



Staff Report

For City Council Meeting - 5/3/2023

Subject - New Business - RFP - Water Right Compliance and Reporting Services

Synopsis: In March, the City published an invitation to bid, or Request for Proposals (RFP), to assist with assessing groundwater monitoring, surface water monitoring, and production well data in accordance with the Oregon Water Resource Department (OWRD). The RFP closed on April 14th. The RFP was advertised in the Daily Journal of Commerce, the newspaper, and with the League of Oregon Cities. Only one bid was received, and is attached to this report.

Council Options:

1. Motion to approve the submitted proposal;
2. Motion to deny the submitted proposal.

Recommendation: The City has used Sound Earth before and have been pleased with their work. Public Works Director Mark McFadden holds them in very high regard. As they are the only bid received, staff recommends the Council motion to approve their proposal.

Legal Analysis: Both the legal notice and (now closed) RFP are also available on the City website.

Financial Analysis: N/A

Respectfully Submitted,



Chad



SoundEarth Strategies, Inc.
2811 Fairview Avenue East, Suite 2000
Seattle, Washington 98102

March 30, 2023

City of Gearhart
RFP Groundwater Compliance Services
698 Pacific Way
PO Box 2510
Gearhart, Oregon 97138

**SUBJECT: RESPONSE TO RFP FOR WATER RIGHT COMPLIANCE AND REPORTING SERVICES
Oregon Water Right Permit G-16390
Gearhart, Oregon**

Dear Ms. Hill and Selection Committee:

SoundEarth Strategies, Inc. (SoundEarth) appreciates the opportunity to provide the City of Gearhart, Oregon (the City) with this proposal for professional services for the 2023 calendar year in response to the Request for Proposal (RFP) for Water Right Compliance and Reporting Services. The proposed scope of work and tasks are based on technical and compliance support for the groundwater and surface water monitoring requirements established under the City's Oregon Water Resources Department (OWRD) water right permit (the Permit).

PROJECT OBJECTIVES

The primary objectives of SoundEarth's scope of services are to support the City's continuing compliance with the Permit and to avoid potential saltwater intrusion into the City's groundwater supply wells.

To achieve the project objectives, SoundEarth proposes to:

- Review, format, and upload monthly and quarterly data collected by City staff and analytical data generated from contracted laboratories, as required under the Permit. This includes groundwater elevations, surface water stage elevations, monthly groundwater production volumes, and water quality monitoring for total dissolved solids and chloride in the monitoring wells and the water supply wells.
- Support the City, as necessary, with continued communication with OWRD regarding quarterly and monthly data collection and review.
- Prepare and submit the annual Permit Compliance Report for 2022 to OWRD on behalf of the City.

PROJECT UNDERSTANDING AND BACKGROUND

As part of the Permit, the City is required to collect water quality and groundwater parameter data to ensure continued sustainability of the groundwater and surface water resources. The specific monitoring requirements are outlined in the Permit's *Monitoring and Action Plan*. Having provided technical support to the City since 2012 in support of its compliance with the Permit, SoundEarth has a comprehensive understanding of the project objectives and a strong familiarity with the Permit requirements and the management of the data to be reviewed as part of this scope of work.

In February 2013, the City submitted the report entitled *City of Gearhart, Oregon, 2012 Water Rights Compliance Report and Background Concentration Assessment of Groundwater Quality*, prepared by SoundEarth, to OWRD. The report provided OWRD with a comprehensive database of groundwater elevation data, groundwater production well flow data, surface water data, assessment of the effects of groundwater production on the aquifer, and a rationale for establishing numeric background water quality parameters.

Annual compliance monitoring reports for 2013 through 2021 were prepared by SoundEarth and submitted to OWRD.

PROPOSED APPROACH TO SCOPE OF WORK

Based on SoundEarth's understanding of the City's primary objectives, the Permit requirements, and the City's goals, SoundEarth has developed a proposed scope of services. The scope of services is similar to services provided by SoundEarth in previous years and includes the following tasks, as defined in the RFP:

- Task 100: Monthly Groundwater Database Updates, Review, and Data Management
- Task 200: Preparation of the 2022 Water Rights Compliance Report
- Task 300: Project Management and Coordination

Some of the tasks may need to be clarified and refined as work proceeds and additional data becomes available.

Task 100: Monthly Groundwater Database Updates, Review, and Data Management

SoundEarth will obtain, format, and compile monthly data collected by the City. The primary goal of this task is to keep the data set as current and up to date as possible to identify and address potential compliance issues in a timely manner.

Data collected from groundwater and surface water monitoring locations, which is provided by the City and the City's selected analytical laboratory, will be uploaded to Project Portal. Data uploaded to Project Portal will be reviewed for trends and monitored with regard to compliance with the Permit. If requested, access to Project Portal can be made available to City staff or others for rapid review and analysis. Data uploads and management of Project Portal will be completed by de maximis Data Management Solutions, Inc. of St. Paul, Minnesota (ddms). SoundEarth and ddms have negotiated a discounted monthly rate for the 2023 calendar year based on the scope of services to be performed and the level of expert support anticipated for the contract.

SoundEarth anticipates reviewing and uploading the following:

- Electronic files of monthly groundwater pressure elevation data collected from the six groundwater monitoring wells with installed pressure transducers (MW-1A, MW-2A, MW-3, MW-4, MW-5, and MW-6)
- Electronic files of monthly water quality data collected from transducers in the foredune monitoring wells (MW-1A, MW-2A, and MW-3)
- Electronic files of monthly Neacoxie Creek surface water elevation transducer data obtained from monitoring station SW-MS1

- Electronic laboratory data deliverables for quarterly analyses of total dissolved solids and chloride in samples obtained from monitoring wells MW-1A, MW-2A, MW-3 and all the City's groundwater production wells
- Monthly manually measured groundwater elevation data for all of the monitoring wells
- Manually collected groundwater elevation data from all of the groundwater production wells with noted time since turning off the pump(s), as required in the Permit, for January, April, July, and October
- Records of monthly groundwater production well totalizer readings

Data will be formatted and processed monthly and uploaded promptly to the City's database, which is retained and accessible on Project Portal. Each month SoundEarth will review the data set for completeness, accuracy, and redundancy and identify potential data gaps as they pertain to compliance with the Permit.

Task 200: Preparation of the 2022 Water Rights Compliance Report

SoundEarth will prepare the annual 2022 Water Rights Compliance Report. The report will summarize the groundwater and surface water data collected from the monitoring network, water quality analytical data collected from the production wells, and data interpretation, and will include data summary tables, graphs, groundwater elevation contour maps, and the required electronic submission of the City's groundwater elevation data to OWRD.

A draft report will be submitted electronically to the City for review and comment. A final report will be prepared and submitted in hard copy format to OWRD. An electronic copy of the database will be submitted in OWRD format.

