Lower Pony

S-50155

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

Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

I, Coos Bay North Bend Water Board
NAME OF PERMIT HOLDER *[OAR 690-315-0070(1) and (3)(a)]*

Rob Schab
NAME OF CONTACT

2305 Ocean Blvd
ADDRESS

Coos Bay
CITY

OR
STATE

97420
ZIP

541.267.3128
PHONE

rob_schab@cbnbh2o.com
E-MAIL ADDRESS

the permit holder of: Application Number S-68795

Permit Number S-50155

[OAR 690-315-0070(3)(b)]

I do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 1999, be extended to October 1, 2013,

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 1999, be extended to October 1, 2020.

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

Signature

11-6-12
Date

RECEIVED BY OWRD

NOV 0 8 2012

SALEM, OR

Lower Pony

S-50155

[OAR 690-315-0070(3)]

1. Submit the appropriate extension of time fee ($500), as specified under ORS 536.050. If the extension application fee has already been paid, please provide indicate why and when it was paid.

A check in the amount of $500 is included with this application.

[OAR 690-315-0070(3)(c)]

2. For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute. All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.

NA

[OAR 690-315-0070(3)(d)]

3. For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.

NA

[OAR 690-315-0070(3)(e) and OAR 690-315-0070(3)(i)]

4. Provide a description of financial expenditures and evidence of actions taken to develop the water right permit within the permitted time period and, if applicable, within the time period of the most recent extension granted. ***Present the list in chronological order in Chart-I.***

CHART-I

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED *List work/actions done before the permitted was issued – e.g. Well drilled.*	COST
	Original Treatment Plant Design and Permitting	Not Available
	Original Treatment Plant Construction	Not Available
INSERT DATES	**ALL WORK AND ACTIONS ACCOMPLISHED DURING PERMITTED TIME PERIOD (after permit was issued and prior to permit "C-date")** *List work/actions done during the permitted time period.*	**COST**
1/6/88	**Date the permit was signed** - find date above signature on last page of permit.	
1/6/89	**Date the permit specified "Actual Construction Work" shall begin ("A-Date")** - not all permits contain this date.	
6/89	Dam replacement	$1,233,224.05
10/1/90	**Date the permit specified complete application of water to the use shall be made ("C-Date")** - all permits contain this date.	
INSERT DATES	**ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO THE MOST RECENT EXTENSION OF TIME REQUEST** *For the 1st Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request.*	**COST**

	For Other than the 1st Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.	
	CHART-I (continued)	
INSERT DATES	**ALL WORK AND ACTIONS ACCOMPLISHED DURING THE MOST RECENT EXTENSION OF TIME GRANTED** *For Other than 1st Application for Extension of Time: List any work/actions done during the time period most recent extension.*	**COST**
10/1/94	Date of the last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
10/1/99	Last "Extended To" date for complete application of water (resulting from the most recently approved extension of time).	
INSERT DATES	**ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED** *List work/actions done after the last authorized date for complete application of water has passed.*	**COST**
2009	Engineering design and permitting for filter plant expansion	$124,820
2010	Engineering design and permitting for filter plant expansion	$1,319,970
2011	Engineering design and permitting for filter plant expansion	$1,022,296
2011-2012	Construction of filter plant expansion	$7,514,408
	Total Cost to Date	**$9,981,494**

[OAR 690-315-0070(3)(f)]

5. Provide evidence of compliance with conditions contained in the original permit, in any previous extension(s), and/or in any permit amendments (Chart II), or the reason the condition was not satisfied (Chart III).

5-A) Describe how each condition has been complied with. Include conditions contained in the original permit (and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time). Include the date when the condition was satisfied.

