leakage to 10 percent;</p>	<p>Not applicable. Arch Cape’s service population is less than 1000.</p>
<p><b>(b)</b> Technical and financial assistance programs to encourage and aid residential, commercial and industrial customers in implementation of conservation measures;</p>	<p>Not applicable. Arch Cape’s service population is less than 1000.</p>
<p><b>(c)</b> Supplier financed retrofitting or replacement of existing inefficient water using fixtures, including distribution of residential conservation kits and rebates for customer investments in water conservation;</p>	<p>Not applicable. Arch Cape’s service population is less than 1000.</p>
<p><b>(d)</b> Adoption of rate structures, billing schedules, and other associated programs that support and encourage water conservation;</p>	<p>Not applicable. Arch Cape’s service population is less than 1000.</p>
<p><b>(e)</b> Water reuse, recycling, and non-potable water opportunities; and</p>	<p>Not applicable. Arch Cape’s service population is less than 1000.</p>
<p><b>(f)</b> Any other conservation measures identified by the water supplier that would improve water use efficiency.</p>	<p>Not applicable. Arch Cape’s service population is less than 1000.</p>

<b>OAR 690-086-0160 – Municipal Water Curtailment Element</b>	
<b>(1)</b> A description of the type, frequency and magnitude of supply deficiencies within the past 10 years and current capacity limitation. The description shall include an assessment of the ability of the water supplier to maintain delivery during long-term drought or other source shortages caused by a natural disaster, source contamination, legal restrictions on water use, or other circumstances;	Meets the requirement. See page 18.
<b>(2)</b> A list of three or more stages of alert for potential shortage or water service difficulties. The stages shall range from a potential or mild alert, increasing through a serious situation to a critical emergency;	Meets the requirement. See pages 18-20, 4 stages of alert. Great job on this section.
<b>(3)</b> A description of pre-determined levels of severity of shortage or water service difficulties that will trigger the curtailment actions under each stage of alert to provide the greatest assurance of maintaining potable supplies for human consumption; and	Meets the requirement. See pages 18-20. Great job on this section.
<b>(4)</b> A list of specific standby water use curtailment actions for each stage of alert ranging from notice to the public of a potential alert, increasing through limiting nonessential water use, to rationing and/or loss of service at the critical alert stage.	Meets the requirement. See pages 18-20. Great job on this section and identifying staff responsibilities during water shortages (page 20).
<b>OAR 690-086-0170 – Municipal Water Supply Element</b>	
<b>(1)</b> A delineation of the current and future service areas consistent with state land use law that includes available data on population projections and anticipated development consistent with relevant acknowledged comprehensive land use plans and urban service agreements or other relevant growth projections;	Meets the requirement. See pages 20-22.
<b>(2)</b> An estimated schedule that identifies when the water supplier expects to fully exercise each of the water rights and water use permits currently held by the supplier;	Clarification needed. See pages 22-23. When does Arch Cape expect to fully exercise water rights S-53492 for Asbury Creek? Please note: Arch Cape does not have legal authorization to divert more than 0.145 cfs (out of the total permitted 0.3 cfs) for permit S-53492. Need to request “Greenlight Water” as part of WMCP if the District wishes to divert more than 0.145 cfs.
<b>(3)</b> Based on the information in (1), an estimate of the water supplier's water demand projections for 10 and 20 years, and at the option of the municipal water supplier, longer periods;	Meets the requirement. See page 23, Section 5.3.
<b>(4)</b> A comparison of the projected water needs and the sources of water currently available to the municipal water supplier and to any other suppliers to be served considering the reliability of existing sources;	Meets the requirement. See pages 23-24, section 5.4.