Task 300: Project Management and Coordination

Activities associated with this task include scheduling, coordination, and logistics with project personnel and subcontractors; communications; one meeting with the City and/or its agents; budget tracking; and general administrative tasks associated with project management.

ESTIMATED COSTS

SoundEarth proposes to conduct the scope of work for the identified tasks on a time and materials basis. The total anticipated cost for completing the proposed scope of work is approximately \$69,051. The details of the estimated costs are provided in the attached Table 1. This estimate does not include any laboratory analytical fees, which are assumed to be billed directly to the City by the analytical laboratory.

Estimated costs for Tasks 100, 200, and 300 are based on SoundEarth's knowledge of the work efforts required for completing the 2023 groundwater data management and 2022 Water Rights Compliance Report. Additional cost estimates for tasks or subsequent work efforts will be provided if additional tasks are identified, as task scope requirements are better defined, or as requested by the City. SoundEarth will provide prior notification and get City concurrence and authorization to proceed if the need to revise the scope of work and/or the estimated costs for each of the primary tasks is anticipated.

APPLICANT QUALIFICATIONS AND EXPERIENCE OF KEY PERSONNEL

SoundEarth has extensive experience providing a wide variety of consulting services to public clients, including the City, Grays Harbor County, Washington State Department of Transportation, the Port of Seattle, the City of Seattle, and the Washington State Pollution Liability Insurance Agency. Scopes of services conducted under these contracts have included groundwater monitoring, due diligence, site characterization, underground storage tank closure, environmental remediation, hazardous material management, wetland and shoreline evaluations, and stormwater services. In addition to these services, each of the project team key personnel listed below has worked with the City, as well as many other public and private clients, providing consulting and data management services in support of water supply and water rights compliance projects throughout the Pacific Northwest. Given the project team's specific experience and knowledge of the City's compliance monitoring program and our demonstrated success in meeting the objectives of the City over the past ten years, SoundEarth is uniquely qualified to perform the City's requested scope of services.

Project Team Key Personnel

Chris Hyatt, RG, LHG (Senior Geologist/Hydrogeologist, SoundEarth): Mr. Hyatt is a licensed geologist and hydrogeologist specializing in groundwater supply and contaminant hydrogeology. His extensive experience related to hydrogeology and groundwater supply has included design and implementation of hydrogeologic characterizations, installation of monitoring well networks, aquifer testing and characterization for municipal water supply projects, and water rights analysis and compliance monitoring for a wide variety of clients. Mr. Hyatt has been involved with the City's water supply project since its inception in 2006. He designed the existing Gearhart wellfield, was involved with procuring the City's water right permit, and has provided continued technical support in helping Gearhart comply with the Permit.

Clare Tochilin, LG (Project Manager/Associate Geologist, SoundEarth): Ms. Tochilin is a licensed geologist and project manager with over 10 years of experience in geologic and hydrogeologic data interpretation, Phase I and II Environmental Site Assessments, remedial investigations, aquifer testing for both contaminated sites and clean water supply projects, and technical report writing. Ms. Tochilin has served as the project manager and has reviewed and managed compliance groundwater data for previous contracts with the City since 2016. She has also provided technical and permit compliance support for a bottled water company, which included the collection and interpretation of groundwater and surface water elevation data, groundwater production volumes, and water quality data.

Ryan Bixby, LG (Managing Principal, SoundEarth): Mr. Bixby is a registered geologist with more than 25 years of experience as a consultant in the Pacific Northwest. He specializes in the investigation and remediation of complex environmental issues and provision of litigation support for cost recovery and cost allocation. He is also an expert in providing regulatory support under the Washington State Model Toxics Control Act, Comprehensive Environmental Response, Compensation, and Liability Act, Toxic Substances Control Act, and Clean Water Act. Mr. Bixby has served as the Managing Principal on SoundEarth's previous contracts with the City since 2013.

Jon Turner (Database Manager, ddms): Mr. Turner has over 11 years of experience with environmental data management, data analysis using geographical information systems and environmental management information systems technologies for environmental and cultural resource projects, and installation and maintenance of continuous groundwater monitoring systems. Mr. Turner and ddms have managed the City's Project Portal groundwater database in support of Permit compliance since 2013.

SCHEDULE AND AVAILABILITY

SoundEarth is committed to providing the City with exceptional technical and compliance support in a timely and cost-effective manner. Each of the project team key personnel understands the necessity of conducting an efficient review of the groundwater and surface water data provided by City as it is received in order to identify and address any potential compliance issues as quickly as possible. The project team, as well as SoundEarth's additional technical and administrative support staff, are knowledgeable about the data management and reporting requirements of the scope of work and will ensure that the necessary resources are always available to complete the scope of work within the necessary timeframe. Given SoundEarth's extensive experience with the City's water rights compliance program and database, we are confident in our ability to complete the scope of work within the budget we have provided. The Project Manager will utilize our well-established accounting and progress reporting systems to track the budget on a weekly basis.

REFERENCES

- City of Gearhart (Mark McFadden, 503-738-5501, publicworks@ci.gearhart.or.us)
- Seattle City Light (Jennifer Kindred, 206-684-3499, Jennifer.kindred@seattle.gov)
- City of Seattle Department of Finance and Administrative Services (Robert Farrell, 206-733-9238, Robert.farrell@seattle.gov)

CLOSING

SoundEarth appreciates the opportunity to provide the City with this proposal for high-quality technical and compliance support for the Permit. If you have any questions on this or other matters, please call us at 206-306-1900.

Respectfully,
SoundEarth Strategies, Inc.



Clare Toichilin, LG
Senior Geologist

Attachments: Table 1, City of Gearhart 2023 Cost Estimate

CRH/RKB:kak

TABLE



Table 1
City of Gearhart 2023 Cost Estimate
Water Right Compliance and Reporting Services
Oregon Water Right Permit G-16390
Gearhart, Oregon

Task No.	Description	SoundEarth Labor Categories, Rates, and Hours								SoundEarth Labor (Including 3% communications charge)	SoundEarth ODCs, Subcontractors, and Field Equipment	Task Total
		Managing Principal \$350	Senior II Engineer/ Geologist/ Scientist \$220	Associate I Engineer/ Geologist/ Scientist \$210	Staff I Engineer/ Geologist/ Scientist \$155	CAD/ GIS Specialist I \$140	Senior Technical Writer/ Editor \$150	Project Coordinator \$120				
100	Monthly Groundwater Database Updates, Review, and Data	4	30	16	32	-	-	3	\$ 17,180	\$ 10,403	\$ 27,583	
200	Preparation of the 2022 Water Rights Compliance Report	4	60	16	20	4	6	6	\$ 23,937	\$ -	\$ 23,937	
300	Project Management, Client Communications, and Meetings	8	40	16	4	-	-	12	\$ 17,531	\$ -	\$ 17,531	
TOTAL									\$ 58,648	\$ 10,403	\$ 69,051	

Assumptions to Cost Estimate	
•	Task 100 includes reviewing, formatting, and compiling monthly and quarterly data collected by the City of Gearhart.
•	Task 100 includes ddms data management and Project Portal costs, which will be billed at a set rate of \$866.92/month.
•	Groundwater analytical data will be generated by laboratories contracted directly by the City of Gearhart.



