



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Applicants

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Applicant: Bruce Cleeton, for City of Harrisburg

FEB 17 2009

First Last

Mailing Address: 354 Smith St., PO Box 378

WATER RESOURCES DEPT
SALEM, OREGON

Harrisburg

Oregon

97446

City

State

Zip

Phone: _____

541-995-6655

Home

Work

Other

*Fax: 541-995-9244

*Email Address: bcleeton@ci.harrisburg.or.us

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: City of Harrisburg

Name and Title of Person Applying: Bruce Cleeton, City Administrator

Mailing Address or Organization: 354 Smith St., PO Box 378

Harrisburg

Oregon

97446

City

State

Zip

Phone : 541-995-6655

Day

Evening

*Fax: 541-995-9244

*Email Address: bcleeton@ci.harrisburg.or.us

*Optional

For Department Use

App. No. S-87395

Permit No. _____ Date _____

Last Updated: 10/01/2008

WR

Surface Water/I

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: <u>Willamette River</u>	Tributary to: <u>Columbia River</u>
Source 2: _____	Tributary to: _____
Source 3: _____	Tributary to: _____
Source 4: _____	Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

☐ Yes

☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the ☐ standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (Please check appropriate box below then skip to section 3 'Water Use')

☐ There are no encumbrances

☒ This land is encumbered by easements, rights of way, roads or other encumbrances
(please provide a copy of the recorded deed(s))

☐ No (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

City of Harrisburg, 354 Smith St., PO Box 378, Harrisburg, OR 97446.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount
Willamette R.	Municipal	2.61 ☒ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af

C. Period of Use

Indicate the time of year you propose to use the water: Year-round

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

(This number should be consistent with your application map.)

4. WATER MANAGEMENT**A. Diversion**

What method will you use to divert water from the source?

☒ Pump (give horsepower and pump type): Estimate 60 hp vertical turbine pump

☐ Head-gate (give dimensions): _____

☐ other means (describe): _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

☐ Weir

☒ Meter

☐ Periodic Sampling

☐ other means (describe): _____

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C. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length):

Diameter 10" Length 130'

☒ other, describe: Municipal Water Distribution System

D. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Municipal use. Water will be treated and put into Harrisburg's municipal water distribution system.

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| ☐ Flood | ☐ High pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water Cannons | ☐ Center pivot system |
| ☐ Hand Lines | ☐ Wheel Lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ other, describe: _____ | | |

Distribution method

- ☒ Direct pipe from source ☒ In-line storage (tank or pond) ☐ Open Canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

The City has a Water Management and Conservation Plan (WMCP) that describes the various conservation measures that the City will implement. The City understands that a new permit will include a requirement to update the WMCP within a prescribed period of time. Harrisburg currently obtains all of its water from groundwater and has no water supply interconnections with other water providers. Thus, Harrisburg is hoping to obtain access to water from the Willamette River to meet growing demand and to help build in water supply redundancy.

5. RESOURCE PROTECTION

A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- ☒ Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions:

As needed, Harrisburg will work with state and federal agencies to design and implement screening at the diversion to prevent uptake of fish and other aquatic life.

- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

Harrisburg will take appropriate measures to minimize excavation or clearing of banks in order to protect riparian or streamside areas.

- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe:

At this time, Harrisburg does not anticipate that any in-stream work or construction will be required. In the event that such work is required, Harrisburg will take appropriate measures to prevent damage to aquatic life.

- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe:

Harrisburg will take appropriate measures to prevent erosion and run-off of waste or chemical products.

- ☐ Other:

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: Within 20 years of permit issuance.

Proposed date construction will be completed: Within 20 years of permit issuance.

Proposed date beneficial water use will begin: Within 20 years of permit issuance.

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

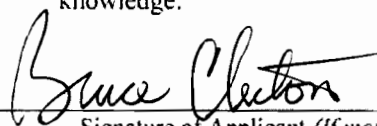
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9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant (If more than one applicant, all must sign.)

1/8/09
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us

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Oregon Water Resources Department

FORM M

FOR MUNICIPAL AND QUASI MUNICIPAL WATER SUPPLIES

Unless otherwise noted, water use information should be in acre-feet per year (AFY).
1 acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: City of Harrisburg

Name and size of area to be served: City of Harrisburg
(in square miles)

Present population of service area: Approx. 3,400
(Contact county planning staff, if needed.)

Projected population in 20 years: Approx. 6,140 in year 2027, based on 2008 Water Management and Conservation Plan.
(Cite source and year. For example: "20,595 Based upon 1995 Portland State University projections.")

List present water rights and permits held:

Date of Issuance:	Natural Source of Water:	Amount Permitted:	Utilization:
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See Attached.

Water Use

Average yearly demand: 576 AFY Year: 2008

Per-capita daily consumption (in gallons): 102 gpcd

(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): July 1 to October 31 Total peak season demand: 195 Acre-feet

Peak season per-capita daily consumption: 152.28 gpcd

(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

produced: 137,802,550 gallons
(diverted or pumped)

delivered: Estimate system loss to be 9%. So, water delivered is approx. 125,400,320 gallons.

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: Flat rate per month plus flat rate per EUU.

