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03-7-30-11

AGENDA COVER MEMO

DATE: July 16, 2003

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Stephen L. Vorhes, Assistant County Counsel

AGENDA ITEM TITLE: IN THE MATTER OF APPROVING THE REQUEST OF HECETA WATER DISTRICT FOR A TEMPORARY WAIVER OF THE ONE MILLION GALLON PER DAY LIMIT ON WATER WITHDRAWALS FROM CLEAR LAKE

I. MOTION: Move approval of a temporary waiver of the water withdrawal limitation.

II. ISSUE OR PROBLEM: The easement granted by Lane County to Heceta Water District across county-owned land near Clear Lake includes a condition that restricts withdrawal of water from Clear Lake in any 24-hour period to not more than one million gallons. The District and the City of Florence have requested authorization for the District to temporarily withdraw water in excess of that limitation and allow operation of a new treatment facility at full capacity (1.25 million gallons per day) until mid October 2003.

III. DISCUSSION

- A. Background. In early 2001, Lane County granted an easement to Heceta Water District ("District") across county-owned land near Clear Lake, north of Florence, Oregon. One of the conditions in that easement limits District withdrawal of water from Clear Lake to not more than one million gallons in any given twenty-four hour period. The District has requested authorization to temporarily withdraw more than one million gallons per day as necessary to provide water to the City of Florence until mid October 2003.
- B. Analysis. The easement provision establishing the water withdrawal limitation also reserves to Lane County the exclusive right to modify the terms and conditions of the easement by agreement with the District. The new water treatment facility operated by the District has a capacity of one and one quarter million gallons per day (1.25mg/d). The request from the District and the City of Florence is for County authorization to withdraw water in excess of the easement limit to allow the District

to treat water at full facility capacity, if necessary, and provide water to the City of Florence through the summer. Attached letters describe the situation and the request.

C. Alternatives/Options.

1. Authorize withdrawal in excess of the one million gallon per day limitation.
2. Refuse to authorize withdrawal of excess water.

D. Recommendations. Authorize water withdrawal from Clear Lake in excess of the one million gallon per day limit on a temporary basis through mid October 2003.

E. Timing. The City of Florence needs additional water from the District this summer.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval, a copy of the Board Order will be sent to the District and the city.

V. ATTACHMENTS

Order

Letters from the District and the City of Florence

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 03-7-__-__)
)
)
) In the Matter of Approving the Request of
) Heceta Water District for a Temporary Waiver
) of the One Million Gallon per Day Limit on Water
) Withdrawals from Clear Lake.

WHEREAS in 2001 Lane County granted Heceta Water District an easement for a pipeline and access road to allow for transmittal of water across county-owned property near Clear Lake north of Florence, Oregon to a proposed new water treatment facility; and

WHEREAS, the easement granted by Lane County to Heceta Water District includes a condition that restricts withdrawal of water from Clear Lake in any 24-hour period to not more than one million gallons; and

WHEREAS, the City of Florence and Heceta Water District have requested a temporary waiver of the one million gallon per day limitation until mid October 2003 to allow for the maximum treatment capacity at the new Heceta Water District water treatment facility and to enable provision of water to the City of Florence while the city continues to work toward expanding its independent water delivery capacity; and

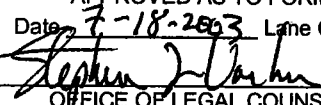
WHEREAS, without the maximum amount of water available from Heceta Water District the City of Florence might have to curtail water service to homes and businesses through the summer dry season until the city water delivery capacity expansion project is complete; and

WHEREAS, it is in the mutual interest of Lane County, the City of Florence and Heceta Water District that the limitation on water withdrawal from Clear Lake be temporarily waived to allow for operation of the new water treatment facility at full capacity (1.25 million gallons per day), as necessary to meet the needs of the City of Florence and Heceta Water District until mid October 2003, now therefore, it is hereby

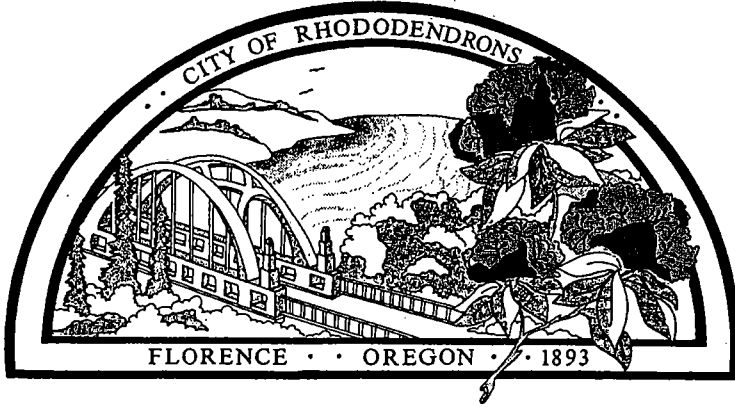
ORDERED, that the request from Heceta Water District for a temporary waiver of the one million gallon per day limitation on withdrawal of water from Clear Lake is hereby approved to enable operation of the new water treatment facility at full capacity if necessary for provision of water to the City of Florence until mid October 2003.