Invitation to Bid
Request for Proposal (RFP)
Issued March 13, 2023
WATER RIGHT COMPLIANCE AND REPORTING SERVICES

Proposal Requested

The City of Gearhart, Oregon (hereinafter the "City") is seeking proposals from qualified individuals or firms (hereinafter the "Applicant") to assist with assessing groundwater monitoring, surface water monitoring, and production well data in accordance with Oregon Water Resource Department (OWRD) Permit G-16390 to Appropriate Public Waters (hereinafter the "Permit"). The primary objectives of the requested scope of services are to support the City's continuing compliance with the Permit and to avoid potential saltwater intrusion into the City's groundwater supply wells.

All sealed proposals should be sent and all questions and correspondence should be directed to City Hall, Justine Hill, jhill@cityofgearhart.com, (503)738-5501 at 698 Pacific Way, PO Box 2510, Gearhart, Oregon.

Proposals must be signed by an authorized representative of the company.

The City intends to retain the services of the Applicant evaluated to be the best qualified to perform the work for the City, based on the Applicant's experience, compatibility, cost and other performance criteria factors. In order to ensure a fair review and selection process, Applicants submitting proposals are specifically requested not to make other contact with City staff or Council members regarding their proposal.

Sealed proposals will be accepted up to the hour of 2:00 pm local time on **Friday, April 14**, at City Hall, 698 Pacific Way, PO Box 2510, Gearhart, Oregon 97138.

Estimated Timelines

This schedule is subject to change. The City does not have an obligation to conduct interviews for this RFP process; however, should staff determine there is a need, Applicants will be notified on the date noted below. The City will not be legally obligated to adhere to the dates for the interviews, recommendation, and award.

Deadline for proposal questions	Friday, March 24
Proposal question responses emailed	Friday, March 31
Proposal due	Friday, April 14
Notification of interview (if needed)	Wednesday, April 19
Interviews (if needed)	Monday, April 24 – Wednesday, April 26
Council consideration for approval	Wednesday, May 3

Scope of Work

The City of Gearhart, Oregon operates a municipal water supply in accordance with OWRD Permit G-16390 to Appropriate Public Waters (see attachment). The City began appropriating water under the Permit in July 2012. Water is appropriated via eight water supply production wells. Six monitoring wells are used for measuring groundwater quality and/or groundwater elevations. A surface water gauging station in Neacoxie Creek, located east of the wellfield, is used to monitor stream stage and water quality parameters.

As part of the Permit, the City is required to collect water quality and groundwater parameter data to ensure continued sustainability of the groundwater and surface water resources. The specific monitoring and reporting requirements are outlined in Sections 1 through 14 of the Permit's Monitoring and Action Plan (see attachment).

The City has completed and submitted annual water rights compliance and groundwater quality reports for 2012 through 2021 and is seeking proposals from qualified Applicants to assist the City with assessing groundwater monitoring, surface water monitoring, production well data, and annual reporting requirements in accordance with the Permit for the 2022 calendar year and possibly beyond.

Based on the Permit requirements and previous compliance and reporting periods, the City has developed a general scope of services. The scope of services is similar to services provided in previous years and includes the following tasks:

- Task 1: Monthly Groundwater Database Updates, Review, and Data Management (12 months)
- Task 2: Preparation of the 2022 Water Rights Compliance Report
- Task 3: Project Management and Coordination

Tasks may need to be clarified and refined as work proceeds and/or additional data becomes available.

Proposal Content

The proposal should clearly address the following:

- Approach and Project Understanding – The proposal shall be of such scope and depth to sufficiently demonstrate the Applicant's understanding and approach to the project. The proposal shall demonstrate the experience level and expertise of the firm for similar projects.
- Cost of Services – Provide estimated costs, schedule, and demonstrated understanding of the purpose, nature, and requirements of the project.
- Experience and Reputation in the field – Provide a brief description of the Applicant's qualifications and experience of the project team key personnel.
- Schedule and Availability – Provide a description of the resource capacity and availability of the Applicant and appropriate staff to complete the scope of work within the general timeframe and budget.
- References – Provide at least three (3) references from public clients for whom similar services have been performed within the last 5 years.

Submission Requirements

Sealed proposals must be received by the City no later than **2:00 pm local time on Friday, April 14, 2023, via mail or hand delivery**. Proposals received by facsimile or email will not be accepted. Late proposals

may not be considered; it is the City's sole discretion to accept or reject a late proposal. It is the Applicant's responsibility to ensure that the Proposals are received prior to the stated submission deadline, labeled correctly and sealed.

MAIL: Applicants must submit one (1) signed copy and two (2) copies of their Proposal. The sealed proposal should clearly be labeled "**RFP Groundwater Compliance Services.**" Please note that the City receives their USPS mail through a post office box. Proposals should be addressed to:

City of Gearhart
RFP Groundwater Compliance Services
698 Pacific Way
PO Box 2510
Gearhart, OR 97138

HAND DELIVERY: Applicants must submit one (1) signed copy and two (2) copies of their Proposal. The sealed proposal should clearly be labeled "**RFP Groundwater Compliance Services.**" Proposals should be addressed to:

City of Gearhart
RFP Groundwater Compliance Services
698 Pacific Way
Gearhart, OR 97138

Proposals must provide all requested information and must be in conformance with the instructions. The City reserves the right to reject any or all proposals.

General

The City will consider proposals only from Applicants that, in the City's sole judgment, have demonstrated the capability and willingness to provide high-quality services to the public of the City in the manner described in this RFP.

Evaluation and Scoring Criteria

Proposals will be evaluated by the City on the basis of what is most advantageous for the City. The evaluation will consider:

- Approach and Project Understanding (50%)
- Cost of Services (25%)
- Experience and Reputation in the Field (15%)
- Schedule and Availability (5%)
- References (5%)

Selection of Qualified Applicant

Each proposal must satisfy the objectives and requirements detailed in this RFP. The City will select the most advantageous proposal based on all of the evaluation factors set forth in this RFP. The City will make the award that is in the best interest of the City. Successful respondents shall be determined by an evaluation of the total content of the proposal submitted. The City reserves the right to:

1. Cancel the procurement or reject any or all proposals in accordance with ORS 279B.100,
2. Award a contract for the requested services,
3. Request additional information from those making a proposal,
4. Request personal interviews.