(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

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Request for Water**A. Discuss the reason(s) for your request for additional water**

(e.g. loss of current supply, peak demand, growth, or other): Harrisburg currently obtains its water from five wells that have limited production and water quality. In order to meet future demand and build in water supply redundancy, Harrisburg is applying for a water right to appropriate 2.61 cfs from the Willamette River for municipal use.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) 2027

C. Briefly discuss operation of water system and the most constraining component of the system:

Harrisburg obtains its water from five wells that have limited production and poor water quality. Water is chlorinated and then discharged into two storage tanks before entering the municipal distribution system. The total storage volume is 2.5 million gallons. A pump station near the storage tanks transfers water into the distribution system. The major constraints are the limited water production and quality from the existing wells and lack of water supply redundancy.

D. Percentage of water use by type:

Residential: _____ Commercial: _____
 Public Authority: _____ Agricultural: _____
 Unaccounted for use: _____ Industrial: _____
 Other (specify use): 1,479 residential users (pop. 3,400), 73 commercial, mobile home park, schools, and industrial users.

E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

Harrisburg has conducted a comparison of costs and benefits of other water supply options and efficiency measures. For details, please see Harrisburg's 2008 Water Management and Conservation Plan and 2008 Water System Master Plan update that are on file with OWRD.

F. How and by how much will your proposed water use efficiency programs increase efficiency? (Express as a percentage of per-capita consumption.)

Harrisburg has conducted analysis of conservation and efficiency measures. For details, please see Harrisburg's 2008 Water Management and Conservation Plan and 2008 Water System Master Plan update that are on file with OWRD.

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Table of Water Rights for the City of Harrisburg

Source	Priority Date	Identification Number	Rate (cfs)	Type of Use	Date of Issuance
Groundwater (Well 5)	12-17-1965	T-7867	0.74 cfs*	Municipal	Transfer issued 7-8-1998
Groundwater (Well 4)	10-5-1966	Certificate 41999	0.74 cfs*	Municipal	4-14-1975
Groundwater (Wells 6 and 7)	8-19-2004	Permit G-15927	1.11 cfs*	Municipal	6-16-2005
Groundwater (Well 8)	10-30-2007	Permit G-16414	0.89 cfs	Municipal	12-4-2008

***Note:** Wells 4, 6, and 7 are the primary source of water. The combined capacity of these wells is 328 gpm. Well No. 5 has poor water quality and is only used when Wells 4, 6, and 7 cannot meet demand. Wells 5 and 7 cannot be used simultaneously. When operating Wells 4, 5, and 6, the maximum capacity is 620 gpm. Well 8 was recently constructed, and its estimated sustained capacity is 200 gpm.

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Depending on final design of water treatment facilities,
a Site Plan approval may be required. If needed,
no problems getting approval are anticipated.

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SALEM, OREGON

Name: Bruce Cleeton Title: City Administrator/Planner
Signature: Bruce Cleeton Phone: 541 995-6655 Date: 1/9/09
Government Entity: City of Harrisburg

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Bruce Cleeton, for City of Harrisburg

Mailing Address: 354 Smith St., PO Box 378

City: Harrisburg State: OR Zip: 97446 Day Phone: 541-995-6655

This application is related to a Measure 37 claim. ☐ Yes ☐ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
Please see	attached	map				☒ Diverted ☒ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. City of Harrisburg

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

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Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Willamette River

Estimated quantity of water needed: 2.61 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☒ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other _____

Briefly describe: Divert 2.61 cfs from the Willamette River for municipal use.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

KNOW ALL MEN BY THESE PRESENTS, That I, D. MORSE and MARJORIE MORSE, his wife, and T. W. MORSE and LAURA MORSE, his wife, for and about the consideration of Ten and no/10 Dollars, have hereby granted, bargained, sold, aliened, conveyed, confirmed, released, quitclaimed, warranted, and otherwise conveyed unto the said City of Portland, Oregon, a municipality corporation, all that certain tract of land, together with all and singular rights and appurtenances thereto in anywise by law or otherwise lawfully attached, situated in the County of Multnomah, State of Oregon, described as follows, to-wit:

Beginning 165 feet South of the Southwest corner of Block 14 in Section 36, Township 36 North, Range 12 East, Meridian 1, 1st 3rd 100 foot, thence North 100 feet, thence West 100 feet to the beginning.



RESERVE IN easement for right of way purposes of ingress and egress along the western most 50 feet of seven width.

And that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the law-
ful claims and demands of all persons whatsoever.

In testimony whereof, I have hereunto set my hand and seal this 21 day of November, 1966.

[Signature] (GMA)
[Signature] (GMA)
[Signature] (GMA)

STATE OF OREGON, County of Multnomah
 Personally appeared the above named I, D. MORSE and MARJORIE MORSE, his wife, and T. W. MORSE and LAURA MORSE, his wife, and acknowledged the foregoing instrument to be their free and voluntary act and deed.

Witness my hand and seal this 21 day of November, 1966.

Notary Public for Oregon
 My commission expires 11/1/68

STATE OF OREGON,
 County of Multnomah

I certify that the within instrument was received for record on the 21 day of November, 1966, at 1:50 o'clock PM, and recorded in book 380 on page 659. Record of Deeds of said County.

Witness my hand and seal of said County.