Adopted this __th day of July, 2003.

Peter Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 7-18-2003 Lane County


OFFICE OF LEGAL COUNSEL



JUL 14 2003

City of Florence

City Manager's Office

250 Highway 101
Florence, OR 97439-7628

Voice/TDD: (541) 997-3437
FAX: (541) 997-6814

July 11, 2003

Ms. Teresa Wilson, County Counsel
Lane County Public Services Building
125 East Eighth Avenue
Eugene, Oregon 97401

Dear Ms. Wilson:

We are told that the Heceta Water District (HWD) holds an easement from Lane County (County) that allows them to transport water through a pipeline on County land near Florence. We are further informed this pipeline connects HWD's water source to their treatment plant and that the easement restricts the flow to not more than one million gallons (1 mgd) per day.

Please consider this letter as a request to temporarily allow HWD to transport their maximum treatment capacity until mid October, 2003. HWD has been and still is the sole source of "peaking" demands on the Florence Municipal Water System (City). We anticipate that we will continue to rely upon HWD for such water supply through this summer drought season. Without the maximum amount available from HWD, it is possible that the City would have to curtail water service to homes and businesses until we are able to complete a current expansion and treatment expansion project.

Construction of our planned expansion is currently in progress. A contract was awarded in January of this year to increase our water delivery capacity by a full one-third. Completion of the project was expected to take up to one year. It is expected that the City will be independent of HWD supplies after next January. We do, however, intend to continue to cooperate with them and share water supplies back forth with them as any situation may dictate.

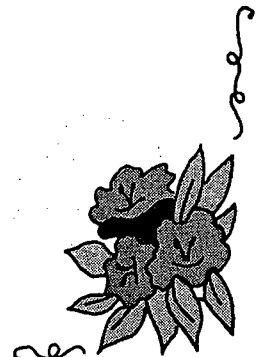
Authorization by Lane County to lift the 1mgd restriction would allow HWD to treat the full capacity of their new treatment facility – one and a quarter million gallons per day (1.25 mgd). Even that relatively small increase in the amount of water transportable would assist the people of Florence.

Thanks for your assistance with this matter. Please call if I can answer any questions for you.

Sincerely,

Rodger L. Bennett
City Manager

Copies: Mayor and Council
Mike Kendoll, General Manager, Heceta Water District



Heceta Water District

87845 Hwy. 101 N.
Florence, Oregon 97439
(541) 997-2446
Fax: (541) 997-1059
www.hecetawaterdistrict.com

JUL 15 2003

July 14, 2003

Stephen L. Vorhes
Assistant County Counsel
Office of Legal Counsel
125 East 8th Avenue
Eugene, Or 97401

Re: Surplus Water to City of Florence

Dear Mr. Vorhes,

Once again the City of Florence is in a position of purchasing surplus water from the Heceta Water District. Currently the District is reaching a level, which will require the discontinuing of water sales to the City. This will require the City to take drastic conservation measures or basically "dry up". I know the District and the County would not want to witness this. Enclosed is a letter from the City requesting additional water from the District.

The Heceta Water District is requesting the approval to pump additional water so we may better serve the City of Florence's needs.

If the County grants this approval, could a copy please be forwarded to Mr. Jones?

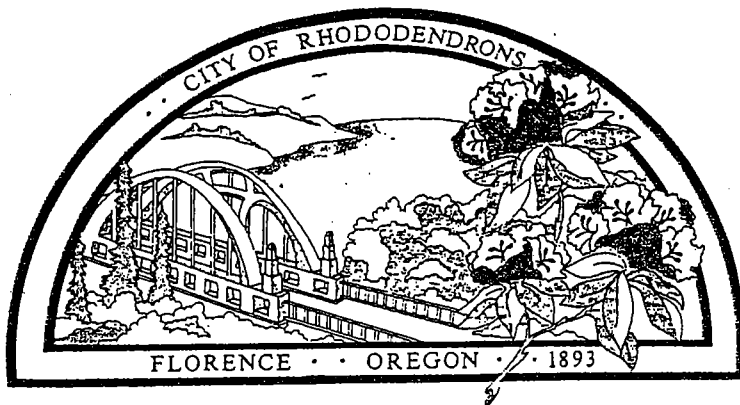
Thank You Very Much.

Sincerely,



Michael C. Kendoll, Superintendent
Heceta Water District

Enclosure: City Letter
Cc: A. Morrison
Lane County Commissioner



City of Florence

City Manager's Office

250 Highway 101
Florence, OR 97439-7628

Voice/TDD: (541) 997-3437
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City Manager



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