Every proposal submitted should be valid for a minimum of 60 days after the RFP submittal deadline.

Method of Reward

The City reserves the right to award this project to the Applicant that demonstrates the best ability to fulfill the requirements of the contract. The successful Applicant will be chosen based on the selection criteria described above.

The City intends to award the selected Applicant with a contract for a period of one year. However, the City retains the right to extend the length and terms of the contract for an extended period based on the discretion and best interest of the City.

The Applicant selected will be given the first right to negotiate an agreement acceptable to the City. In the event that an agreement satisfactory to the City cannot be reached, the City may enter into negotiations with one or more of the remaining Applicants who submitted a proposal. The successful Applicant shall commence work only after execution of an acceptable agreement and the City's approval. The successful Applicant will perform services indicated in the RFPs in compliance with the negotiated Agreement.

City Rights

The City reserves the right to reject all or portions of any or all proposal, to waive irregularities and technicalities, to re-advertise, or to proceed to provide the services otherwise, in the best interest of the City. The City may, at its sole discretion, modify or amend any and all provisions herein. The City will not pay for any information herein requested, nor is it liable for any costs incurred by the participating Applicant.

The City reserves the right to extend the proposal submittal date if needed. All changes and/or clarifications will be distributed to all Applicants indicating interest in the form of addenda.

Inquiries

Any questions related to this request must be directed to the Justine Hill, jhill@cityofgearhart.com. Inquiries must be made in writing and submitted no later than 12:00 noon, Friday, March 24, 2023. Questions answered verbally will be followed up by written addenda as deemed necessary; oral interpretations shall have no effect.

Attachments: OWRD Permit G-16390

STATE OF OREGON

COUNTY OF CLATSOP

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF GEARHART
PO BOX 2510
GEARHART, OR 97138

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

APPLICATION FILE NUMBER: G-16489

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, AND WELL 14 IN NEACOXIE CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 2.18 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 0.443 CFS FROM JULY 1 THROUGH JULY 31, 0.289 CFS FROM AUGUST 1 THROUGH AUGUST 31, 0.410 CFS FROM SEPTEMBER 1 THROUGH SEPTEMBER 30, AND 0.485 CFS FROM OCTOBER 1 THROUGH OCTOBER 31

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 28, 2005

WELL LOCATIONS:

WELL 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T6N, R10W, W.M.; 3658 FEET NORTH & 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 2 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T6N, R10W, W.M.; 3528 FEET NORTH & 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 3 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T6N, R10W, W.M.; 3398 FEET NORTH & 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 4 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T6N, R10W, W.M.; 3268 FEET NORTH & 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 5 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T6N, R10W, W.M.; 3138 FEET NORTH & 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 6 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T6N, R10W, W.M.; 3008 FEET NORTH
& 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9
WELL LOCATIONS (CONTINUED):

WELL 7 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T6N, R10W, W.M.; 2878 FEET NORTH
& 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 8 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T6N, R10W, W.M.; 2819 FEET NORTH
& 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 9 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T6N, R10W, W.M.; 2759 FEET NORTH
& 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 10 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T6N, R10W, W.M.; 2699 FEET NORTH
& 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 11 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T6N, R10W, W.M.; 2639 FEET NORTH
& 1136 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 12 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T6N, R10W, W.M.; 2577 FEET NORTH
& 1096 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 13 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T6N, R10W, W.M.; 2517 FEET NORTH
& 1096 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

WELL 14 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T6N, R10W, W.M.; 2457 FEET NORTH
& 1096 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 9

THE PLACE OF USE IS LOCATED AS FOLLOWS: WITHIN THE SERVICE BOUNDARY
OF THE CITY OF GEARHART

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter(s) in good working order. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use 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.

- B. The permittee shall allow the watermaster access to the meter(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Prior to diversion and use of water under this permit, the City of Gearhart must resolve the deed restriction with Clatsop County and submit evidence to the Department of the resolution.

Within three years of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this time line to complete the required Water Management and Conservation Plan.

The wells shall produce ground water only from the unconsolidated sand ground water reservoir.

CITY OF GEARHART MONITORING AND ACTION PLAN

This monitoring and action plan has been prepared consistent with provisions outlined by Oregon Water Resources Department (OWRD), input solicited from Oregon Department of Environmental Quality (DEQ), input solicited from Oregon Department of Fish and Wildlife (ODFW), and discussions held by these agencies in conjunction with the City of Gearhart.

This plan identifies the data collection requirements necessary to ensure sustainability of ground water and surface water resources. The plan may also undergo revision upon a demonstration that an alternative monitoring or action method, or discontinuance of one or more of the methods, can be made without reducing resource protections. Any modification to this plan will require agreement of the City of Gearhart, OWRD, DEQ, and ODFW.

The components of this plan, in conjunction with additional data gathered from baseline monitoring will address the objectives, target levels and concentrations as appropriate. Following the 4/18/2007 meeting between Gearhart, Kennedy/Jenks, ODFW, DEQ, and OWRD, the monitoring components related to a pump-back mitigation strategy have been removed from this monitoring and action plan. The pump-back mitigation strategy will not be necessary for this permit due to a reduction in Gearhart's proposed groundwater withdrawal rate during the summer months. For clarity, the numbered items follow OWRD's numbered provisions from the 4/25/07 draft, and have been labeled as sections.

SECTION 1 - Objective: Measure baseline conditions of the aquifer and Neacoxie Creek prior to wellfield usage in order to establish background water level and water quality data.

A minimum of one year of ground water data and surface water data (outlined below) shall be collected prior to ground water use from the proposed municipal wells. OWRD will allow up to 0.156 cfs (70 gallons per minute) to be used for construction purposes following issuance of a groundwater permit for Gearhart. Construction water may be used during the one-year of baseline data collection.

SECTION 2 - Objective: Monitor for landward migration of the fresh and saline interface.

Gearhart will install three monitoring wells (MW-1, MW-2, MW-3) in a north-south line between the Pacific Ocean and the proposed wellfield generally as shown in **Figure 1**. All wells are expected to be located within publicly owned property. The wells shall be completed into the same waterbearing zone as the production wells (screened near the base of the dunal aquifer). The monitoring wells shall be located in the north-south direction such that the north, south, and central areas of influence on the aquifer from the production wells are monitored. Gearhart will continuously (or at no less frequently than two-hour intervals) measure water levels in each monitoring well. Water level data collection shall begin one year prior to any ground water withdrawal allowed by the permit (*except for construction purposes as indicated in item ONE above*). Gearhart will regulate ground water withdrawal in the wellfield to maintain acceptable aquifer head conditions in the monitoring wells. Acceptable head is assumed to be 3.0 feet above a referenced sea level datum. This initial number and the relative vertical datum are open to revision based on observations following well construction.