By *[Signature]*
 County Clerk-Multnomah

WARRANTY DEED

1. D. MORSE et al.

City of Portland

263531

MAP:
 15 4W 16AD
 TAX LOT:
 5600

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 SALEM, OREGON

S-87395

DEED

BOOK 328 PAGE 419

KNOW ALL MEN BY THESE PRESENTS: That RONALD E. McNUTT, Grantor, in consideration of Ten and other dollars to him in hand paid by the CITY OF HARRISBURG, a municipal corporation, Grantee, does hereby grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all of the following described real property situated in Lane County, Oregon, to wit:

MAP:

15 4W 16D

TAX LOT:

203

Beginning 550.00 feet South of the Southwest corner of Block 14 in Schooling's Addition to the Town of Harrisburg, in Lane County, Oregon; thence East 300.00 feet; thence South 221.50 feet; thence West 360.00 feet; thence North 221.50 feet; thence East 60.00 feet to the point of beginning, all being in Harrisburg, Lane County, Oregon; containing approximately 1.83 acres.

SUBJECT TO patent reservations, restrictions and conditions now of record.

DO HAVE AND TO HOLD the above described and granted premises unto the said Grantee, its successors and assigns forever.

AND the said Grantor hereby covenants to and with the said Grantee, its successors and assigns, that the Grantor is lawfully seised in fee simple of the above described and granted premises and that the same are free from all encumbrances except as aforesaid and that Grantor will warrant and forever defend the above described and granted premises against the lawful claims and demands of all persons whomsoever, except as aforesaid.

Norma McNutt, wife of Ronald E. McNutt, joins in the execution of this conveyance for the purpose of conveying to the above named Grantee all right, title and interest which she may have or claim to have in or to the above described and granted premises.

DATED this 7th day of November, 1967.

Norma McNutt Ronald E. McNutt
Norma McNutt Ronald E. McNutt

STATE OF OREGON)
County of Lane) ss

On this the 7th day of November, 1967, personally appeared the above named Ronald E. McNutt and Norma McNutt, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Madeline J. Whitely
Notary Public for Oregon
My Commission Expires:
26 September 2007

WATER RESOURCES DEPT
SALEM, OREGON

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S-87695

MAP: 15 4W 16AD

TAX LOT: 300

BOOK 340 PAGE 424

KNOW ALL MEN BY THESE PRESENTS, That LINN COUNTY, a political subdivision of the State of Oregon, in consideration of the sum of \$ Donation to it paid by the city of Harrisburg, Oregon, a municipal corporation,

has bargained and sold, and by these presents does grant, bargain, sell and convey unto the said city of Harrisburg, Oregon, a municipal corporation,

its heirs and assigns, all of its estate, right, title and interest in and to that certain real property situated in the County of Linn, State of Oregon, described as follows:

Tax Lot No. 15 4W 16D 300, also being described in the records of the Linn County Assessor as follows:
Beg. S. 365 ft from the SW corner of Blk 14, Schooling Addition to city of Harrisburg, thence S. 105 ft; thence W. 69 ft; thence S. 270 ft; thence Northward along E. bank of river to a pt. W. of point of beginning, thence E. to point of beginning.

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging and in anywise appertaining;

TO HAVE AND TO HOLD the above described and granted premises unto the said city of Harrisburg, Oregon, a municipal corporation,

and unto its heirs and assigns forever.

IN WITNESS WHEREOF, LINN COUNTY, Oregon, the grantor above named, has caused these presents to be executed by and through its County Judge and Commissioners this 11th day of June, 1989, pursuant to order heretofore made and entered.

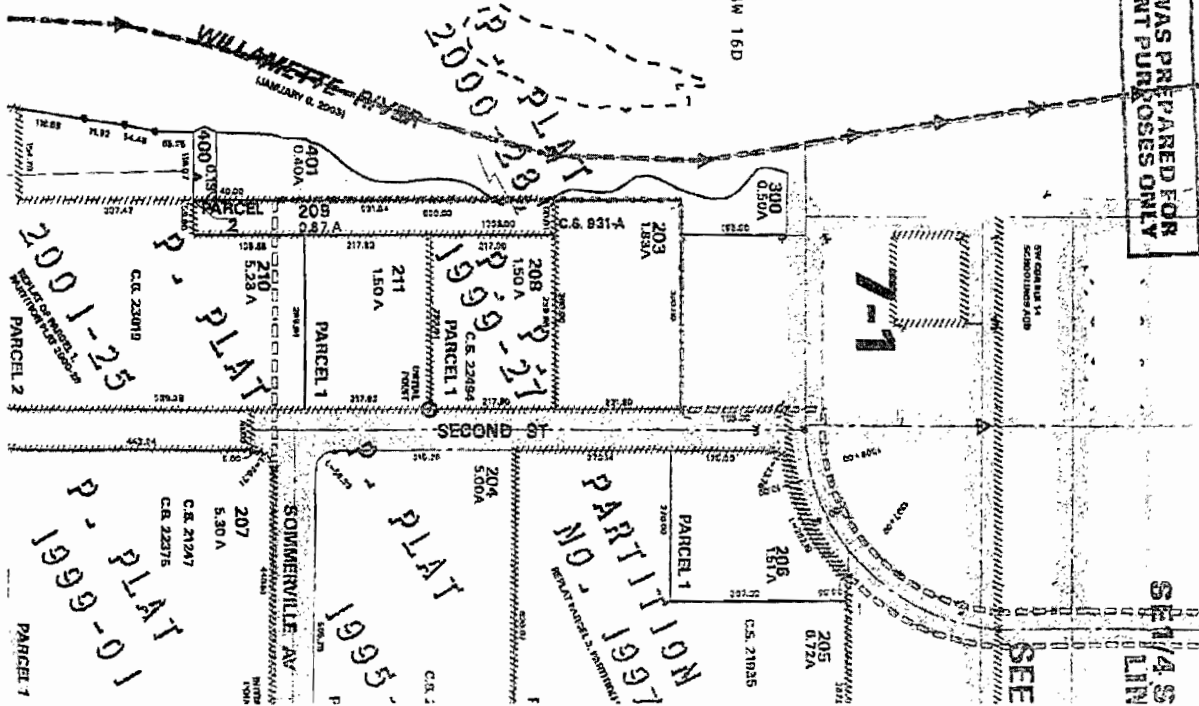
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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