<b>(5)</b> If any expansion or initial diversion of water allocated under existing permits is necessary to meet the needs shown in (3), an analysis of alternative sources of water that considers availability, reliability, feasibility and likely environmental impacts. The analysis shall consider the extent to which the projected water needs can be satisfied through:	
<b>(a)</b> Implementation of conservation measures identified under OAR 690-086-0150;	Clarification needed. See Section 3.2 (page 14) and 5.5 (page 24). Are these conservation measures currently implemented? If not, Arch Cape needs to commit to implementing them in the next 5 years and strengthen public education and leak repair/replacement program.
<b>(b)</b> Interconnection with other municipal supply systems and cooperative regional water management; and	Meets the requirement. See pages 24-26, section 5.5. Good job on this section of the plan.
<b>(c)</b> Any other conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources.	Clarification needed. See Section 5.5 (page 24). The plan does not make it clear if the conservation measures in Section 3.2 are currently being implemented. If not, Arch Cape needs to commit to implementing them in the next 5 years and strengthen public education and leak repair/replacement program.
<b>(6)</b> If any expansion or initial diversion of water allocated under existing permits is necessary to meet the needs shown in (3), a quantification of the maximum rate and monthly volume of water to be diverted under each of the permits;	Does not meet requirement. This is not addressed in the plan. If Arch Cape wishes to divert more 0.145 cfs (of the total permitted 0.3 cfs) under Permit S-53492, this will need to be addressed and supply this information. <ul style="list-style-type: none"> <li>➤ Identify the maximum instantaneous rate needed to meet demands in the next 20 years and;</li> <li>➤ Identify the maximum monthly volume needed to meet demands in the next 20 years</li> </ul>
<b>(7)</b> For any expansion or initial diversion of water under existing permits, a description of mitigation actions the water supplier is taking to comply with legal requirements including but not limited to the Endangered Species Act, Clean Water Act, Safe Drinking Water Act; and	Does not meet requirement. This is not addressed in the plan. If Arch Cape wishes to divert additional water under Permit S-53492, this will need to be addressed. If mitigation actions are required, please describe the nature of the mitigation. If not, please indicate so.
<b>(8)</b> If acquisition of new water rights will be necessary within the next 20 years to meet the needs shown in (3), an analysis of alternative sources of the additional water that considers availability, reliability, feasibility and likely environmental impacts and a schedule for development of the new sources of water. The analysis shall consider the extent to which the need for new water rights can be eliminated through:	
<b>(a)</b> Implementation of conservation measures identified under OAR 690-086-0150;	Clarification needed. See Section 5.5 (page 24). The plan does not make it clear if the conservation measures in Section 3.2 are currently being implemented. If not, Arch Cape needs to commit to implementing them in the next 5 years and strengthen public education and leak repair/replacement program.
<b>(b)</b> Interconnection with other municipal supply systems and cooperative regional water management; and	Meets the requirement. See Section 5.5, pages 24-26.

<p>(c) Any other conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources.</p>	<p>Clarification needed. See Section 3.2 (page 14) and 5.5 (page 24). Are these conservation measures currently implemented? If not, Arch Cape needs to commit to implementing them in the next 5 years and strengthen public education and leak repair/replacement program.</p>
<p><b>Comment pertaining to OAR 690-086-0130 (7b-c) below: It appears that Arch Cape needs to divert more than 0.145 cfs (out of the total permitted 0.3 cfs) for Permit S-53492; therefore the following items will need to be addressed to legally divert the full permitted rate.</b></p>	
<p><b>OAR 690-086-0130 – Approval Criteria for Access to Water under an Extended Permit</b></p>	
<p><b>Requests for Greenlight Water:</b> (7) If during the next 20 years the maximum rate of water diverted under an extended permit will be greater than the maximum rate authorized for diversion under the extension or previously approved water management and conservation plan;</p>	
<p>(a) The plan includes a schedule for development of any conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources, unless the supplier has provided sufficient justification for the factors used in selecting other sources for development or the supplier serves a population of less than 1,000;</p>	<p>Not a requirement. Arch Cape has a service population less than 1000.</p>
<p>(b) Increased use from the source is the most feasible and appropriate water supply alternative available to the supplier; and</p>	<p>Additional information is needed, see pages 25-26. Note: Arch Cape’s WMCP indicates groundwater may be a feasible option for future supply; however, there appears to be an immediate need to have the ability to divert the full permitted rate of 0.3 cfs under Permit S-53492. Please explain why Arch Cape needs access to 0.3 cfs under Permit S-53492.</p>
<p>(c) If mitigation is legally required to address limitations or restrictions on the development of permits for which resource issues are identified under OAR 690-086-0140(5)(i), the plan contains documentation that the supplier is complying with the mitigation requirements. The Department may consult with federal and state agencies in making this determination; and</p>	<p>Additional information is needed. Please indicate if mitigation is required. If yes, then please describe. If not, then please indicate in the plan.</p>