Each monitoring well will be sampled quarterly for laboratory chloride and total dissolved solids (TDS) analyses. Water quality sample collection from these monitoring wells will begin one year prior to any ground water withdrawal under this permit (*except for construction purposes as indicated above*). These four quarterly samples collected prior to wellfield use will establish the background chloride and TDS concentrations. Depending on spatial and seasonal variability, more than one background concentration may be established. Gearhart will also measure and record weekly the specific conductance of ground water from each production well, and sample each production well

quarterly for laboratory chloride and TDS analyses. If chloride or TDS concentrations from any monitoring or production well water samples increase by more than 20% above the established background concentration(s) for two consecutive quarterly sampling events, monthly water quality sample collection for all wells shall be implemented, and OWRD shall be notified. Gearhart will report data annually and upon reasonable request to OWRD.

SECTION 3 - Objective: Monitor for impact from wellfield pumping on shallow ground water elevations west and east of Neacoxie Creek.

Gearhart will install three monitoring wells (MW-4, MW-5, MW-6) in an east-west line near Neacoxie Creek east of the center of the wellfield, generally as shown in **Figure 2**. All wells are expected to be located within public rights-of-way. One well will be located east of Neacoxie Creek with the intent to evaluate pumping influence that could potentially propagate beyond the stream. Gearhart will continuously (as above) measure water levels in each well. Gearhart will report data annually and upon reasonable request to OWRD.

SECTION 4 - Objective: Monitor water use from wellfield.

Gearhart will install and maintain totalizing flow meters on each municipal well. Gearhart will record monthly flow values for each well and report annually and upon reasonable request to OWRD.

SECTION 5 - Objective: Monitor potential impacts on Neacoxie Creek.

Gearhart will install and maintain a surface water monitoring station (SW-MS1) on Neacoxie Creek to include stream stage, temperature, and specific conductance, generally as shown in **Figure 3**. Parameters shall be measured and recorded at least once every 15 minutes. Water quality sample collection and stream stage data collection from this monitoring station shall begin at least one year prior to ground water withdrawal under this permit (except for construction purposes as indicated in Section One above). Installation, survey, and data collection will be to USGS standards (Rantz, S.E. and others, 1982. *Measurement and Computation of Streamflow: Volume 1 & 2*. U.S. Geological Survey Water Supply Paper 2175). This monitoring station shall be as close as possible to the ground water monitoring wells installed near Neacoxie Creek. Gearhart will report data annually and upon request to OWRD. OWRD will allow

up to 0.156 cfs (70 gallons per minute) total from any combination of wells to be used for construction purposes following issuance of a groundwater permit for Gearhart. Construction water may be used during the one-year of baseline data collection.

If surface water or ground water monitoring data indicate that the impact to Neacoxie Creek stage or quality from wellfield pumping is observed to be increasing beyond model-simulated levels, additional monitoring of surface water and ground water may be required.

SECTION 6 - Objective: Survey each well.

All observation sites shall be surveyed to a horizontal accuracy of +/- five feet. Reported coordinates shall include the datum and projection of the coordinate system. A water level measurement point shall be described for each well. The measurement point elevation shall be surveyed to a vertical accuracy of +/-0.1 feet and referenced to a height above land surface. Surface water sites shall be surveyed to USGS standards.

SECTION 7 - Objective: Use water level and water quality thresholds to implement a water system action plan to halt the landward migration of the fresh/saline ground water interface.

The Department may restrict ground water use based upon increases in ground water salinity or TDS or reductions in aquifer head. This Monitoring and Action Plan includes steps to be taken by the permittee that will halt, if observed, the landward migration of the fresh and saline interface. These steps, consistent with Gearhart's Water Management and Conservation Plan include:

- Voluntary water conservation and curtailment of water use
- Mandatory water conservation with reductions in water use
- Mandatory curtailment of irrigation
- Cessation of ground water use and bringing online backup sources of municipal water

The two primary thresholds are the freshwater head in the aquifer west of the wellfield and the ground water chloride and TDS concentrations west of, and at, the wellfield. A freshwater head of 3.0 feet above an agreed upon reference datum shall be

maintained at all times in the monitoring wells located west of the production wells. This number and the relative vertical datum are open to revision based on observations following well construction.

Dissolved chloride and TDS concentrations in ground water samples collected from the monitoring or production wells shall not increase above the established background concentrations (pre-wellfield development) by more than 20 percent. If the freshwater head at the monitoring wells declines below 3 feet relative to the reference datum, Action Plan operations shall be implemented and OWRD and DEQ shall be notified immediately. If a quarterly chloride or TDS concentration from any well increases by more than 20 percent over the established background concentrations, Action Plan operations shall be implemented and OWRD and DEQ shall be notified immediately. OWRD and Gearhart will agree on the established background chloride and TDS concentrations based on the results of the pre-development monitoring data.

SECTION 8 - Objective: Provide alternate source for Gearhart's municipal water in the event of saltwater intrusion or other persistent degradation of the drinking water aquifer.

Gearhart will maintain a physical connection to an alternate municipal water supplier and an alternate water supply plan for backup water supply sufficient to insure that provision is made for an adequate and safe supply of water which is available year round for water customers of Gearhart in the event that the permitted use is restricted due to saltwater intrusion into the freshwater aquifer, or other water quality or quantity problems. Any future Water Management and Conservation Plans submittal must include the most recent copy of the alternate water supply plan adopted by Gearhart.

SECTION 9 - All permit requirements of the Oregon Department of Environmental Quality shall be met and maintained, including, where utilized in the project, water quality of flow augmentation and backwash water, NPDES and/or WPCF permit compliance and associated water quality monitoring.

SECTION 10 - All measurements shall be made by qualified personnel. Qualified personnel include certified water rights examiners, registered professional geologists, registered professional engineers, or licensed well constructors or pump installers licensed by the Construction Contractors Board. Gearhart may work with OWRD to train the licensed water

treatment plant operator for data collection purposes. Measurements shall be submitted on a form provided by the Department or in an electronic form approved by the Department. All water-level measurements shall be made with equipment that is accurate to at least 0.3 percent. Measurements made with a pressure transducer or other automated measuring devices shall be calibrated to an e-tape or steel tape measurement at least once every two months. No air-line measurements will be accepted.

SECTION 11 - The Department requires the individual performing the measurements to:

- A. Identify each well and measurement with an owner's well name and an OWRD well Log ID;
- B. Measure and report water levels to the nearest hundredth of a foot as depth-to-water below ground surface;
- C. Specify the method of measurement;
- D. Specify the status (static, pumping, rising) of each measurement; and
- E. Certify the accuracy of all measurements and calculations submitted to the Department.