MAP: 15 4W 16D

SEE MAP 15 4W 21





February 12, 2009

Mr. Herb Mosgar
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1261

Dear Mr. Mosgar,

GSI Water Solutions, Inc. is an authorized agent for the City of Harrisburg, and hereby submits a water right application for review and approval by the Oregon Water Resources Department. We have included a check to cover the \$900.00 application fee. The City of Harrisburg is requesting to divert 2.61 cfs from the Willamette River on a year-round basis for municipal use.

If you have any questions or concerns about this water right application, please call me at 541-753-0745, extension 201, or send an e-mail to ASussman@GSIWaterSolutions.com.

Sincerely,
GSI Water Solutions, Inc.

A handwritten signature in black ink, appearing to read "Adam Sussman", written in a cursive style.

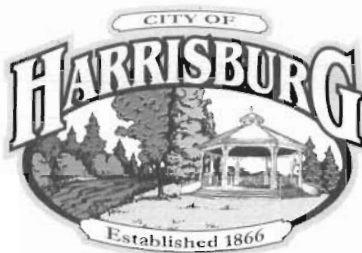
Adam Sussman
Senior Water Right Consultant

Cc: Bruce Cleeton, City Administrator, City of Harrisburg
Ron Staehlin, City Engineer, Southwood Engineering Corp.

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WATER RESOURCES DEPT
SALEM, OREGON

S-87395

354 Smith Street
PO Box 378
Harrisburg, OR 97446



(541) 995-6655
FAX: (541) 995-9244
TDD: (800) 753-2900

"2002 Award of Excellence"

"2006 All-America City Finalist"

www.ci.harrisburg.or.us

April 1, 2009

Michele McAleer
Oregon Water Resources Department
725 Summer St. NE
Salem, OR 97301

Re: City of Harrisburg Water Rights Application

Dear Ms McAleer,

I am providing you herewith a corrected Land Use Information Form dated April 1, 2009. I am sorry for the confusion regarding the prior submittals. I think I now understand what you need.

I am also providing you with a copy of the part of the minutes of our City Council meeting of October 8, 2009, wherein the City Council directed our City Engineer to apply for the water rights.

Please let me know if you require anything further.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Cleeton".

Bruce Cleeton
City Administrator
E-mail: bcleeton@ci.harrisburg.or.us

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Oregon Water Resources Department
Land Use Information Form

S-87395

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Bruce Cleeton, for City of Harrisburg
Mailing Address: 354 Smith St., PO Box 378
City: Harrisburg State: OR Zip: 97446 Day Phone: 541-995-6655

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
See map	attached.			5600, 203, 300		☒ Diverted ☒ Conveyed ☒ Used	Municipal
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. City of Harrisburg

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Willamette River

Estimated quantity of water needed: 2.61 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for household(s)
☒ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other

Briefly describe: Divert 2.61 cfs from the Willamette River for municipal use.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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For Local Government Use Only

S-87395

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

☒ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Site Plan Review	8-13:5.500	☒ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: Bruce Cleeton Title: City Administrator
 Signature: Bruce Cleeton Phone: (541) 995-6655 Date: 4/1/09
 Government Entity: City of Harrisburg

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

She talked about all the types of services HART provides, such as alcohol and drug violence prevention, and that they also sponsor parent classes, which helps kids. (Please see Addendum No. 1 for the information that Purkerson gave to the Council on programs that HART offers) Barden suggested providing more things for kids to do. The programs that HART has are great, and she thanked them for providing them. Purkerson said that it's important to develop relationships with kids, and to have them involved, but we also recently lost the peer court, which is something that helped in juvenile cases. Sergeant Lawler talked about curfew and that if you violate curfew, and if you are under 18, they take the kid to their parents. If they smell alcohol, or suspect drug use, they can't do anything, unless they have the drug or alcohol on their person.

Brooke had concerns about people speeding in early morning through town on 3rd St. (Hwy 99). He talked about several almost accidents that he saw. Sergeant Lawler said that often, people perceive that cars are speeding, when they're not. They divide their time, and try to be in different places to catch that. Mayor Duncan was concerned about the crosswalk, and that no one lets people cross the road.

- Joann McQuery, Community Service Specialist, complimented Harrisburg, and commended us for our proactive approach. She's been visiting here for 5 years, and compares the town to Mayberry. Neighborhood Watch is very proactive. She suggested other Neighborhood Watch groups, localized for their neighborhoods. She talked about the benefits of having one, and that they can meet often, or rarely. With drug use, the Sheriff's department can clue in a Neighborhood Watch group for what is going on in their neighborhood, and we work together.

The group spoke with Purkerson some more, about engaging the entire family, rather than isolating the child. The community can make a difference for parents who aren't involved, by communicating with that child, learning their name, and making a difference in their lives. The Council also spoke about some of the things that members of the community were doing in engaging local teens, such as the new Teen center, located at the Delta Valve Building. That only operates on Friday's and Saturdays, and is supervised, but gives kids a way to play and do something fun together, like Foos Ball, or watching videos. Raven liked the idea of checking on the video cameras. He spoke about a recent experience with a possible missing person, and how quickly the Linn County deputies responded. They were terrific. The group concluded, with having the public contact them if they have any suggestions for helping to prevent crime.

