



November 4, 2021

Project No. 2111004

Nick Green, City Manager  
City of John Day  
450 East Main St  
John Day, OR 97845

## **RE: WATER RIGHT REVIEW – SCOPE OF WORK**

Dear Mr. Green:

CwM H2O, LLC (CwM) is pleased to provide the City of John Day (City) with this scope of work and cost estimate for a water rights portfolio review. The proposed review includes three primary tasks that will cover the water rights held by the City for municipal water production, the roughly ten water right certificates connected to properties purchased by the City as part of its Innovation Gateway Adaptive Water Reuse initiative, and water rights related to log ponds down-gradient of the proposed Water Pollution Control Facility (WPCF) facility. The goals are to identify which of the recently acquired water rights may have a history of use that allows for an instream transfer, to highlight possible compliance issues associated with the City's water rights currently under use, and to inform the wastewater water quality monitoring plan development process.

A proposed environmental benefit of the City's Gateway project is the protection of flow within the John Day River via the instream transfers of water rights. The City intends to use many of the water rights connected to the City's properties to support improved river flows and quality.

In Task 1, CwM proposes a review of the water rights in question to assess the feasibility of instream transfers or to identify other options the City may have to use these rights. CwM will also assess the municipal production water rights held by the City to identify unsatisfied permit conditions and potential compliance issues or problem points. Part of this work will include the review of the recent land transaction with Oregon Trail Electric Company (OTEC) involving City Well #1 and the City's options for maintaining or restoring the associated water right.

In Task 2, CwM will identify and assess water rights associated with the log ponds located along the general groundwater flow path from the proposed WPCF facility to the John Day River (as defined in the Phase III Final Groundwater Modeling Report, October 19, 2021). Doing so will be beneficial for the development of the water quality monitoring plan for the facility.

Task 3 will include a summary report of the review findings and a map showing the points of diversion and places of use associated with each water right.



## Scope of Work

### ***Task 1 – City Water Rights Review***

The Oregon Water Resources Department (OWRD) maintains an online database of water right applications, permits, and certificates that is updated on a regular basis. However, this database is often missing documents detailing the history and utilization of older water rights. CwM will request scanned copies of the full water rights files for each of the approximately ten water rights acquired by the City through land purchases, as well as the files for the City's production water rights, which should include all associated documentation.

The OWRD files, along with the information available through the OWRD database, will be reviewed by a CwM hydrologist and Certified Water Rights Examiner (CWRE). CwM may also review area maps, satellite imagery, and other accessible information related to the development and use of these water rights.

### ***Task 2 – Log Pond Water Rights Review***

The potential interaction between groundwater and surface water within the small log ponds west of the proposed WPCF facility are of potential concern to the Oregon Department of Environmental Quality (ODEQ). The water quality monitoring plan for the facility may include some form of monitoring within one or more of these log ponds. The locations of such monitoring systems will be informed primarily by the groundwater modeling study. However, the presence of water rights connected to these ponds may also play a role in the development of the monitoring plan.

CwM will identify water rights connected to these ponds and request the full water rights files from the OWRD. The types and locations of use, history of use, and implications for WPCF operations and monitoring of such water rights will be assessed.

### ***Task 3 – Assessment Report and Maps***

CwM will summarize the findings of the water rights review in a technical memorandum. The memorandum will be accompanied by a map or maps displaying the points of diversion and areas of use for the water rights in question, highlighting any rights that are suitable for instream transfer. The deliverables of Task 2 will then be forwarded to a water resources attorney for review and comment. The assessment report will compile the review comment into a water rights action and compliance plan that addresses the City's municipal water rights as well as all other reviewed water rights on City owned property.

#### ***Deliverables:***

- Water Rights Assessment Report and Action Plan***
- Water Rights Location Maps***



### **Cost Estimate and Schedule**

Please see the attached time and materials cost estimate to provide the above services. CwM estimates that approximately 61 hours of professional time will be required to support the proposed services for an estimated cost of approximately **\$8,922**. A breakdown of the cost estimate is included as Attachment 1 - Cost Estimate. We anticipate that the proposed tasks can be completed in approximately 3 weeks.

### **Contract and Work Order Authorization**

Accompanying this scope of work you will find CwM's Work Order Authorization (WOA) for the proposed scope of work (Attachment 2). Please sign a copy of the WOA and return it for our records. Please do not hesitate to call or email me with any questions.

Sincerely,

**CwM H2O, L.L.C.**

Robert Long, RG, LHG, CWRE  
Principal Consultant

Attachments:

- 1) Cost Estimate
- 2) Work Order Authorization

Attachment 2  
2111004 - City of John Day  
John Day, Oregon  
Work Order Authorization 001

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**CwM H2O, LLC**

Project Name and Site	Client Reference No.	CwM H2O Project No.
Water Rights Review	2111	2111004

**SCOPE OF SERVICES**

The scope of services is outlined in the attached proposal, dated November 4, 2021. This scope includes three tasks to review and summarize the City’s production water rights, the water right certificates associated with the City’s recently acquired Innovation Gateway project properties, and water rights connected to log ponds west of the proposed WPCF facility.

**AGREEMENT COST**

Time and Materials estimate: \$8,922

**SCHEDULE**

The project will commence once CwM receives the signed documents.  
Estimated time of completion is approximately three weeks.

The work covered by this Work Order Authorization shall be performed under the terms and conditions of CwM-H2O, LLC Master Services Agreement, Version 11/20. Please endorse the signature page of this document and return to CwM-H2O, LLC. Thank you.


Nich Green, City Manager  
City of John Day

By:   
Authorized Representative

Its: City Manager

Date: 11/06/2021

CwM-H2O, LLC

By:   
Authorized Representative  
Robert E. Long Jr.

Its: Member Manager

Date: November 4, 2021

Task	Description	Labor Hours	Labor	Outside Services, Affiliates	Total
1	Water Rights Review	29	\$3,985	\$397	\$4,382
2	Log Pond Water Rights	12	\$1,680	\$0	\$1,680
3	Report and Action Plan	20	\$2,860	\$0	\$2,860
<b>TOTALS</b>	Project Total	61	\$8,525	\$397	\$8,922