SECTION 12 - Gearhart will submit to OWRD all monitoring data annually in a report prepared and stamped by registered professional geologist or a registered professional engineer. The report will include discussions and plots of water level and water quality trends, water use amounts, maps with well and monitoring locations, and amounts of water used for flow augmentation, if any. All of the water level, water use, and water chemistry data shall also be submitted electronically in Microsoft Excel or other delimited file format acceptable to the Department.

SECTION 13 - Gearhart will allow the Department access to all wells, meters, water level, water temperature, and water chemistry data. The Department may request access upon reasonable notice to representatives of the permittee.

SECTION 14 - Other standard permit conditions for ground water permits will also apply, and are attached to this monitoring and action plan for reference.

The water user shall measure and report annually to the Oregon Water Resources Department (OWRD) water levels for each production well in January, April, July, and October for each year. The Director may

require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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.

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.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before five years from the date of permit issuance. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued November 3, 2008


for Phillip C. Ward, Director
Water Resources Department

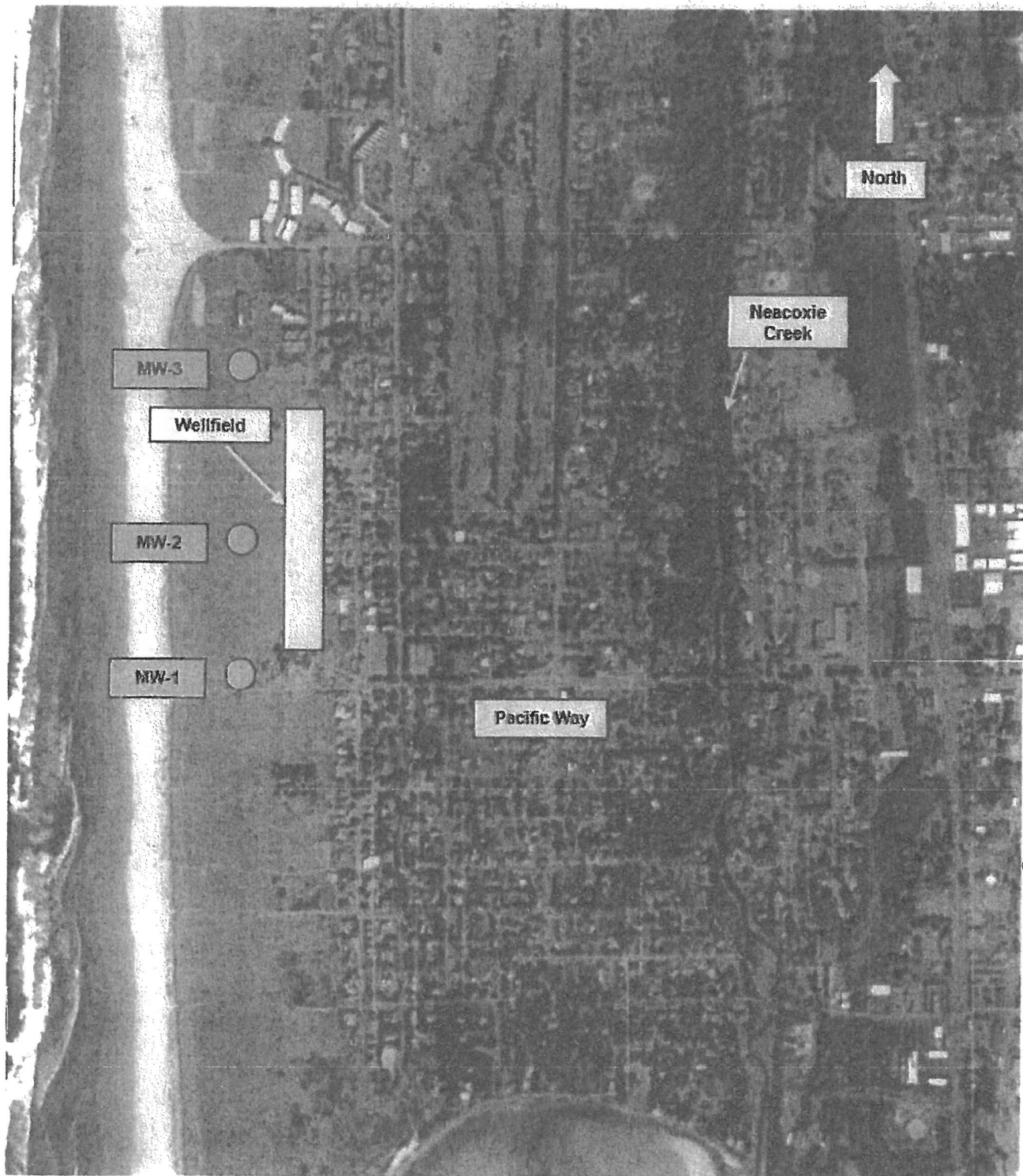


Figure 1 - Monitor for landward migration of fresh and saline interface (MW-1, MW-2, MW-3)

