

BARNEY RESERVOIR

Joint Ownership
Commission

General Manager

Niki Iverson
150 E. Main Street
Hillsboro, OR 97123
503-615-6585

Board of Commissioners

City of Hillsboro

John Godsey

City of Forest Grove

Carl Heisler

City of Beaverton

Mark Fagin

Tualatin Valley Water District

Jim Doane

Clean Water Services

Mac Martin

BARNEY RESERVOIR JOINT OWNERSHIP COMMISSION (BRJOC) PRELIMINARY AGENDA

City of Hillsboro
Civic Center
150 East Main St., **Room 113B**

October 11, 2019
12:30 p.m.
Regular Meeting

Assistive Listening Devices (ALD) and sign language interpreters are available, at no cost, and can be scheduled for this meeting. Please provide at least 72 hours notice prior to the meeting. To obtain these services, call (503) 681-6100 or TTY (503) 681-6284.

ALL TESTIMONY IS ELECTRONICALLY RECORDED.

CALL TO ORDER AT 12:30 PM

Introductions.

1. **CONSENT AGENDA** (The entire Consent Agenda is normally considered in a single motion. Any Commissioner may request that an item be removed for separate consideration.)

A. Approve regular meeting minutes from Friday, July 12, 2019.

2. **COMMUNICATIONS AND NON-AGENDA ITEMS**

A. None scheduled.

3. **BUSINESS**

A. None scheduled.

4. **DISCUSSION ITEMS** (These items may result in actions by the Commission)

A. Barney Fence Update. *Staff Report – Kevin Meeuwsen*

B. Update on Barney Water Right Permit Application.
Staff Report – Kristel Griffith

C. Stored Water Status Report. *Staff Report – Kristel Griffith*

D. Year-to-Date Financial Status. *Staff Report – Mellisa Franklin*

E. General Manager's Report. *Staff Report – Niki Iverson*

5. **ADVICE/INFORMATION ITEMS**

A. The next JWC and BRJOC meetings will be held on January 10, 2020. Meetings are held at the Civic Center in Room 113B. The BRJOC meeting will be held at 12:30 p.m., with the JWC meeting following immediately after the BRJOC meeting adjourns.



BARNEY RESERVOIR JOINT OWNERSHIP COMMISSION (BRJOC)

MINUTES

City of Hillsboro
Civic Center, Room 113B
150 E. Main St.

July 12, 2019
12:30 p.m.
Regular Meeting

Commissioners Present:

Hillsboro: John Godsey
Forest Grove: Peter Truax
Beaverton: Marc San Soucie
TVWD: Bernice Bagnall
Clean Water Services: Mac Martin

Other Commissioners:

Hillsboro: David Judah, and Deborah Raber
TVWD: Dick Schmidt, and Jim Doane
Forest Grove: Rod Fuiten, Carl Heisler
Beaverton: Denny Doyle

Staff Present:

Hillsboro: Niki Iverson, Chris Wilson, Sophia Hobet, Eric Hielema, Kristel Griffith, Jessica Dorsey, Nesh Mucibabic, Alexis Cooley, Kevin Meeuwesen, Mellisa Franklin, Tacy Steele, Robb Davis and Carrie Dale

Beaverton: David Winship
Forest Grove: Greg Robertson, Bryce Baker, and Derek Robbins
Tualatin Valley Water District: Carrie Pak, Mark Knudson and Tom Hickman

Other:

Cable Huston LLP Tommy Brooks, Casey Nokes
City of North Plains Andy Varner

The meeting was called to order at 12:30 p.m.

Introductions.

- 1. **CONSENT AGENDA** (The entire Consent Agenda is normally considered in a single motion. Any Commissioner may request that an item be removed for separate consideration.)
 - A. Approve regular meeting minutes from Friday, April 12, 2019.

Motion made by San Soucie, seconded by Bagnall, to approve the Consent Agenda. Motion passed unanimously with Commissioners Godsey, Truax, San Soucie, Bagnall and Martin voting in favor.

