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November 18, 2016

Oregon Public Utility Commission
Attention: Filing Center
PO Box 1088
Salem, OR 97308-1088

Re: **Docket No. UM1769**
***In the Matter of Mountain Home Water District, Application to Abandon Water Service
and Abandon Water Utility***
Our File No. 53364-74986

To Whom it May Concern:

Enclosed for electronic filing are the following exhibits:

- Cross Answering Testimony of Mel Kroker on behalf of Intervenors (Exhibit 300)
- Exhibits 301-308 supporting Exhibit 300

Sincerely,

JORDAN RAMIS PC



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Enclosures

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 1769

In the Matter of

MOUNTAIN HOME WATER
DISTRICT ,

Application to Abandon Water Service
And Abandon District

Cross Answering Testimony of Mel Kroker

on behalf of

Mel and Connie Kroker, Intervenors

November 18, 2016

1 **Q: Please state your name and address.**

2 A. My name is Mel Kroker. My address is 2333 SW Turner Road, West Linn, OR.

3 **Q. On whose behalf are you testifying for in this proceeding?**

4 A. I am testifying on behalf myself and my wife, Connie Kroker, as Intervenors.

5 **Q: Have you previously provided testimony in this proceeding?**

6 A: Yes. Our testimony is included as Intervenors/200.

7 **Q: What is the purpose of this cross answering testimony?**

8 A: My testimony is in response to PUC Staff's statements which are contrary to documents
9 of record, make erroneous assumptions as to the history of the water system, its title
10 ownership, and its management and operations. In addition, this testimony is provided in
11 objection to Staff's recommendation that the request for abandonment be approved.

12 **Q: Staff recommends that the Commission approve Mountain Home Water District's**
13 **(Mountain Home or District) application for an order authorizing termination of**
14 **service and abandonment of its water system, with the condition that current**
15 **customers be permitted to have until August 1, 2017, to transition to alternative**
16 **water sources and that the District execute appropriate documentation that**
17 **customers have access necessary to drill and maintain their own wells, as**
18 **appropriate. See Staff/100, Hari 1, Ln 11-17. Although this is an overall**
19 **recommendation, do you generally agree with Staff's statement?**

20 A: No. For reasons that I address later in my testimony, Staff's recommendation is without
21 sufficient basis as it makes summary findings without any support and summarily ignores
22 information adverse to Petitioner's Application and which was made available to staff
23 through the discovery process.

24

25

1 **Q: Staff states that the Mountain Home Water District is located in the rural area of**
2 **West Linn, Oregon, and that it is currently owned by Dr. Dr. Ironsides See**
3 **Staff/100, Hari 2, Ln 4. Do you agree?**

4 A: No. This case deserves a more detailed description of where the Utility is located. The
5 address of the District “Office” or “Place of Business” is not given nor is the address of
6 the well and pump house, or location of the distribution system which are now on
7 separate Tax Lots and addresses. These properties are owned by separate entities other
8 than Dr. Ironside since Partition Plat Number 2013-015 was filed on January 2, 2013 by
9 Dr. Ironside and the Gladys Beddoe Credit Shelter Trust. *See Intervenors/205.*

10 As I testified previously, the Petitioner has failed to provide any documentation
11 confirming ownership of the water system. Further, since half of the property upon which
12 the water system is located is owned by the Gladys Beddoe Credit Shelter Trust in which
13 Valerie Meyer has a life estate, Valerie Meyer may be a partial owner as well. Also, there
14 are no documents on file with the PUC that confirm the numerous transactions of title in
15 and to the water system that appear to have taken place since the water system was
16 purchased in 1979.

17 Finally, Petitioner’s response to Kroker DR 01 Exhibit 26 shows that Valerie
18 Meyer is listed as second on the “Water System Chain of Command” as “Trustee” as of
19 March 16, 2009. *See Intervenors/201.* A true copy of Exhibit 26 of DR 01 is attached
20 hereto as Exhibit 301. Petitioner’s response to DR 11 page 6 suggests Valerie Meyer has
21 been the “informal” manager of the District since 2013 when Dr. Ironside relocated to
22 Kennewick, Washington. Staff/100, Hari/9 Lines 16-18; *See Staff/102.* As with the prior
23 transactions involving title to the water system, it also appears that individuals
24 responsible for management of the system have changed over time.