The matter of a Proclamation Making Bruce Cleeton an Honorary Citizen of the City of Harrisburg.

Mayor Duncan read aloud a proclamation, which is located in the Council Agenda this evening. He spoke of Cleeton's accomplishments, and all the City has done since he was hired. All of Council had accolades for Cleeton.

- Cleeton said that it was a very nice gesture. People ask where he lives, and he has a tendency to say Harrisburg, although he actually lives in Monroe. This is where his heart is. He pointed out that all the things on the list was not done by just him, and could only be done with the cooperation of Council, staff and the citizens. It's a delight to work here, and there are so many citizens actively involved with the City.

The matter of Obtaining a Water Rights Permit to use the Willamette River as a Possible Water Source for the City of Harrisburg.

City Engineer Report: Staehlin said that Cleeton had asked him to check with the City of Corvallis, who had some problems with the Willamette River water, with its taste, odor and some other problems. Apparently, every few years, there is an algae bloom, or certain compounds, that can't be removed by filters. Corvallis uses sand filtration, but

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the membrane that he is proposing, won't take it out either. They added active carbon and several layers of materials, which took care of the problem. He wasn't aware of this before, and was especially surprised because his report came from CH2mHill. However, it was provided from people in their Seattle office, who weren't aware of the issue with the Willamette. It apparently only happens once every two or three years. We could add activated carbon filters after the membrane filter, but it could add maybe a 10% cost to your project.

The Council and Staehlin discussed the water from the Willamette, and how carbon filters can adjust the aesthetic issues. The bloom is not a health issue, and only occurs on a seasonal basis. With it happening only every few years, it's difficult to know how it can be treated. However, it is still less costly than dealing with wells. They also discussed the cost of the additional filters, plus a larger building, and more materials. 10% was a rough estimate of the additional costs without doing a study.

- Staehlin then reported that he got a quote from GSI Water Solutions, at \$7,000. Hopefully it would be less than that. During the summer, the river water isn't available, and that's where you would have to purchase stored water from the reservoirs. That takes going to the Water Rights Commission to get approved. This would require a presentation and application to the commission, to make an exception to that rule. We would probably only require two months out of the year for us, where Monroe is four months. He said time is of the essence, because they are in the middle of a biological study, which may put a limit on stored water that can be purchased. The longer you wait; it will be more difficult to purchase the stored water. Out of 95,000 cubic feet of water, there is less than 15,000 left to allocate, and you are usually grandfathered in for water rights on your timing.
- Raven was concerned about going through this, and being told that we can't have the water.
- Staehlin told him that anyone with a higher use than you will have a better chance of water if there is a drought. That is always a possibility, and is why you need to keep wells as a back up system.
- Mayor Duncan said that if we were to get water rights, and we get information in front of citizens, and they say it's too costly, and we're happy with icky water, then maybe we should keep the water right, because maybe later, citizens will say yes?
- Staehlin said that he believed it was a 20 year limit, in which you have to show usage. It allows you a certain amount of time to show you are using the water. Cities are continuing to lobby the federal government to reduce the costs to municipalities for stored water. (Currently \$1,700 a cubic foot)

The Council spoke then about the costs having wells, and the risks of it being dry, or a low producer, and then whether the citizens would be willing to pay for filtration and/or river water. It's a question of what we are leaving the future citizens of Harrisburg. Cleeton thought it was about 140% more cost than what on average, everyone is currently paying, to get filtration. That's the water bill only. Scranage said that the kids in school had a discussion, and they were willing to make that sacrifice. Cleeton was concerned because most citizens' water bills will more than double. However, Mayor Duncan reminded him that we need to consider all the costs, including how many times we buy new clothes because the old are dingy, cleaning supplies, replacement of water heaters, washing machines, or dishwashers, or obtaining bottled water. If we reduce all of those, and enact water saving measures, there are ways of doing it, and making it palatable, but here again, getting the information from here to a living room is an issue, and right away, people tunnel vision on the cost.

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Staehlin was concerned that even if we continue to drill wells, putting one in about every three years or so, he is still concerned about getting the water rights for those. He is afraid that sometime, they will say no, regardless of where you get your water. The group then talked about the water being acidic, or testing for a pH that is too high. Ritchie asked if we could go ahead and use the wells during those summer months, so we don't have to purchase water, but Staehlin reminded him that with wells, a membrane plant won't take out all the problems. You have to treat dissolved solids for the wells. Raven asked how the City would have to pay for those summer months if they purchased stored water, and Staehlin told him that the federal government allow you to draw water x number of months in the year, but that when a contract is available, you may spend two years negotiating on the contract, before you actually start purchasing the water. The state sets the criteria, saying that you must purchase water at least four months out of the year. Federal has nothing to do with that, except for whether contracts are available. Raven asked if that could change in the future? If we get water rights, could it change in ten years? Staehlin wasn't sure you could do that. With changes in water rights, they'd be making a precedent. That's why you need wells for back up. Shipley said that he hoped that the price of stored water would be reduced considerably. Farmers only pay \$10 an acre foot, while cities pay \$17,000 for the same amount of water.