2. COMMUNICATIONS AND NON-AGENDA ITEMS

A. None scheduled.

3. BUSINESS

A. None scheduled.

4. DISCUSSION ITEMS (These items may result in actions by the Commission)

A. Barney Fence Update. *Staff Report – Kevin Meeuwsen*

Meeuwsen presented the Barney Fence Update. He stated there are approximately 1500 feet of chain link fence along both sides of the spillway structure and pedestrian walkway whose installation design has failed, largely due to water incursion and frost heave and concrete deterioration over the last 20 years. He stated that there is a project planned to update the fence, however, only one bid was submitted for the work. A new set of contract documents are being prepared and are expected to generate wider contractor interest.

B. Stored Water Status Report. *Staff Report – Kristel Griffith*

Griffith presented the Stored Water Report. For the 2nd time since the Dam raise in 1999, the reservoir did not fill. Commissioner Godsey asked if any adverse impacts to water delivery were expected due to the shortfall. Griffith responded that because the shortfall was minimal, all agencies are expected to have sufficient supplies.

C. Year-to-Date Financial Status. *Staff Report – Mellisa Franklin*

Franklin presented the Year-to-date Financial Status Report, as of May 31st, 2019. Franklin reviewed Barney expenditures, comparing approved expenditures to current amounts, which are trending under or on budget.

D. General Manager's Report. *Staff Report – Niki Iverson*

No information to report from the General Manager, except a reminder that any notes taken during the meeting should be submitted to the Admin to scan, per public records guidelines.

E. ADVICE/INFORMATION ITEMS

A. The next JWC and BRJOC meetings are scheduled on Friday, October 11, 2019. Meetings are held at the Civic Center in Room 113B. The BRJOC meeting will be held at 12:30 p.m. with the JWC meeting following immediately after the BRJOC meeting adjourns.

There being no further business, the meeting was adjourned at 12:50 p.m.

Chairman, Barney Reservoir Joint Ownership Commission

ATTEST: _____
Secretary



STAFF REPORT

To: Barney Reservoir Joint Ownership Commission
From: Kristel Griffith, Water Resources Program Coordinator
Date: October 11, 2019
Re: Agenda Item 4B - Update on Barney Water Right Permit Application

Staff Recommendation:

This staff report is informational only. No Commission action is required at this time.

Background:

Barney Reservoir Joint Ownership Commission (BRJOC) submitted a water right application to Oregon Water Resources Department (OWRD) on December 27, 2017. On July 26, 2019, permit S-55219 was issued authorizing the release of municipal water from Barney Reservoir to the Tualatin River at the full rate allowed by the infrastructure (68.7 cfs, 44.4 mgd).

The permit does not impact Clean Water Service's ability to access stored water and is not a request to store any additional water in Barney Reservoir. It also does not affect the 15% of stored water held for the Oregon Department of Fish and Wildlife for releases to the Trask River.

The permit includes a condition to comply with fish screening criteria set by the Oregon Department of Fish & Wildlife (ODFW). Staff have been actively working with ODFW staff to understand the impact to fish and wildlife by Joint Water Commission (JWC) withdrawals at the Spring Hill Pumping Plant, and identify a satisfactory mitigation plan. Mitigation must be completed before the water can be used and before the permit can be certificated. Compliance with these State requirements is separate from the Federal requirements that were addressed in 2014.

The Joint Water Commission (JWC) completed a Water Right Strategic Plan in 2012. One of the primary recommendations of that Plan was to "obtain the necessary water rights to secure access to selected water supply sources." In the review of the existing Barney Reservoir water rights, it was determined that the specified release rate of the municipal portion of the stored water did not match the release rate being used by the JWC partners. To increase the allowable release rate at Barney Reservoir for drinking water partners, a new water right permit was required.

There are two types of water rights that are used for stored water. The "primary" water right provides the ability to store the water. The "secondary" water right allows the water to be released for a specified beneficial use such as "municipal use" or "water quality improvement."