CHART-II

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
NA		

** *Condition No: Attach a copy of the permit and, if applicable, any prior permit extensions or permit amendments with conditions identified and hand-numbered in a continuous number sequence throughout all such documents. Responses to Items 5-A and 5-B should reference each condition by number to correspond with the hand-written number sequence on the attached documents containing permit conditions.*

5-B) If applicable conditions have NOT complied with all, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-III

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
NA		

[OAR 690-315-0070(3)(g)]

6. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

6-A) For Surface Water Permit Extensions:

Maximum instantaneous rate used to date under this permit = 8.05 cfs (cubic feet per second)

6-B) For Ground Water Permit Extensions: Not Applicable

[OAR 690-315-0070(3)(h)]

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate.

Estimate the current population that is supplied water by the municipality or quasi-municipality and if applicable, current population served under this permit. Describe how that estimate was derived, or cite the source document from which the data was obtained. Include any calculations, formulas, supporting documentation, including copies of source documents.

Current Population: 34,500 as of Year: 2009

The Water Board provides service to approximately 34,500 people or 55% of the population of Coos County. The Portland State University 2007 Oregon Population Report estimates the July 1, 2007 population of Coos County at 63,050.
The service area is approximately 212 square miles and includes governmental jurisdiction by the Cities of Coos Bay and North Bend and Coos County. Approximately 51 square miles of the service area contains service from the Water Board.

[OAR 690-315-0070(3)(p)]

8. Report the current peak water demand of the current population served, and a description of the methodology(ies) used to make the estimate.

Identify the total rate, or duty if applicable, of water being used to meet the current peak demand for water from all water rights held by the municipal or quasi-municipal entity. This must be reported in the same units of measurement as specified in the permits, being cfs (cubic feet per second), gpm (gallons per minute), and/or AF (acre-feet – usually only specified on a reservoir right to store water). This total rate should be based on the information provided on "Attachment A" in the column named *"Max Amount of Beneficial Water Used to Date"* [under Item 10-A (a)].

Lower Pony

S-50155

Current Peak Water Demand: 18.05 c.f.s. as of Year: 2003

Methodology used to estimate current peak demand:
Measured flow through water treatment plant.

[OAR 690-315-0070(3)(k)]

9. Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.

The combination of water demand and precipitation has not yet allowed for full application of the beneficial use of this water right. Projected demand and filter plant expansion predicts full application of this right by 2020, provided adequate precipitation is present.

[OAR 690-315-0070(3)(l)]

10-A. Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.

In developing your estimated demand projections for the permit being extended, you should include the following items:

a) Inventory of Water Rights Held

Ground Water

Appl. No.	Permit No.	Certificate No.	Transfer No.	Priority Date	Source	Use	Allowed Rate (CFS)
G-200	G-1389	---	T-8161	1-3-1956	64 wells – Dunes Aquifer	Industrial	46.0 cfs
G-8466	G-10837	74901 (cancelled by T-9345)	T-9345	9-27-1977	Two wells – Dunes Aquifer (Well No. 58 & APOA)	Maintaining Sand Point Lake for Recreation	0.098 cfs (44 gpm)
G-8467	G-10838	74902	---	9-27-1977	Well No. 55 – Dunes Aquifer	Maintaining Spirit Lake water level for Recreation	0.098 cfs (44 gpm)
G-8468	G-10839	74903 (cancelled by T-9456)	T-9456	9-27-1977	Two wells – Dunes Aquifer (Well No. 42 & APOA)	Maintaining Horsfall Lake water level for Recreation	0.1649 cfs (74 gpm)
G-10893	G-10132	---	T-7815	3-11-1983	64 wells – Dunes Aquifer	Municipal	1.6 cfs

