ASR Oregon Permit Process
"A Journey Worth Taking"

AWWA Conference – Tacoma, WA May 2010
Michelle Owen
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Baker City, Oregon

Where are you going with this?

The “Journey” has a beginning and an end.

The “Journey” should provide information.

The “Journey” should help to resolve a problem.

The “Journey” should take you to a better place.

Who’s coming along for the ride?

Stakeholders Must Be Identified

- Look High and Low
- Don’t Forget Anyone
- Don’t Step on any TOES

Baker City Stakeholders Included…

- 1. The Rate Payers of Baker City
- 2. The City Council
- 3. Water Resources-Local & State
- 4. GSI Water Solutions (Thanks Jeff & Jason☺)
- 5. DEQ
- 6. DHS
- 7.Ranchers/Ag Community

How Much will the "Journey" Cost?

- One Well Rehab-$800K
- Daily Monitoring-Thousands $/sample
- Legal Consult-Never ending $$$

200MG of drinking water on reserve -
PRICELESS

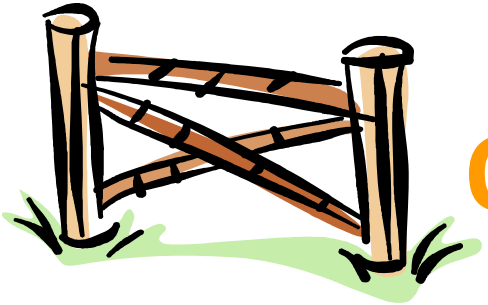
What obstacles are in the way?

Obstacles included…

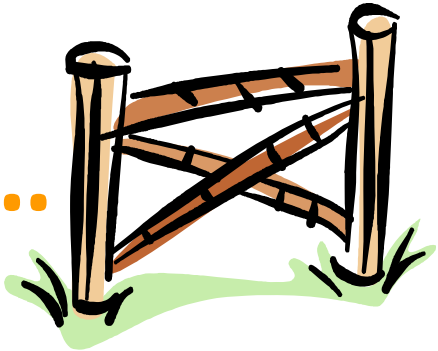
- **No application form or process in place with the state-Baker City is the guinea pig!**
  - The Oregon Administrative Rules were in place, but they needed to be interpreted and agreed to by the parties involved.
  - It took months of review to develop a permit.

Obstacles included…

- **Water Management & Conservation Plan Required**
  - The City of Baker City did NOT have a WMCP in place prior to the ASR project.

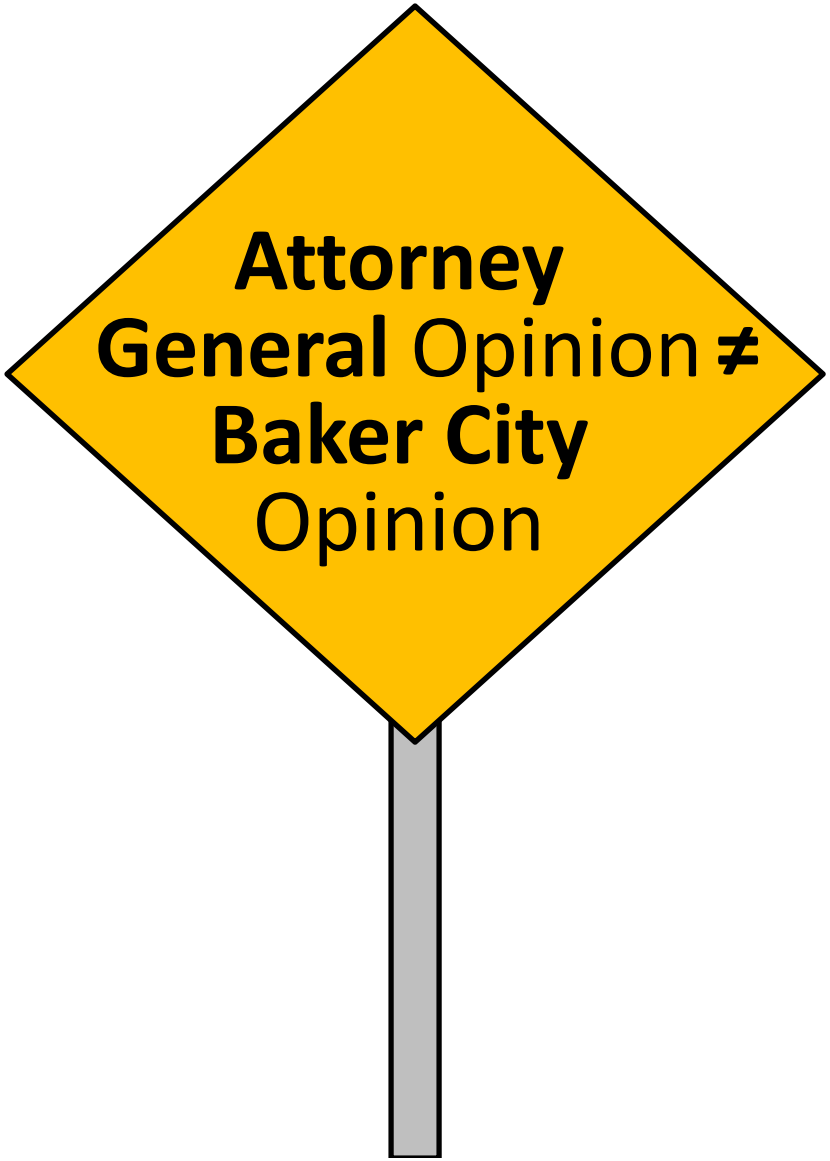


Obstacles included…



- **Personnel Changes**
  - City Councilors
  - City Attorneys
  - City Managers
  - Public Works Directors
  - OWRD
  - Department of Human Services

Legal Interpretations



Legal Interpretations

What is beneficial use?