When the group started talking about financing the water rights permit, Finance Officer Gaines indicated that there was not any money for this expenditure, and that quite honestly, we are down the \$100,000 expected revenue that we are counting on with the sale of the tower property. If we don't sell that, two projects won't be done, which come to about \$70,000 and the other \$30,000 will have to come from contingency, because there is not another place to get it. We did raise rates by 5% instead of the 3.8% increase we used elsewhere. There are no funds available in the water fund. There is only one place with additional funds, and that's the Community and Economic Development fund. We've already hit that account for \$16,000 for the deposit to the County with Well No. 5. Cleeton told the Council that was for the deposit on the condemnation proceedings. Gaines felt that any bond we do right now will be very difficult to pass. They discussed whether more population would help the costs, but decided that more people would add to the cost, because we need more equipment and materials.

Shipley strongly believed that the future of Harrisburg's water supply is in the river. It's important we attempt to get water rights now, so we have them. Ritchie agreed with Staehlin's earlier statements. The water rights are only \$7,000, and if one of our pumps froze up, and we needed \$8,000 we would find it somewhere. Gaines told him that there is a reserve account created specifically for that kind of problem, but not for this. Ritchie commented that we've talked about that in the past, that we might tap the reserve fund for city hall, if filtration needed the boost. Cleeton asked if the Council would rather 'rob Peter to pay Paul', (use money in other expense lines) or would they like to plan on getting the money through the budget process, and come up with the funds in a year or so. Shipley was worried about waiting a year for this process, and Staehlin concurred, although he said that he would check with the consultants. They did tell him the sooner, the better. Shipley wasn't opposed to waiting a year, but if it means we can't get the rights if we wait a year, then no. Staehlin said that he will come back to you with an answer. Raven suggested that at budget time, we could replenish those funds.

- Cleeton told him we could do that. He clarified that the fee for the consultant is \$7,000, and the engineering fees are \$2,000, but what about the permit amount?

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- Staehlin thought that would be about \$500 or so, but he's not certain that it might be about \$1,000.
- Cleeton suggested that's about \$10,000, or should we say \$12,000?
- Barden said but if they turn us down, we don't have to pay it right?
- Staehlin said that we would be out the \$7,000 for the consultant for doing the application.

Gent asked if our financial situation would be better next year in the water fund, but Gaines told him it wouldn't be. Gent thought that going to a vote would be hard in these economic times. He felt that we should get the water rights now. Ritchie said that water rights and building a facility are two different things. We can get the water rights now, but then in ten years, build the filtration unit. Otherwise, if we wait ten years to get the rights, we might not be able to get it. Gent had a hard time believing that all the stored water will be gone in a year and a half. Ritchie said that not if you look at all the environmental impacts we've had in the past, such as those with salmon, etc. Raven felt that with this information, the sooner we obtained the rights, the better. Because of that, do it now, and we are definitely looking at protecting those rights for 20 years.

Gaines suggested that we could always do a supplemental budget to use contingency money for something like this. He suggested though, that he thought this could be something the HRA fund could be used for, when Cleeton expressed concerns about water rates for next year. Cleeton was also concerned about reimbursing the economic and community development fund, but yes, this should be something that the HRA funds could be used for. Gaines said that we don't have a major project using funds in the HRA right now. Mayor Duncan thought it was being proactive to do this. Cleeton suggested that he's not sure when we should have a vote; perhaps next March, and citizens could be given an advisory vote. Then they can say, yes, they'd welcome the increase in water rates for better water, or no, they don't. He was just playing the devils advocate, that if they say no, they don't want to do this, then we might regret spending \$10,000 on those water rights. If there is a vote that is not supportive, would you still feel comfortable in spending the money to get water rights.

- Barden told him yes, because of the economic climate right now. If we don't get water rights now, maybe in five years, we either can't do it, or it will cost \$50,000.
- Mayor Duncan said that what should also be considered, is if we lose a well completely; we could dig another well, not knowing if it's dry or not, or what kind of gpm we will get. That's extreme, but in 5 to 7 years, we'll be in the same spot, but maybe now it costs us \$500,000 a well, without filtration. It's not aesthetics; what matters is leaving a solid steady water supply that they don't have to worry about. If it costs us now, and years from now, it doesn't make sense, so be it.
- Cleeton suggested then that if Council votes to pursue water rights, we can use the suggestion on using the HRA funds, and then if we need to tap into the Community and Economic Development fund, then we can do that.

The Council then briefly discussed the dollar limits that should be set on it, and Cleeton suggested an amount of \$15,000, but Staehlin said that adding \$2,000 to the amount of \$7,000 should cover it. Barden thought it should be \$10,000, since its \$7,000, plus \$2,000 for engineering, and \$500 for the application. Staehlin said that there might be a reimbursement requirement with the water rights permit, but he will get back to Cleeton tomorrow on that. You could put in a condition that if a reimbursement is needed, then we could put the amount higher.

- Shipley then **motioned to direct the city engineer to obtain a water right permit for the Willamette River using the HRA funds to do so, with a limit of \$10,000.** Barden **seconded the motion.** The vote was 6 to 1, with Gent being the

opposing vote, for the City to pursue obtaining the water rights from the Willamette River, with a limit of \$10,000.

Other:

City Hall Week:

- Eldridge reminded the Council that LOC is sponsoring City hall week October 13 to the 17, and a list of locations near us is included on the flyer provided to the Councilors. The meetings are set up so that members of the legislature can meet with City officials to discuss issues with the cities.

The Council then adjourned at the hour of 10:08PM.