Lower Pony

S-50155

Surface Water

Appl. No.	Permit No.	Certificate No.	Transfer No.	Priority Date	Source	Use	Allowed Rate (CFS/AF)
S-55369	S-41801	53521	---	2-25-1977	Fourth Creek and Tarheel Creek	Municipal	3.1 cfs, being 1.55 cfs from Fourth Creek and 1.55 cfs from Tarheel Creek
S-33089	S-26223	---	---	7-30-1959	Joe Ney Slough & reservoir constructed under Permit R-2252	Municipal	8.0 cfs
R-33088	R-2252	---	T-8528	5-12-1959	Joe Ney Slough	Storage for Municipal	2500.0 af
S-68795	S-50155	---	---	7-21-1986	Pony Creek and Lower Pony Cr. Res (Merritt Lake)	Municipal	18.0 cfs
R-68794	R-10888	83502	---	7-21-1986 for 340 af and 12-29-1987 for 43.0 af	Pony Creek (Lower Pony Creek Reservoir – Merritt Lake)	Municipal	383.0 af annually during the nonirrigation season or when excess water is otherwise available
S-24923	S-19689	32416	---	8-11-1950	Pony Creek and reservoir	Municipal	10.0 cfs
R-24922	R-1064	32415	---	6-26-1950	Pony Creek	Municipal	1685.0 af
S-63237	S-47095	---	---	2-2-1982	Upper Pony Creek Reservoir	Municipal	465.0 af
R-61527	R-8518	---	---	4-13-1981	Pony Creek	Municipal	465.0 af
S-80302	S-53683	---	---	5-11-1995	Upper Pony Creek Reservoir	Municipal	4100.0 af
R-80301	R-12870	---	---	5-11-1995	Pony Creek	Municipal	4100.0 af
S-24058	S-18955	---	---	8-26-1949	Winchester Creek	Municipal	8.0 cfs
S-70256	S-54344	---	---	3-23-1990	Tenmile Creek	Municipal	23.2 cfs
SW 297 (registration claim)	---	---	---	Pre-1909	Upper Pony Creek	Municipal	10.0 cfs

b) Water Supply Contracts and/or Agreements

List any water supply contracts or agreements for water that will be supplied by the permit holder to other entities.

NA

List any water supply contracts or agreements for water that will be supplied from other entities that the permit holder will depend on to meet its own current or anticipated future water needs.

NA

Lower Pony

S-50155

c) Projected Population

Identify the projected population growth rate. The population projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the population projections such as historical growth rates or any factors affecting growth trends.

Population Growth Rate: 0.11%

Projected Population: 37,496 by 2030

Methodology used to estimate projected population and population growth rate:

The Oregon Office of Economic Analysis (OOEA) forecasts an annual county population growth rate of 0.11% through 2030.

Population increases or decreases can occur with industrial activity changes. The May 2007 study A Forecast of Demographic Impacts on Communities Resulting from New Businesses in Coos County, prepared for South Coast Development Council, outlined the impacts from increased industrial activity. Net population gains from 13 potential industrial and commercial projects ranged from 1,957 to 4,571 county wide or 3% to 7% depending on the level of project development. In respect to this potential growth factor, a 5% increase in population is shown for county and service area populations in the table below.

Base Plus Industrial Expansion Coos County and Service Area Population Projections

Year	*2007*	*2010*	*2020*	*2030*	*2040*	*2050*
Coos County Population Estimate	*63,050*	*66,555*	*67,472*	*68,175*	*68,081*	*68,081*
Water Board Service Area Estimate	*34,564*	*36,605*	*37,110*	*37,496*	*37,445*	*37,445*

d) Future Peak Water Demands

Identify the projected peak water. The peak water demand projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the water demand projection, such as historical growth rates or any factors affecting growth trends. Include a summary of how the subject permit, and other water rights and /or supply contracts held by the permit holder are planned or expected to be used to meet anticipated future water needs

Projected Peak Water Demand: 5,156.2 million gallons as of Year: 2030

Composite Demand Forecast

The demand scenario used for the composite demand forecast is based population growth reflecting industrial influence and large scale industrial demand increases (9 MGD). For the purpose of forecasting, full industrial development is considered to primarily occur within the 2020 decade. Realistically, full development could occur into the 2030 decade.