February 7, 2003 – dp  
REVISED: July 1, 2010 - ljj

# ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT

## RESOLUTION 16-07 WD

### A RESOLUTION TO ADJUST ENDING FUND BALANCES For the 2015-2016 Fiscal Year

BE IT RESOLVED that the Arch Cape Domestic Water Supply District hereby adjusts 2015-16 Budget closing balances as follows:

Transfer from Contingency \$7,000.00 to Debt Service.

Dated this 17<sup>th</sup> day of June 2016.

  
\_\_\_\_\_  
Virginia Birkby, President

Attest   
\_\_\_\_\_



## Managers Report June 17, 2016

### WATER:

Westech has completed the Windows 7 / SCADA upgrade. The SCADA system is working correctly. Some of the bugs in the system that we have been experiencing have now been addressed as well. There remains to be some work to be done in establishing the network connections between the wastewater and water plant systems, and this will likely require the help of Computer Support and Services.

Staff attended a trial run of the Global Pure Water Hurricane portable water treatment system with staff from the City of Cannon Beach on June 8. The unit was operated in three different scenarios. First, source water was directly delivered to the unit from a portable pump placed in the creek. The unit's internal pump was next tested by placing it into a portable water holding tank borrowed from the CB Fire Dept. Lastly, staff tested the unit by using gravity flow only. When supplying the Global Pure unit with water from the portable pump, the system was able to produce approximately 2.5 gallons per minute. When using the internal pump placed in the holding tank, it was approximately 1 gpm. The gravity system produced far less at approximately 3-5 gallons per hour. Overall the unit does what it is intended to do, as it produces clean, safe water in the event of an emergency when water treatment facilities are a non-option. Its main drawback is its limited production capacity.

The District will be doing lead and copper sampling sometime in July or August. We are required to test samples from five homes every three years. Testing is conducted on older homes with pipes that have the potential to have copper or lead plumbing materials within them. If you wish to have your home tested please call the office to arrange a date.

The District has received a Final Order of approval from the Oregon Water Resources Department concerning the extension of time application submitted by the District for the Asbury Creek water right, filed in 2003. (See attached correspondence)

This process was significantly held up by the fish persistence study that was conducted by ODFW. The District's timeframe to fully develop the Asbury Creek water right for beneficial use is now extended until 2022. A maximum diversion of .145 cubic feet per second is currently allowed in the permit. Use of the remaining .155 cfs under the permit is contingent upon OWRD issuing a final approval on the District's Water Management and Conservation Plan. We have received the Department's initial comments (in Board packet) and will address the remaining requirements needed to wrap up this process.

The District's plan received an excellent review, but more information has been requested. The remaining work will focus on demonstrating the need to OWRD for the District to have approval for use of the remaining .155 cfs within the water right.

Brush cutting began this week on the road shoulders within the watershed, as part of the Watershed Protection Project grant that we received last year.

### **MONTHLY LOG : ARCH CAPE WATER & SANITARY DISTRICTS**

**May            2016**

Total Hours	<b>351.50</b>	<b>167.25</b>	<b>184.25</b>
Percentage Split		<b>48%</b>	<b>52%</b>
Total Accounts	<b>614</b>	<b>282</b>	<b>332</b>
Percentage Split		<b>46%</b>	<b>54%</b>