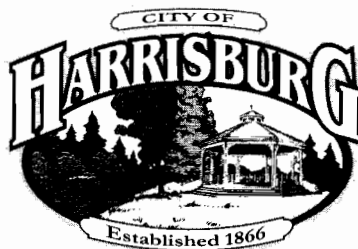
Mayor

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September 21, 2009

Dwight French
Administrator of Water Rights and Adjudications Division
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

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WATER RESOURCES DEPT
SALEM, OREGON

Re: City of Harrisburg's Request for an Exception to the Willamette Basin Program Pursuant to ORS 536.295 for Application S-87395

Introduction

The City of Harrisburg (City or Harrisburg) submits this request along with the required fee of \$500.00.

This letter represents the City of Harrisburg's request that, pursuant to ORS 536.295, the Water Resources Commission (Commission) allow the Water Resources Department (Department) to consider Harrisburg's surface water application S-87395 notwithstanding the Willamette Basin Program classification for the mainstem Willamette River above Albany. The City requests that the Commission consider this matter at its November 2009 meeting.

Harrisburg's need for water requested under application S-87395 is based on several factors. First, Harrisburg's current water supply is a sole source – groundwater. The City has no redundant supply in the event of mechanical failure, contamination or other unexpected events. Second, the groundwater produced from the City's wells fails to meet secondary contaminant levels with elevated levels of hydrogen sulfide, iron, manganese, chloride, hardness, and total dissolved solids. Third, Harrisburg does not have an intertie with another municipal water provider, and no such intertie is likely to be developed in the foreseeable future. Fourth, Harrisburg cannot obtain a contract for use of stored water from the federal Willamette Basin reservoirs for municipal use. And fifth, based on current well production capabilities, Harrisburg's demand for water will exceed its water supply within approximately six years.

Despite the fact that water is available from the Willamette River near Harrisburg on a year-round basis, under the Willamette Basin Program at OAR 690-502-0050(1)(c), this portion of the Willamette River mainstem is not classified for municipal use during the period of July 1 through August 30 of each year. Unless an exception is granted by the Commission, Harrisburg's application S-87395 will likely be denied. For the reasons outlined below, the use proposed in Harrisburg's application S-87395 is necessary to avoid extreme hardship. We look forward to working with the Commission and Department as they consider this critical water supply issue for the City of Harrisburg.

Background

Harrisburg is a small community located in Linn County, approximately 15 miles north of Eugene. The City currently obtains all of its water from groundwater through five wells. The groundwater produced by the City's wells fails to meet secondary contaminant levels, resulting in significant taste, staining, and appearance problems.

The City's current population is 3,435. By the year 2027, it is projected that the City will grow to a population of 6,140. The City's wells produce a maximum of approximately 820 gallons per minute (gpm). The City's current maximum day demand (MDD) is 650 gpm. By 2027, it is estimated that the City's peak day demand will be approximately 1,173 gpm. Thus, it is estimated that the City's water demand will exceed its current well production within six years. While additional wells may be authorized under existing City water rights, this short-term fix does not address the City's water quality issues, the continual decline of well production and the lack of a redundant water supply.

Harrisburg has recently prepared a Water System Master Plan and Water Management and Conservation Plan. Those planning documents highlight the water quality problems and the need for Harrisburg to examine other water sources to meet its current and future water supply needs.

A. Harrisburg's Current Water Supply

Harrisburg currently has five functional wells, designated as Wells 4, 5, 6, 7, and 8, and is developing a request to add a proposed Well 9 under an existing water right. Under current conditions, the maximum capacity of the existing wells is approximately 820 gpm. As described above, water from the City's wells fails to meet secondary contaminant levels which results in taste, odor, staining, and appearance concerns. In the City's 2008 Water System Master Plan Update, the recommended treatment approach (manganese dioxide filtration and reverse osmosis) had an estimated capital cost of \$2.5 million with an annual operations and maintenance budget of \$95,000. With respect to long-term water supply, these costs do not include the cost of additional wells and the associated treatment systems. Moreover this approach does not address the City's lack of a redundant water supply and concerns about long-term well production declines.

B. Willamette River – Opportunities and Impediments

As noted above, the City does not have an intertie with another municipal water provider. Moreover, the City is currently unable to obtain a contract for water from the federal Willamette Basin reservoirs for municipal use. Given the lack of feasible alternatives, the City has turned to "natural flow" from the Willamette River.

According to the Department's Initial Review of the City's application S-87395, surface water is available in the amount and for the full period requested. However, under the Willamette Basin Program at OAR 690-502-0050(1)(c), municipal use is not a classified use during the period of July 1 through August 30. The City understands that this restrictive classification was meant to further the Commission's policy objectives of having new appropriations on the Willamette River rely on releases of stored water from the federal storage reservoirs in the Willamette Basin as opposed to relying on the Willamette River's natural flow.

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Ideally, the City could comply with the Commission's objectives and obtain a water right permit to use the abundant stored water from the federal reservoirs. Unfortunately, this opportunity is currently not an option for Harrisburg, because:

(1) the water right certificates issued by the Department for the federal storage reservoirs in the Willamette Basin do not include municipal water use; therefore, the Department cannot issue a permit to use stored water for municipal use , and

(2) even if the federal reservoirs in the Willamette Basin included municipal water use, the Army Corps of Engineers and the Bureau of Reclamation, have indicated that the construction costs associated with the reservoirs have never been allocated to municipal and industrial uses and a reallocation would need to occur before a municipal and industrial use contracting program can be established. In addition, several other questions regarding a contracting program remain unresolved, including the cost of the stored water and what entity would administer a municipal and industrial contract program.