25

1 **Q: Staff states that the water system was originally constructed in the early 1970s and**
2 **was known as the Belridge Water System See Staff/100, Hari 2, Ln 5-6. In making**
3 **such statement, Staff relies on the District’s response to your Request DR-16, under**
4 **which you sought documents “describing and locating the entire water system.” In**
5 **that response, Dr. Ironside stated that you were the only one who possessed the “as-**
6 **built plans” for this water system. Do you agree with Staff’s statement and its**
7 **reliance on the District’s response to Kroker DR 16?**

8 A: No. The response to Kroker DR 16 is incorrect. I was never in possession of “the only
9 known as-built plans for the water system,” as claimed by Dr. Ironside.

10 We acquired those drawings on May 18, 2016 as a result of phone calls, emails,
11 and two personal visits to Diane Weis at the Portland Office of the Oregon Health
12 Authority Public Health Division Drinking Water Services on May 11th, 12th, and 16th of
13 2016. We received the drawings on May 18, 2016 from Diane Weis and had them printed
14 on May 23, 2016 just before the meeting to include in a binder presented to PUC staff at
15 the meeting at the Wilsonville Library referenced by Dr. Ironside.

16 The Bel-Ridge name did not come from the as-built plans for the water system. It
17 came from our real estate contract recorded as instrument number 74-35545 on December
18 24, 1974 to purchase Tax Lot 2000 when Dale Belford used it to reference our right to the
19 water using the name Bel-Ridge Water System in the contract.

20 **Q: Staff states that, at the time of the filing, the District provided water service to four**
21 **households, as well as two households owned by Dr. Ironsides. See Staff/100, Hari 2,**
22 **Ln. 7-10. Do you agree?**

23 A: No. Staff continues to incorrectly split the number of houses receiving water into those
24 classified as “Customers” differently than the “two homes owned by Dr. Ironside”. In
25 addition, the comment that Dr. Ironside owns “two houses” is incorrect. Dr. does not own

1 the house on Tax Lot 2100. He conveyed the newly reconfigured Tax Lot 2100 to his
2 daughter Valerie in 2013. The home continues to be the address of the MHWD on all
3 documents at 2323 SW Buckman Road and contains the 6” water main distribution
4 system that continues to the West property line of Tax Lot 2105 owned by the Gladys
5 Beddoe Credit Shelter Trust. The second home on Tax Lot 2107 at 2351 SW Buckman
6 Road is a rental property half owned by Dr. Ironside and half owned by the Gladys
7 Beddoe Credit Shelter Trust. This is where the 3 wells, pump house, and pressure tanks
8 and equipment for the Water System are located.

9 **Q: Staff states that the water system currently provides natural spring water from a**
10 **recently drilled well personally owned by Dr. Ironsides (“permanent replacement**
11 **well”). See Staff/100, Hari 2, Ln 13-14. Do you agree with this statement?**

12 **A:** No. The “recently drilled well” that staff refers to is a “replacement well” (as such is
13 identified under Oregon water laws) that was completed when Dr. Ironsides erroneously
14 or intentionally determined the original well in the pump house had failed. As a
15 replacement well, such well is still subject to operation exclusively for the benefit of the
16 District and is not a personal asset of Dr. Ironside’s. As I am not a lawyer and am
17 precluded from testifying on legal issues, this legal issue and all others related to my
18 testimony will be provided for in our closing brief.

19 **Q: Staff states that water was previously provided to the customers by a well drilled by**
20 **Dale Belford, Dr. Ironsides’ predecessor in interest, in 1972 (“original well”). See**
21 **Staff/100, Hari 2, Ln. 15-16. Is this true?**

22 **A:** Yes, however, pursuant to the corresponding well report, the well was completed in 1973,
23 not 1972.