Agenda Item 4B – Update on Barney Water Right Permit Application

Currently, there is one primary water right certificate that allows the storage of 20,000 acre feet in Barney Reservoir, and previously there were three water right certificates allowing release of water from Barney Reservoir to the Tualatin River. Two of those secondary water rights are for use by the drinking water providers (JWC), and the other is for use by Clean Water Services (CWS). The drinking water-related certificates authorized a release rate up to 38.7 cfs (25 mgd), while CWS has access to 30.0 cfs (19.4 mgd). The total authorized rate of 68.7 cfs (44.4 mgd) on the certificates equals the pipeline capacity to move the stored water from Barney Reservoir to the Tualatin River. These primary and secondary water rights have been certificated.

Historically, the calculations to develop those release rates assumed the same release across an entire season instead of the peaking demand that is needed. In recent years, the drinking water providers have released water at a higher rate than authorized on the water right. The local water master is aware of the additional release rate, and has not objected since it is from stored water for municipal use.

There was an opportunity to correct this issue for two reasons. First, CWS has not historically required the use of their entire release rate. Second, the CWS release rate goes unused for part of the release season because the CWS needed timeframe is shorter than that of the drinking water partners. The water right application requested authorization for the drinking water providers to release water from Barney Reservoir at a maximum rate of 68.7 cfs (44.4 mgd), less the release rate to meet CWS's needs. Obtaining this new municipal permit maximizes the available infrastructure without limiting Clean Water Services access to stored water.

Compliance with Oregon Department of Fish and Wildlife requirements

Application of any new water right triggers a review by Oregon Department of Fish and Wildlife (ODFW) to ensure the proposed use complies with the State's fish screening and passage requirements. During initial discussions, ODFW indicated a requirement to bring the JWC's portion of the Spring Hill intake into compliance with current regulations as a condition of approval. Instead, the water right permit has been issued with a condition that fish screening compliance is required before use.

Compliance with these State requirements is separate from the Federal requirements that were addressed in 2014. At that time, National Marine Fisheries Service (NMFS) reviewed operation of the intake for potential harm to Chinook salmon and steelhead and found that operation of the intake is not likely to jeopardize those fish populations; therefore, NMFS did not require a replacement of the fish screens.

The State's work focuses on juvenile and adult game fish species: Coho salmon, rainbow trout, cutthroat trout; and lamprey. ODFW determined that past fish monitoring efforts were not sufficient to understand the intake's impact to these other fish species.

JWC staff requested whether mitigation was an option in lieu of a fish screen replacement in order to avoid significant capital project costs, negotiations with the Bureau of Reclamation and the Tualatin Valley Irrigation District, and potentially having to bear the cost burden for those

Agenda Item 4B – Update on Barney Water Right Permit Application

agencies. ODFW indicated that mitigation was an option their rules allow, and the mitigation would be based on the level of impact to be determined from new fish survey data.

Monthly fish monitoring in the intake channel began in July 2017, and was completed in July 2018. Calculations to understand the JWC’s potential future impact are currently under review by ODFW and JWC staff. This information will be used to develop a mitigation strategy to be approved by ODFW’s Fish Passage Commission.

Next Steps

The final goal is to certificate the water right indicating we have complied with all conditions and have beneficially used the water. This process requires:

- JWC to comply with ODFW’s fish screening criteria by developing, obtaining approvals, and executing a mitigation project. The budget and expenses for that work is under JWC Capital Outlay, because the ODFW requirements are triggered by the Spring Hill Intake. Current schedules indicate mitigation work will be completed in FY20-21 or FY21-22.
- BRJOC can then beneficially use the water. Release water from Barney Reservoir to the Tualatin River for municipal use at 68.7 cfs (44.4 mgd).
- Complete and submit a Claim of Beneficial Use to OWRD to certificate the permit.

Cost:

1. Project costs have totaled \$109,534.43 since November 2015. Costs include consulting services, application fees, and staff time.
2. Certification of the water right will incur additional expenses, but those activities are currently scheduled for FY21-22 or FY22-23.
3. BRJOC costs are being allocated among the partners based on ownership of Barney Reservoir, excluding CWS. Percentage allocations are:

Hillsboro	34%
Forest Grove	3%
Beaverton	24%
TVWD	39%

Budget:

1. The budget for FY19-20 is \$10,000.
2. The source for all project expenses is Capital Outlay.
3. No budget for FY20-21 is anticipated.