Lower Pony

S-50155

Aggregate Demand - High Industrial Growth (Million Gallons)

Year	*Base Year*	*2010*	*2020*	*2030*	*2040*	*2050*
Residential	*639.3*	*677.0*	*686.3*	*693.5*	*692.5*	*692.5*
Commercial	*366.0*	*395.0*	*401.2*	*406.0*	*405.4*	*405.4*
Industrial	*254.9*	*1,897.4*	*3,539.9*	*3,539.9*	*3,539.9*	*3,539.9*
Public	*109.6*	*110.7*	*111.8*	*112.9*	*112.9*	*112.9*
Unauthorized/ Leakage	*116.4*	*261.8*	*402.8*	*403.9*	*403.8*	*403.8*
Total	*1,486.2*	*3,341.9*	*5,142.0*	*5,156.2*	*5,154.5*	*5,154.5*

e) Potential Growth

Describe the potential for growth of the service area (such as the annexation of lands or new industrial and/or commercial ventures locating within the service area) and describe how those projects are expected to affect future water demands.

The service area is approximately 212 square miles and includes governmental jurisdiction by the Cities of Coos Bay and North Bend and Coos County. Approximately 51 square miles of the service area contains service from the Water Board. Future land development opportunities exist in both cities and the county. Within the City of Coos Bay approximately 878 parcels (1,351 acres) of vacant or re-developable properties have been identified. An additional 325 parcels (313 acres) of industrial and commercial property have been identified. North Bend, in a 2001 building lands study, identified 379 residential lots and 20 commercial sites suitable for development. The county has identified 93 parcels (9,060 acres) of residential property and 16 parcels (956 acres) of industrial/commercial property which lie within the service area but currently outside of areas with water infrastructure. Areas in the county with the greatest potential for water service expansion are along Isthmus Slough to the south, East Bay Drive to the east and the Hauser and Saunders Lake areas to the North. Additionally, there are several large industrial tracts on the North Spit which are available for development. These tracts have access to existing distribution mains.

Specific Industrial driven growth scenarios are described above in response to questions 10-d of this application.

f) Completion Date

Provide the date by which the water development is anticipated to be completed and water put to full beneficial use. **October 1, 2020**

[OAR 690-315-0070(3)(l)]

10-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.

Show that permit holder's potential for future growth and expansion is feasible and consistent with the amounts and types of lands and uses proposed to be served. Information that may be addressed includes, but is not limited to: land use plan(s); current service area(s) in relation to the urban growth

boundary; amounts of lands currently un-served and available for future development; and/or low-density vs. high-density areas.

NA

[OAR 690-315-0070(3)(j) and OAR 690-315-0070(3)(m)]

11. Provide an estimate of the costs to complete water development and summary of the future plan and schedule to complete construction and/or perfect the water right.

Considering the demand projections in Item 10-A, describe major future work and actions that must be accomplished in order to fully develop and perfect the subject permit. Provide a list of the major planning, work and/or actions needed, the approximate time frames, and estimated costs anticipated to complete the water development within the parameters of this permit.
The review of a Capital Improvement Plan (CIP) or other system infrastructure improvement plans may help when formulating a response.

CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
2012-2013	Complete construction and commissioning of filter plant expansion	$1,326,072
Year: 2020	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Estimated Total Cost to Complete Development	$1,326,072

[OAR 690-315-0070(3)(n)]

12. Justify the time requested to complete the project and/or apply the water to full beneficial use.

A justification should integrate information from Items 5-B, 6-A or 6-B, 9, 10-A, and 11 of this application, and should include any other information or evidence to establish that the requested amount of time is reasonable, and that you will be able to complete the project within the amount of time requested.

Construction of the filter plant expansion is currently underway with an anticipated commissioning date of April 1, 2013. Depending upon actualization of that commissioning schedule, actual water supply demand, filter plant operation schedules (daily hours of operation) and adequate precipitation, the full application for beneficial use is projected to occur by 2020.

[OAR 690-315-0070(3)(o)]

13. Provide any other information you wish OWRD to consider while evaluating the Application for Extension of Time

[OAR 690-315-0070(3)(q)]

14. For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

NA