1 **Q: Staff states that the original well was drilled to a depth of 600 feet, with 90 feet of**
2 **casing and a pump located at 397 feet. See Staff/100, Hari 2, Ln. 16-17. Do you**
3 **agree?**

4 **A:** Yes, but with clarification. The original specs say that the pump was located at 405 feet.

5 **Q: Staff states that in the summer of 2015, the system suffered loss of water pressure,**
6 **which prompted the District to retain the services 1 of Steve’s Pump Service to**
7 **identify the cause of the problem and that Steve’s Pump Service recommended that**
8 **the District lower the pump to a new depth of 405 feet. See Staff/100, Hari 2, Ln 18,**
9 **Hari 3, Ln. 1-3. Staff cites Petitioner’s application. Is this a correct summary of**
10 **what was stated in the application?**

11 **A:** No. This portion of Staff testimony has been paraphrased from the language on page 2 of
12 the original application. Staff leaves out some important lines of text. The actual text
13 reads:

14 “In the summer of 2015, the system experienced a loss of water pressure,
15 possibly the result of interference from a new well or wells in the vicinity.
16 Steve’s Pump Service, the District who performs regular maintenance,
17 recommended the District lower the pump from a depth of 397 feet to a
18 new depth of 405 feet.”

19 **Q: Did staff obtain or seek to further determine if there was an actual loss of water**
20 **pressure?**

21 **A:** Not to my knowledge, no.

22 **Q: Did you seek information to determine the basis for such allegation regarding loss of**
23 **water pressure?**

24 **A:** Yes. We submitted Data Request 3(c), (d), 6 and 7 to Jennie Bricker who stated they
25 have no records of testing for water pressure in summer of 2015 when the District alleged

1 a loss of water pressure in the system. *See Intervenors/201*. Also, notice the length of
2 time between a claimed loss of pressure in summer of 2015 and the attempted repair of
3 the condition 9 months later in March of 2016. As customers, we never experienced any
4 loss of pressure in our water supply during this time.

5 **Q: Staff states that in March 2016, the District began work to lower the pump, which**
6 **led to the discovery that the well had caved in at a depth of 380 feet. *See Staff/100,***
7 ***Hari 3, Ln. 3-5.* Again, Staff cites the application for this conclusion. Do you know if**
8 **Staff made any effort to confirm whether the well was still operational?**

9 A: No. To my knowledge they did not.

10 **Q: Staff states that Olsen Well Drilling ultimately recommended that the original well**
11 **be abandoned. *See Staff/100, Hari 3, Ln 5-6.* Do you agree with Staff's reliance on**
12 **Olsen Well Drilling's opinion that the original well was no longer operational and**
13 **needed to be abandoned?**

14 A: No. For reasons discussed in John Lambie's testimony previously provided in these
15 proceedings as Intervenors/100, the original well was and remains operational to this day.

16 **Q: Staff states that in March 2016, the 7 District temporarily connected its distribution**
17 **system to a second well ("interim well"), owned personally by Dr. Ironsides. The**
18 **interim well is located on Dr. Ironsides' property and was intended to provide**
19 **service to a single home also located on Dr. Ironsides' property. The interim well**
20 **does not have a separate identification number on file with the Drinking Water**
21 **Program, nor does the Oregon Water Resources Department (OWRD) have well**
22 **logs for it. The District has no information regarding when it was drilled or who**
23 **constructed it. *See Staff/100, Hari 3, Ln 6-16.* What is the Staff referring to when**
24 **they discuss the "interim well?"**

25

1 A: In March 2016, the District temporarily connected its distribution system to a second well
2 (“interim well”), owned personally by Dr. Ironsides. The interim well is located on Dr.
3 Ironsides’ property, approximately 60 feet southeast of the original well (“Well 3”) pump
4 house. *See Intervenors/204, reflecting the “interim well” as “well 2” and the “original*
5 *well” as “well 3.”* The interim well does not have a separate identification number on
6 file with the Drinking Water Program, nor does the Oregon Water Resources Department
7 (OWRD) have well logs for it. The District has no information regarding when it was
8 drilled or who constructed it. This well is identified on the 1973 Belford Subdivision
9 Water System Design Drawings.