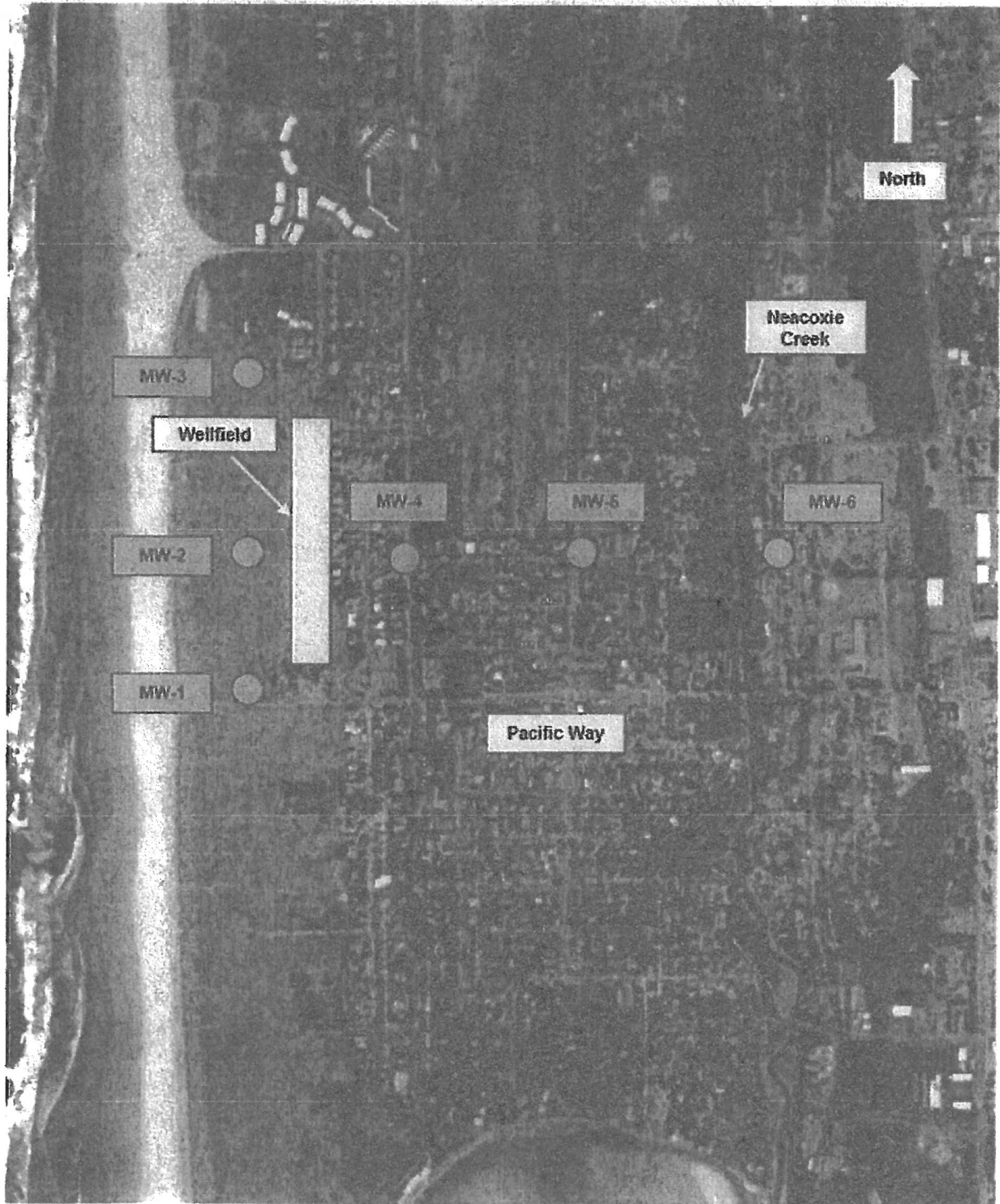


Figure 2 - Monitor for impact from wellfield pumping on shallow ground water elevations (MW-4, MW-5, MW-6)

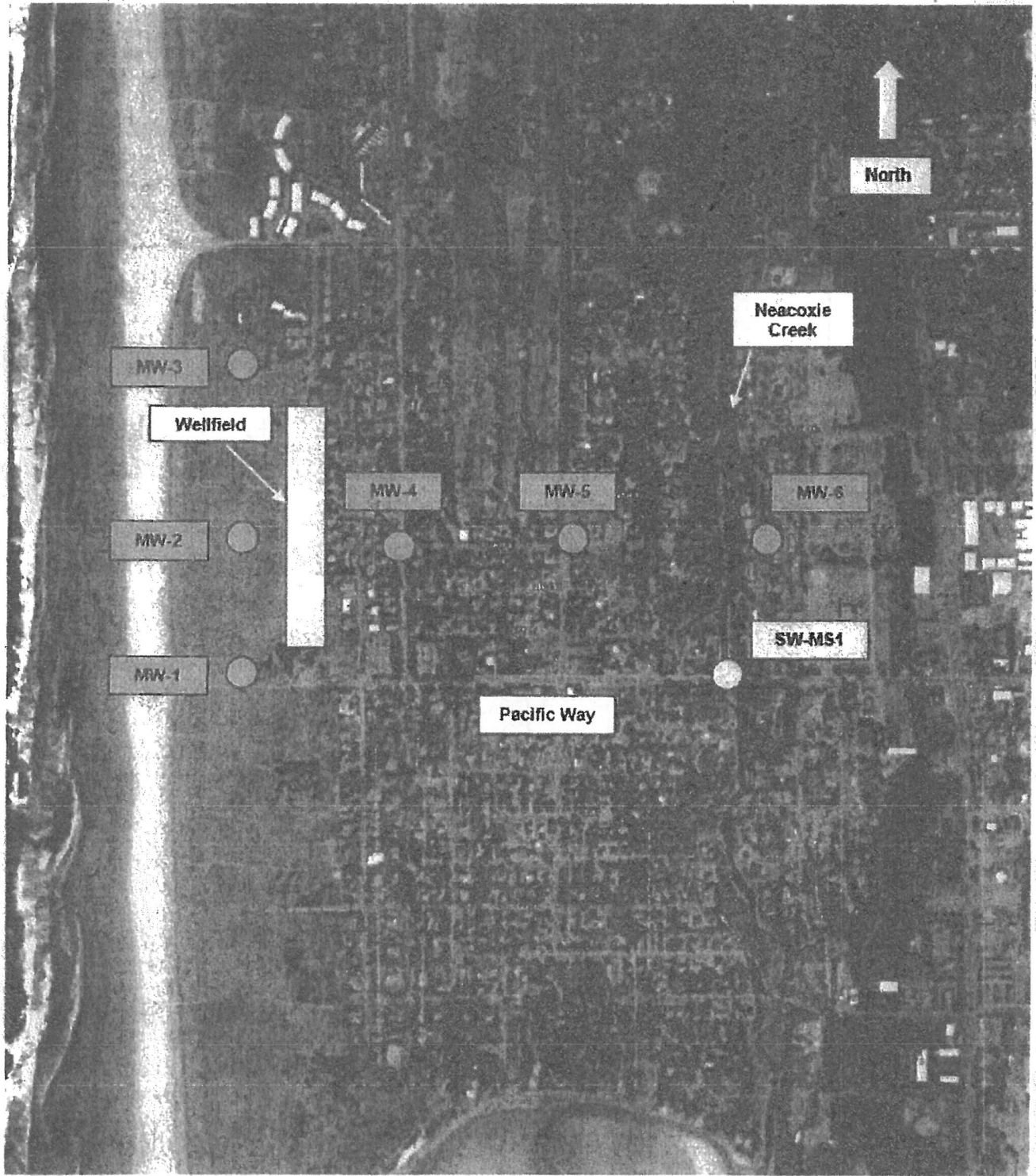
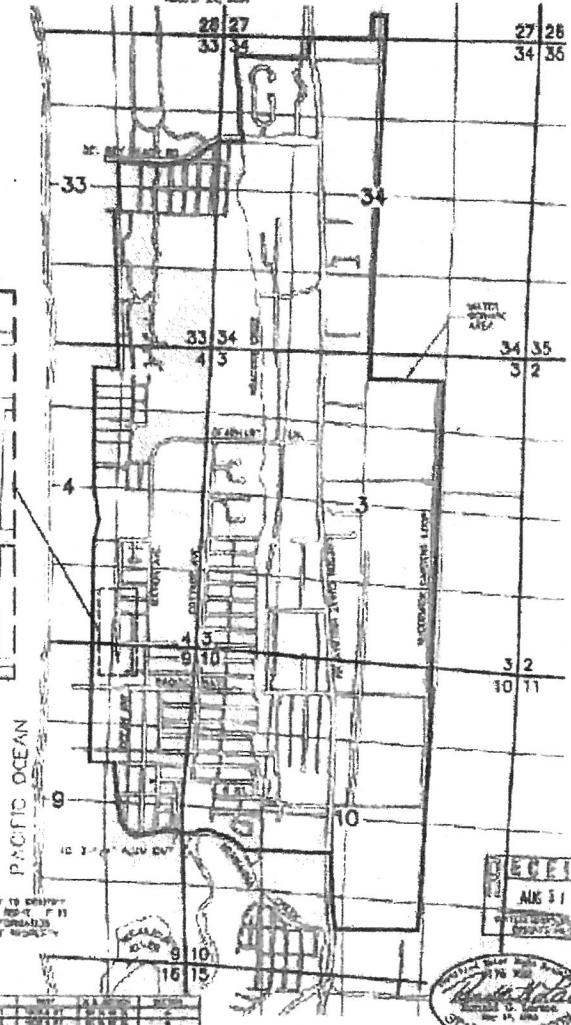