Isn’t ASR an inherent beneficial use?

What is protection for existing users?

Aren’t we an existing user too?

What is the timeframe of the water right? It’s 365 days/year, right???

The Before and After

The Before and After

Before ASR (Before 2005)

- Difficulty meeting peak demand
- Well water quality had taste and odor issues
- Only one primary water source-no emergency supply

After ASR Limited License (Feb 2005-Apr 2009)

- Limited ability to inject
- Limited ability to meet peak demand
- Additional testing/sampling costs
- Additional reporting

The Before and After

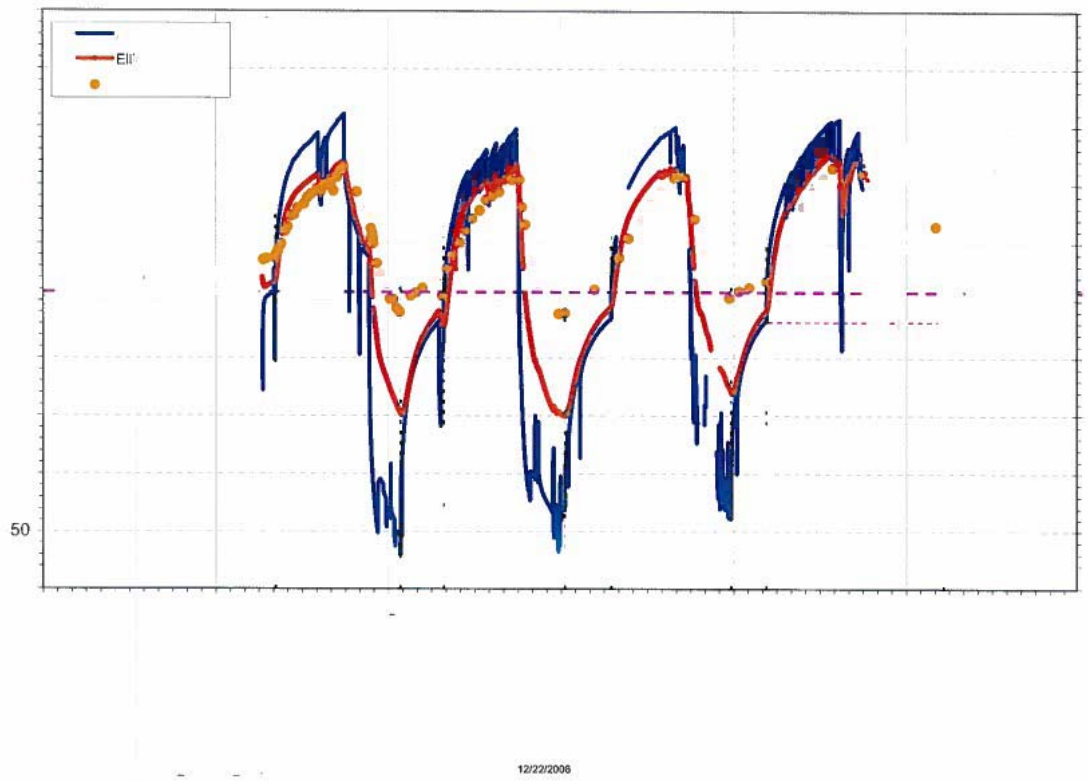
Before ASR Permit #1

- Limited injection season
- Lots of testing

After ASR Permit #1

- Longer injection season
- Fewer restrictions
- Reduced sampling, testing & reporting
- Improved ground water quality

Here's What the Data Looks Like!



Here's What the Permit Looks Like!

Oregon Water Resources Department
Water Rights Division

Water Rights Application
ASR Permit #001
Endorsement to Certificate 80496

Final Order

Appeal Rights

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

Authority

Oregon Revised Statutes (ORS) 537 and Oregon Administrative Rules (OAR) 690-350 establish the process by which an application for an ASR permit may be submitted and evaluated by the Department.

Findings of Fact

1. On November 17, 2007, the City of Baker City submitted an application to the Department for an aquifer storage and recovery (ASR) permit.

2. The Department received and considered comments on the application.

3. The Department issued a Proposed Final Order on January 20, 2009. The protest period closed March 6, 2009, and no protests were filed.

4. Comments received during the protest period sought certain clarifications and changes in the draft ASR permit in the Proposed Final Order. Although clarifications are provided here and the changes considered, no changes were made in the attached permit.

5. The City's compliance with its **currently** approved water management and conservation plan is a requirement (condition 3) of the attached ASR permit. Non-compliance could result in regulation of ASR activities.

6. In condition 9(A), the City's cooperation with a Department request for diversion information may require ad hoc flow measurements until flowmeters are installed pursuant to the schedule in the water management and conservation plan.

7. In condition 9(A) and (B), existing users are users of water rights that existed prior to issuance of the ASR permit.

8. In condition 9(B), the language "conflicts with an existing appropriator's lawful right to use water" pertains to injury to existing rights.

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