10 In addition, there is no reason to believe Dr. Ironside even communicated to the
11 PUC or the State Health Department that it occasionally used this interim well to provide
12 water to the District customers. Although there is no evidence the use of the interim well
13 was authorized as a water supply, Dr. Ironside acknowledged as early as 1999 that he
14 relied on it just for such purpose. This is evidenced in part by his correspondence of
15 August 1, 1999, in which he not only acknowledges use of such well, but additionally
16 falsely claims that he had just recently completed the construction of such well. A true
17 copy of the 1999 correspondence from Dr. Ironside to the water customers is attached
18 hereto as Exhibit 302. It has been used several times over the years to supply water to the
19 District’s water system when the primary pump or parts of the distribution system needed
20 repair or replacement. Finally, for all 37 years that the District has owned the water
21 system there are no records of a water quality test made for the use of the “interim” well
22 until March 30, 2016.

23 **Q: Staff states that when the permanent replacement well was completed, the District**
24 **disconnected its system from the interim well and connected to the permanent**
25 **replacement well owned personally by Dr. Ironsides. *See Staff/100, Hari 3, Ln 6-16.***

1 **Do you agree?**

2 A: No information is available confirming when the District may have disconnected the
3 unauthorized interim well to or from the water system since Dr. Ironside and Gladys
4 Beddoe acquired the water system in 1979 by conveyance documents recorded at
5 Instrument Nos. 79-26833 and 79-31658. Further, and as stated previously, the
6 replacement well is not owned by Dr. Ironside, but is owned by the District as the owner
7 of the original well.

8 **Q: Staff states that the District’s customers currently pay \$80.00 per month for water**
9 **service from the District. See Staff/100, Hari 3, Ln 17-18. Is this an accurate**
10 **assessment?**

11 A: Yes. The bill for water service has remained at \$80 a month for the last six years.

12 **Q: In its summary of the District’s application for termination of service, Staff states in**
13 **material part that the District also listed the reasons it desires abandonment, and**
14 **described what it believes to be the customers’ alternatives for water service,**
15 **including an average estimated cost of those alternatives. See Staff/100, Hari 5, Ln.**
16 **21-23. Do you agree with this assessment?**

17 A: No. The line 21 statement is incorrect. NO other “reasons” were included in the
18 Application beyond the statement: “The well serving the District’s customers has failed
19 and cannot be repaired”.

20 The other “reasons” staff uses to justify abandonment are in the District’s
21 response to DR 11 and not in the Application.

22 **Q: Staff recommends the Commission approve the District’s request to “abandon**
23 **service” with an effective date for termination of service on the earlier of August 1,**
24 **2017, or when the last customer has made alternative arrangements for water**
25 **supply. See Staff/100, Hari 6, Ln 11- 14. Do you agree with this statement that the**

1 **District is seeking to terminate “water service” or do you feel it is seeking to**
2 **abandon the “water system” as well?**

3 A: I feel it is seeking to terminate the water service but retain the District’s water system.

4 **Q: Staff testified that allowing customers until August 1, 2017 to identify and secure**
5 **another water supply balances the concerns of Intervenors Mel and Connie Kroker**
6 **related to the timing of abandonment, and the concerns of the District by relieving it**
7 **of its duty to serve customers in light of the financial condition of the utility, the**
8 **District’s concerns about compliance with OWRD statutes and regulations, and the**
9 **owner’s personal circumstances. See Staff/100, Hari 6, Ln 15-20. Do you generally**
10 **agree with that statement and if not, why not?**