Attachments:

1. Final Order for Water Right Application S-88492
2. Water Right Permit S-88492

**OREGON WATER RESOURCES DEPARTMENT
WATER RIGHT SERVICES DIVISION**

Water Right Application S-88492 in the)
name of BARNEY RESERVOIR JOINT)
OWNERSHIP COMMISSION)

FINAL ORDER
APPROVING THE USE OF
STORED WATER

Authority

Oregon Revised Statute (ORS) 537.147 establishes the process by which an application to use stored water exclusively may be submitted. Oregon Administrative Rule (OAR) Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water exclusively.

FINDINGS OF FACT

1. On December 26, 2017, Barney Reservoir Joint Ownership Commission submitted an application for a water-use permit pursuant to ORS 537.147:

Volume	8734.0 ACRE-FEET (AF)
Rate	30.0 CUBIC FEET PER SECOND
Use	MUNICIPAL USES
Source	BARNEY RESERVOIR, CONSTRUCTED UNDER PERMIT R-4890, TRIBUTARY TO TRASK RIVER
County	WASHINGTON COUNTY
Place of Use	WITHIN THE SERVICE AREAS OF CITY OF HILLSBORO, CITY OF FOREST GROVE, AND CITY OF BEAVERTON; AND TUALATIN VALLEY WATER DISTRICT DRINKING WATER SERVICE AREA

2. The required examination fees were paid and minimum application requirements were met.
3. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water.
4. The Department provided public notice of the application in the Department's weekly public notice on January 16, 2018. A 30-day comment period followed.
5. The Department has not received public comments related to the possible issuance of the attached permit. Therefore, the Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080, you may 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.

CONCLUSIONS OF LAW

1. Application S-88492 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-88492 is approved and Permit S-55219 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on JUL 26 2019



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

If you have questions about statements contained in this document, please contact Barbara Poage at Barbara.J.Poage@oregon.gov or 503-986-0859.

If you have other questions about the Department or any of its programs please contact our Water Resources Customer Service Group at 503-986-0900.

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

BARNEY RESERVOIR JOINT OWNERSHIP COMMISSION
150 E MAIN ST
HILLSBORO OR 97123

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88492

SOURCE OF WATER: BARNEY RESERVOIR, CONSTRUCTED UNDER PERMIT R-4890,
TRIBUTARY OF TRASK RIVER

PURPOSE OR USE: MUNICIPAL USES

MAXIMUM RATE OF USE: 30.0 CUBIC FEET PER SECOND, NOT TO EXCEED 8734.0 ACRE-
FEET

DATE OF PRIORITY: DECEMBER 26, 2017

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

Authorized Point of Diversion and Re-Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Barney Reservoir Dam	1 S	6 W	WM	35	NE NW	305 FEET SOUTH AND 1790 FEET EAST FROM NW CORNER, SECTION 35
Spring Hill Intake Re-diversion	1 S	3 W	WM	8	SW SW	500 FEET NORTH AND 410 FEET EAST FROM SW CORNER, SECTION 8

Authorized Place of Use:

WITHIN THE SERVICE AREAS OF CITY OF HILLSBORO, CITY OF FOREST GROVE, AND CITY OF BEAVERTON; AND THE TUALATIN VALLEY WATER DISTRICT DRINKING WATER SERVICE AREA

1. Water Use Measurement, Recording, and Reporting Condition:

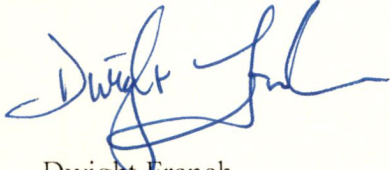
- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The permittee shall keep a complete record of the volume of water stored each month, and shall submit a report which includes water-storage measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary or is exempted. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screening Coordinator.