Figure 3 - Monitor potential impacts on Neacoxie Creek (SW-MS1)

WATER RIGHT APPLICATION MAP
 FOR THE CITY OF OREGON
 SECTION 3, 4, 5, 6 & 10 TOWNSHIP 3 NORTH, RANGE 10 WEST
 SECTION 23 & 24, TOWNSHIP 7 NORTH, RANGE 10 WEST
 CLATSOP COUNTY, OREGON
 AUGUST 24, 1998



THE PURPOSE OF THIS MAP IS TO DEFINE THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PRESENT INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERS OR BOUNDARY LINES.

WELL NO.	ACQ. NO.	SECTION	TOWNSHIP	RANGE
1	1	33	3	10
2	2	34	3	10
3	3	33	4	10
4	4	34	4	10
5	5	33	5	10
6	6	34	5	10
7	7	33	6	10
8	8	34	6	10
9	9	33	7	10
10	10	34	7	10
11	11	33	8	10
12	12	34	8	10
13	13	33	9	10
14	14	34	9	10

RECORDED
 AUG 31 1998
 CLATSOP COUNTY, OREGON



503-372-6166
HLB & Associates
 INCORPORATED
 Survey • Oil & Gas • Water • Wetlands • Urban Planning
 1000 NE Oregon Street, Suite 200, Portland, OR 97232
 FAX: 503-372-6167
 www.hlb.com

Affidavit of Publication

To: City of Gearhart - Justine Hill
PO Box 2510
Gearhart, OR, 97138

Re: Legal Notice 2483507, WATER RIGHT COMPLIANCE AND REPORTING SERVICES

State of OR

}

} SS:

County of Multnomah

}

I, Nick Bjork, being duly sworn, depose and say that I am the Publisher of the Daily Journal of Commerce, a newspaper of general circulation in the counties of CLACKAMAS, MULTNOMAH, and WASHINGTON as defined by ORS 193.101 and 193.020, published in Portland in the aforesaid County and State; that I know from my personal knowledge that the notice described as:

WATER RIGHT COMPLIANCE AND REPORTING SERVICES
CITY OF GEARHART

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper 2 time(s) in the following issues:

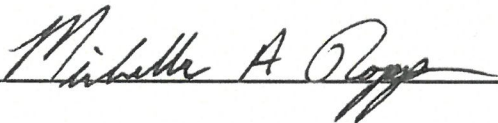
03/13/2023 and 03/20/2023.

SEE EXHIBIT A

State of Oregon
County of Multnomah

SIGNED OR ATTESTED BEFORE ME ON 31st day of March 2023

By: 
Nick Bjork

By: 

State of Oregon
Notary Public, State of OR
No. 1031542

My commission expires on December 5, 2026



**CITY OF GEARHART
WATER RIGHT COMPLIANCE AND
REPORTING SERVICES
Bids Due 2:00 pm, April 14, 2023
REQUEST FOR PROPOSALS**

The City of Gearhart, Oregon is seeking proposals from qualified individuals or firms to assist with assessing groundwater monitoring, surface water monitoring, and production well data in accordance with Oregon Water Resource Department (OWRD) Permit G-16390 to Appropriate Public Waters. The primary objectives of the requested scope of services are to support the City's continuing compliance with the Permit and to avoid potential saltwater intrusion into the City's groundwater supply wells. The RFP document can be found on the City's website at www.cityofgearhart.com.

All sealed proposals should be sent, and all questions and correspondence should be directed to City Hall, Justine Hill, jhill@cityofgearhart.com, (503)738-5501 at 698 Pacific Way, PO Box 2510, Gearhart, Oregon. Sealed proposals will be accepted up to the hour of 2:00 pm local time on Friday, April 14, at City Hall, 698 Pacific Way, PO Box 2510, Gearhart, Oregon 97138.

Published Mar. 13 & 20, 2023.

2483507

IN THE CIRCUIT COURT OF
THE STATE OF OREGON
FOR CLATSOP COUNTY

}AFFIDAVIT OF PUBLICATION
STATE OF OREGON
County of Clatsop} ss

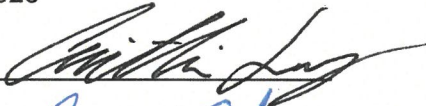
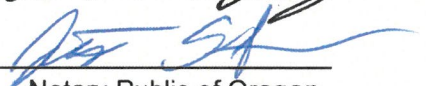
I, Caitlin Lacy being duly sworn, depose and say that I am the principal clerk of the publisher of the The Astorian, Seaside Signal, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; that the

AB9145 CITY OF GEARHART INVITATION TO BID REQUEST FOR PROPOSALS RFP WATER RIGHT COMPLIANCE AND REPORTING SERVICES THE CITY OF GEARHART OREGON IS SEEKING PROPOSALS FROM QUALIFIED INDIVIDUALS OR FIRMS

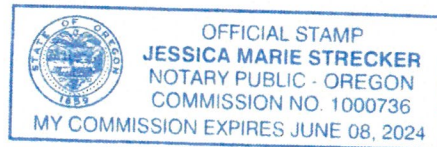
a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 2 successive and consecutive issues in the following issues:

3/14/23, 3/21/23

Subscribed and sworn to before me on this 23rd day of March, A.D. 2023



Notary Public of Oregon

AdId: 368425
PO:
Tagline: AB9145 Water Right Services



AB9145
City of Gearhart
Invitation to Bid
Request for Proposals (RFP)

WATER RIGHT COMPLIANCE AND REPORTING SERVICES

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Publish: Daily Astorian March 14 and March 21, 2023