11 A: As set forth in their testimony, Staff raised three areas of concern that they believe tips
12 the balance in favor of abandonment over the significant hardship this Petition would
13 place on my wife and I: (1) regulatory compliance issues; (2) ongoing financial burdens;
14 and (3) the personal circumstances of the owner. As evidenced by my testimony further
15 below, the District cannot allege compliance issues as a basis for abandonment and has
16 not assumed financial constraints as a result of the customers. Regarding the personal
17 circumstances of Dr. Ironside, he is not the sole owner of the water system, nor would it
18 be difficult to have the District dedicate management responsibility to another *via* a
19 subcontractor. As a practical matter, Dr. Ironside’s daughter, and not Dr. Ironside, has
20 been managing the water system. Since no later than 2013, Dr. Ironside’s daughter,
21 Valerie Meyer, has paid all the bills for the maintenance and construction, and signed all
22 the contracts for the original well and replacement wells.

23 **Q: Staff first reviewed the Application to determine compliance with the requirements**
24 **set forth in OAR 860-036-0708(2). As described above, this rule requires companies**
25 **seeking abandonment to comply with certain requirements. Staff concludes that**

1 **Mountain Home's Application complies with these requirements. See Staff/100, Hari**
2 **6 Ln 22-23, Hari 7, Ln 1-3.**

3 **A:** Staff, however, misconstrues the burdens alleged by the District as sufficient basis for
4 abandonment of the water system. Staff fails to treat this application as an abandonment
5 of the water system, but only as termination of the water service.

6 **Q: Staff says the District's first category of concern is its compliance with OWRD**
7 **statutes and regulations relating to the use of water from an exempt well.**

8 **Regarding the use of exempt wells in the area, Staff summarizes the issues raised by**
9 **the District regarding the ability to comply with such rules. See Staff/100, Hari 7,**
10 **Ln. 12-13. Are you familiar with such rules?**

11 **A:** Yes.

12 **Q: Why are you familiar with such rules?**

13 **A:** Because I am an architect. However, I do not claim expertise in water law nor am I
14 entitled to testify to issues of law. I do know, however, that there are many exempt wells
15 that serve numerous homes throughout the state.

16 **Q: Is it your understanding that exempt wells may be used for group domestic**
17 **purposes up to 15,000 gallons per day, shared amongst all users, but that the total**
18 **use of water for any lawn or noncommercial garden ("landscape irrigation") is**
19 **limited to one-half acre per well?**

20 **A:** Yes.

21 **Q: Did the District even seek to limit your water use in recognition of this limitation?**

22 **A:** No.

23 **Q: Did the District ever charge you or any other customer for water based on amount**
24 **of use?**

25 **A:** No.

1 **Q: Do you believe water use could be managed to ensure users do not use more water**
2 **than allowed? Why?**

3 A: Staff stated that the District believes it would not be possible to monitor and enforce
4 restrictions on its customers' landscape irrigation; however Staff provided no such
5 evidence to support its conclusion that the District's belief was correct. To the extent the
6 District has always been ignorant of the restrictions against more than one-half acre of
7 irrigation, how can the District claim, and Staff willingly assume, that enforcement of
8 such restriction is not possible. Ignorance of such restrictions is no excuse, nor should
9 outright unwillingness to follow the law once known be one either.

10 **Q: Staff asserts that the District has occasionally requested additional funds from**
11 **customers in an effort to help cover the costs of maintaining the system, including**
12 **well repairs, electrical repairs, water quality testing, etc., but also states that the**
13 **District asserts that the monthly rates charged to customers are only enough to**
14 **cover the District's ongoing regular expenses, such as electricity and water quality**
15 **testing, and are not enough to cover repairs, particularly large repairs. See**
16 **Staff/100, Hari 3, Ln 18, Hari 4, Ln 1-2, and Hari 8, Ln 11-14. Do you agree with**
17 **these statements made by Staff?**

18 A: The District has occasionally requested additional funds from customers for maintenance.
19 Over the years Dr. Ironside has occasionally communicated the physical and financial
20 condition of the water system to customers in a letter or as a note on the billing statement
21 for water services. These notes explained what maintenance costs were paid or the
22 expected amount of future costs. We have paid the amount billed for the monthly water
23 service and for the additional maintenance and repair costs each time it was requested.