Exception to the Willamette Basin Program

Under ORS 536.295, the Commission may allow the Department to consider an application for a use not classified in the applicable basin program if one of the criteria under ORS 536.295(1)(a) – (g) are met and the proposed use is consistent with the general policies established in the applicable basin program.

A. The Proposed Use is Necessary to Avoid Extreme Hardship

The term "extreme hardship" is not defined by statute or administrative rules. However, based on a number of previous Commission decisions on extreme hardship under ORS 536.295, an extreme hardship has been defined to include a situation where denial of the use and the need for the applicant to seek an alternative water supply would cause a burden that is not easily overcome. In addition, past Commission decisions on extreme hardship have recognized that the extreme hardship analysis can include the burdens on those that depend on the water as well as the burdens on the applicant. See for example Oregon Water Resources Department, Staff Report Agenda Item H, April 14, 2005 *Request for an Exception to the Willamette Basin Program by Springfield Utility Board Under ORS 536.295*.

In this case, the level of financial hardship that would be caused by the denial of application S-87395 would be extreme.

- Harrisburg's water supply situation must be resolved in the near future.
- Harrisburg's immediate options are limited because Department and federal actions currently preclude the City from accessing water stored in federal reservoirs.
- Continued reliance on groundwater would require the construction of several additional wells and special facilities and processes for treating the groundwater. The City's 2008 Water System Master Plan Update estimated that capital costs associated with long-term reliance on groundwater are approximately \$6.9 million, with annual operations and maintenance of \$315,000 and a 20-year planning cost of \$13.2 million.
- In contrast, the City's Water System Master Plan Update estimated the treatment and use of water from the Willamette River would have a capital cost of \$4.7 million, with annual operations and maintenance of \$336,000, and a 20-year planning cost of \$11.4 million. The total cost would be approximately \$2.0 million less than the total cost for the groundwater supply option.

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- Resolving only the groundwater supply and treatment issues still leaves the City with a single source of supply.
- No existing surface water rights have been identified that are feasible (or available) to transfer to the City.

Given that the feasible supply alternatives to the Willamette River are significantly (25 percent) more expensive, denial of application S-87395 would place a burden on the City of Harrisburg and its customers that is not easily overcome.

B. The Proposed Use is Not Inconsistent with the General Policies of the Willamette Basin Program

Harrisburg's proposed use of the Willamette River for municipal use is not inconsistent with the general policies of the Willamette Basin Program under OAR 690-502-0020.

Harrisburg's proposed point of diversion is near U.S. Geological Survey gage 1416600 (on the Willamette River at Harrisburg). In this stretch of river, according to the Department's water availability database, water is available year-round for new uses and will not result in over-appropriation as defined by the Commission under OAR 690-400-010(11). In terms of the general surface water allocation policies under OAR 690-502-0020, Harrisburg's proposed use balances surface water allocation policies under OAR 690-502-0020, preserves opportunities for future economic development and does not result in over-appropriation. With respect to other relevant general basin program policies, Harrisburg's proposed use would protect adequate and safe drinking water supplies for human consumption, promote water conservation through updates to the City's Water Management and Conservation Plan, and is consistent with state and local land use requirements.

C. Commission Objectives and Permit Conditions

The City of Harrisburg is aware of the Commission's policy objectives in restrictively classifying the Willamette River to encourage the use of stored water from the federal reservoirs in the Willamette Basin. However, due to circumstances beyond the control of Harrisburg, the City is unable to access the abundant unallocated water stored in the federal reservoirs. Lacking feasible alternatives, Harrisburg must seek an exception to the Commission's restrictive classification of the Willamette River under OAR 690-502-0050(1)(c).

Harrisburg believes that on its face its exception request meets the requirements of ORS 536.295 and should be granted. The granting of an exception by the Commission is not a public interest review of the application, but simply allows the Department to consider the application and evaluate it under the same (public interest) provisions as all other applications. Harrisburg does not believe it is appropriate to pre-determine public interest conditions in the context of an exception request for a pending application. Nonetheless, the City would like to express its willingness to accept a condition in a resulting permit allowing the diversion of water year-round from the Willamette River for municipal use that would provide substantially as follows:

The permit holder shall seek an alternative water supply for the use authorized under this permit between July 1 and August 30 of each year.

On a schedule determined by the Department, the permit holder shall provide a written report to the Department describing the permittee's progress in obtaining an alternative

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water supply for the use authorized under this permit between July 1 and August 30 of each year. The report shall specifically describe the permittee's progress in securing a long-term contract and associated water right for the use of stored water from federal reservoirs in the Willamette Basin.

Use of water under this permit shall not be allowed between July 1 and August 30 of each year beginning two years from the date a long-term contract and water right permit are available to the permittee that allows the use of stored water from federal reservoirs in the Willamette Basin for municipal use between July 1 and August 30 of each year.

I. Conclusions

The City of Harrisburg requests that, pursuant to ORS 536.295, the Commission allow the Department to consider the City's water right application S-87395 notwithstanding the classification of the Willamette River under OAR 690-502-0050(1)(c), which does not allow municipal use during the period of July 1 through August 30 of each year.

Please feel free to contact me at 541-995-6655 if you have any questions or need additional information.

Sincerely,



Bruce Cleeton
City Administrator
E-mail: bcleeton@ci.harrisburg.or.us

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