STANDARD CONDITIONS

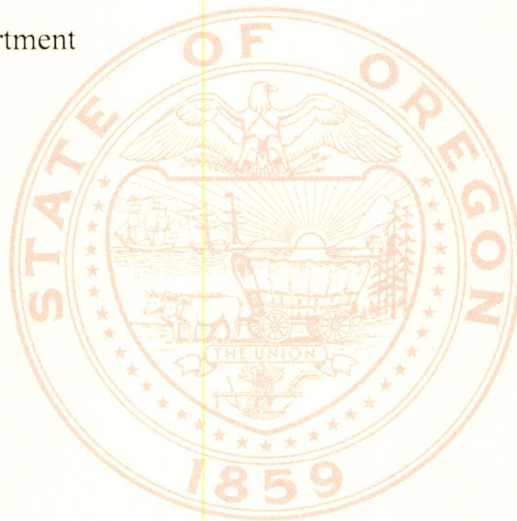
1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. Construction of the water system shall begin within twenty years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
7. Complete application of the water shall be made within twenty years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
8. Within one year after making complete application of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued JUL 26 2019



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



BRJOC QUARTERLY REPORT

MONTH ENDED 6/30/2019

BRJOC RESOURCES	BUDGET 18-19	AS OF 6.30.19	AVAIL BUDGET 18-19	% USED
BEGINNING WORKING CAPITAL	239,040	311,871		
MAINTENANCE REIMBURSEMENTS				
HILLSBORO - MAINTENANCE REIMBURSEMENT	193,478	135,700	57,778	70%
FOREST GROVE - MAINTENANCE REIMBURSEMENT	15,603	10,835	4,768	69%
BEAVERTON - MAINTENANCE REIMBURSEMENT	134,187	93,185	41,002	69%
TVWD - MAINTENANCE REIMBURSEMENT	218,443	153,209	65,234	70%
CWS - MAINTENANCE REIMBURSEMENT	62,412	43,774	18,638	70%
TOTAL MAINTENANCE REIMURSEMENTS:	624,123	436,703	187,420	70%
CONTRIBUTIONS IN AID				
HILLSBORO - CAPITAL OUTLAY	105,482	15,497	89,985	15%
FOREST GROVE - CAPITAL OUTLAY	8,509	1,359	7,150	16%
BEAVERTON - CAPITAL OUTLAY	73,161	11,679	61,482	16%
TVWD - CAPITAL OUTLAY	119,098	17,499	101,599	15%
CWS - CAPITAL OUTLAY	23,250	2,021	21,229	9%
TOTAL CONTRIBUTIONS IN AID:	329,500	48,055	281,445	15%
OTHER				
INTEREST	1,500	3,726	(2,226)	248%
TOTAL OTHER:	1,500	3,726	(2,226)	248%
			-	
TOTAL RESOURCES:	1,194,163	800,355	466,639	67%
BRJOC EXPENDITURES	BUDGET 18-19	AS OF 6.30.19	AVAIL BUDGET 18-19	% USED
PERSONNEL SERVICES	302,395	264,059	38,336	87%
MATERIALS AND SERVICES	180,200	76,422	103,778	42%
CAPITAL OUTLAY	339,500	93,368	246,132	28%
SPECIAL PAYMENTS	133,030	111,309	21,721	84%
CONTINGENCY	239,038	-	239,038	0%
TOTAL EXPENDITURES:	1,194,163	545,158	649,005	46%
TOTAL RESOURCES AND REQUIREMENTS				
	BUDGET 18-19	AS OF 6.30.19	AVAIL BUDGET 18-19	% USED
TOTAL NET RESOURCES	955,123	488,484	466,639	51%
TOTAL NET EXPENDITURES	955,125	545,158	409,967	57%
CHANGE IN FUND BALANCE	(2)	(56,674)	56,672	
FUND BALANCE				
BEGINNING FUND BALANCE	239,040	311,871		
ENDING FUND BALANCE		255,197		

Please note the amounts noted on this report has not yet been audited.