24 On February 13, 2007, for example, Dr. Ironside sent a letter to the five customers
25 itemizing electrical repair costs, tree trimming expenses, a new transformer, removal of

1 the original pressure tank and adding a new pump (“2007 correspondence”). A true copy
2 of the February 13, 2007 correspondence from Dr. Ironside is attached hereto as Exhibit
3 303. These expenses totaled \$6,533, of which \$5,132.97 was the estimate for the pump
4 and pressure tank removal. Dr. Ironside stated that the cash from the current billing cycle
5 should cover this amount.

6 On May 08, 2008 Dr. Ironside sent correspondence to customers indicating
7 further costs would be assessed due to additional testing requirements required by the
8 Department of Human Services, Public Health Division (“2008 correspondence”). A true
9 copy of the May 8, 2008 correspondence from Dr. Ironside is attached hereto as Exhibit
10 304. This correspondence contained the same items of repair and maintenance from the
11 2007 correspondence, but also included additional costs for pump house roof and wall
12 construction.

13 Dr. Ironside stated in his 2008 correspondence that the items listed did not include
14 the cost of electricity which was “largely paid for by the monthly water fees”. Dr.
15 Ironside acknowledged that Don Rushmer paid for his new water line, which cost \$2,000.
16 In this 2008 correspondence, Dr. Ironside complained that the Clackamas County Auditor
17 wanted information and the PUC has a “huge amount of paper work to complete.” As he
18 came to a close, he said, “I propose that we have a meeting to discuss the water and how
19 to keep it going. For all practical purposes, the water system is bankrupt at this moment.
20 Please call me at (his cell number) to discuss how we can make this well work for all of
21 us.” He sounded a little less sure about ownership but encouraged about our willingness
22 to participate financially in the endeavor.

23 On January 15, 2009, the quarterly invoice included the normal \$80 per month for
24 water and an extra amount of \$253.59 to cover each customer’s pro-rata share of the
25

1 repair discussed at the meeting to fix the well. A true copy of the January 15, 2009
2 invoice is attached as Exhibit 305.

3 On the April 15, 2009, quarterly invoice, Dr. Ironside seemed appreciative of the
4 support everyone was giving to the shared cause and started out at the top of the note
5 itemizing what expenses were coming up, thanked Don Rushmer for helping with the
6 power line problem and thanked me for helping him with locating the pipes. A true copy
7 of the April 15, 2009 invoice is attached hereto as Exhibit 306. Dr. Ironside detailed the
8 cost, difficulty and penalties for testing the water and finished by saying, “As you know,
9 the well is deeply behind in what it earns and what it costs to run the system. In order to
10 catch up with the monthly costs, the monthly bill is being increased to \$100. If I can
11 catch up with the costs, I will reduce the bill in the future.” The intent here appears to be
12 that he can pretty much ask the customers to pay for the ongoing repairs of the system
13 and can pay for the monthly expenses by increasing the monthly charge and he can still
14 own the utility and break even or get ahead. Everyone else now pays for it and he gets
15 past the discussion of sharing ownership, at least for now. Our check for \$793.59 for
16 “three months of water” went to Dr. Ironside on May 7, 2009.

17 On May 15, 2010, all customers attended a meeting at Don Rushmer’s house to
18 discuss the possibility of sharing ownership of the Mountain Home Water District with
19 Dr. Ironside. A true copy of the May 15, 2010 meeting notes are attached hereto as
20 Exhibit 307. Discussion centered on the need for better communication, understanding
21 the systems’ on-going needs, a preferred form of ownership, and the necessity to pass
22 through the rights and obligations of the water District’s ownership to future heirs and/or
23 property owners with deeds and contracts. At the meeting, we learned that the annual cost
24 of electricity is around \$1,000 and that the system has its own electric meter but the bill is
25 paid with one payment for both the well and Dr. Ironside’s house.

1 There has never been another meeting of the District's customers to this day and
2 Dr. Ironside has never sent another Invoice asking the customers to share in the
3 maintenance expense of the District.

4 **Q: Staff stated, and therefore agreed, that the District provided documentation that it**
5 **covered expenses with personal contributions from Dr. Ironside and his family**
6 **members, which were not recovered from customers. See Staff/100, Hari 8, Ln 20,**
7 **Hari 9, Ln 1-2. Do you agree with this statement?**

8 A: No. Expenses, if billed to customers, were paid. Based on the District's responses to
9 Data Request Nos. 9, 11, 18, 20, and 21, Staff's conclusions are erroneous. *See Staff/102.*
10 Customers did not pay such expenses because they were not billed for them.

11 **Q: Finally, the District provided documentation that the monthly amounts collected by**
12 **customers have not been sufficient to cover its operating expenses. See Staff/100,**
13 **Hari 9, Ln 2-4. Do you agree with this statement?**

14 A: No, to the extent that Staff is referring to the general provision of water service on a
15 monthly basis. However, with costs associated with maintenance and repairs, as I
16 previously stated, the District did not always submit invoices for payment for
17 maintenance and repair.

18 **Q: Staff also highlighted the District's statement that the failure of the original well and**
19 **the costs of the replacement well and the work done on the original well further**
20 **made future operation of the District unfeasible as support for Staff's conclusion**
21 **that they too were a basis for abandonment of the water system. These costs were**
22 **approximately \$65,000, which the District has not sought to recover from its**
23 **customers. See Staff/100, Hari 9, Ln 6-9. Do you agree with this statement? If not,**
24 **why not?**

25 A: No. Because (a) The original well was and remains fine (*See Intervenors/100, Testimony*

1 *of J. Lambie*); (b) they never even billed us for it; and (c) they claimed the replacement
2 well as personal property of Dr. Ironside when that is not the case at all. The replacement
3 well was just that, a well to replace the well in the pump house that served all 6 homes. It
4 remains to this day owned by the District and not Dr. Ironside. Staff, of course, with
5 every intention to allow the abandonment to occur, fails to make such a distinction.
6 Furthermore, again this is an abandonment proceeding, not a proceeding to have the
7 District terminate water service only to then have the investor(s) keep the assets. See the
8 District's response, and supplemental response, to Staff's Data Request 11, attached as
9 Exhibit 102 to Staff's testimony, wherein the District acknowledges it did not charge
10 customers for many expenses.

11 **Q: Staff apparently agrees with the District's statement as additional basis for**
12 **abandonment that rather than impose a significant financial hardship on customers**
13 **related to these costs, the District desires to abandon service and allow customers to**
14 **allocate funds that would otherwise be required to cover an alternative source of**
15 **water. See Staff/100, Hari 9, Ln 9-12. Do you agree with such a statement? If yes,**
16 **why, and if not, why not?**

17 A: I wholeheartedly disagree with such a statement because it makes absolutely no sense. If
18 assuming that a replacement well was required—an allegation which we absolutely
19 dispute—the cost of such well could be spread across all 6 homes that currently receive
20 water service with rates to cover such costs over time to be approved by the PUC.
21 Instead, the District, and now staff by virtue of their agreement with the District's
22 statement, thinks that each customer assuming the cost of completing new wells is
23 somehow more cost effective. Such a position defies logic. As I discuss further below, it
24 would cost my wife and I no less than \$75,000 to complete a new water system for our
25 property.

1 **Q: The District also asserts that the personal circumstances of its owner, Dr. Ironsides,**
2 **make continuation of providing water service an extreme hardship. See Staff/100,**
3 **Hari 9, Ln 14-15. Do you agree?**

4 A: I do not. While it may provide personally an extreme hardship to Dr. Ironside given his
5 other commitments, it doesn't mean that he District is not responsible for providing the
6 service. Furthermore, Dr. Ironside's daughter has been managing the District for some
7 time and therefore his busy schedule has very little to do with maintaining the water
8 service. Finally, there is nothing to prevent the District from engaging a subcontractor to
9 manage all aspects of the operating of the water system.

10 **Q: Staff states that Dr. Ironsides' daughter and her family live on the property and**
11 **they are not willing to take on the administrative responsibility or expense of**
12 **running the utility. See Staff/100, Hari 9, Ln 19, Hari 10, Ln 1-2. Do you agree with**
13 **staff's conclusion?**

14 A: No I do not.

15 **Q: Why not?**

16 A: Aside from the fact that Dr. Ironside's daughter has been the manager of the District for a
17 number of years with no notice to the PUC, this statement assumes that as a manager of a
18 District, the entity or the investors necessarily assume the expenses associated with
19 operating it. That occurs only if it is poorly run and the District has not sought PUC
20 approval for appropriate rate adjustments if necessary to seek additional monies to offset
21 such costs.

22 **Q: The District asserts that Dr. Ironsides does not possess the skillset to properly run**
23 **the business. Prior to her passing in 2004, Dr. Ironsides' wife managed the utility's**
24 **books and operations. Since that time, record-keeping has been sparse and**
25 **inconsistent See Staff/100, Hari 10, Ln 5-9.**

1 A: Staff's statement is entirely erroneous. From 2005 to 2013, Dr. Ironside managed the
2 water system. Furthermore, and as shown in my testimony on pages 9 and 11 herein, Dr.
3 Ironside was fully capable of managing the District and its water system. Since no later
4 than 2013, Dr. Ironside's daughter has been managing the District. During this period,
5 while the record keeping has not been perfect, the bigger issue is how the District has
6 been managed. As stated above, the District has failed to take the proper steps to make
7 sure that it remains financially viable through necessary rate change if appropriate, etc.

8 **Q: The Staff states the District thought it possible for each customer to drill his or her**
9 **own well on his or her own property or could share a well with other customers or**
10 **adjacent landowners and apparently relies upon, the District's estimate that the**
11 **average cost of the wells is around \$30,000, based on an estimate from Olsen Well**
12 **Drilling. How accurate do you believe this number is and why? See Staff/100, Hari**
13 **10, Ln 11-14.**

14 A: First of all, the District was obligated to provide legitimate estimates of what it would
15 cost each customer to secure a viable alternative water supply. Contrary to the District's
16 statement, as also assumed by Staff, the sole expense in any such endeavor is not limited
17 to the completion of a well. An alternative water supply means the design, construction
18 and permitting for a water delivery system. Also, assuming easy access to the well site,
19 cost of \$30,000 might cover the cost of drilling the bore hold and installing casing in the
20 bore hole, no more.

21 **Q: Staff states that you and your wife are in the process of confirming the viability and**
22 **necessary time to construct a well on their property. See Staff/100, Hari 10. Do you**
23 **agree?**

24

25

1 A: No to the extent that we are attempting to confirm the viability and necessary time to
2 construct only a well on our property. We are, contrary to staff's statement, addressing
3 the viability of developing a water system for our property.

4 **Q: Staff indicates that they have investigated alternatives for water service for you and**
5 **your wife. Specifically, Staff states that they have travelled to Mountain Home**
6 **Water District for a site visit to tour the replacement well, view infrastructure, and**
7 **to understand the physical relationship of the infrastructure to each customer's**
8 **property. See Staff/100, Hari 11, Ln 7-12. Has staff completed any other due**
9 **diligence that would inform them how much it might cost to complete a new water**
10 **supply system?**

11 A: No. Not to my knowledge.

12 **Q: What did they do?**

13 A: As far as I know, Staff made no effort to verify the credibility of the District's estimate of
14 approximately \$30,000 to complete a well. Further, and for reasons I have stated
15 previously, the completion of a well does not provide water service. My conclusion,
16 however, is not all that speculative based on what it would cost for me to develop a new
17 well. Notably, throughout much of its testimony, Staff consistently took the District's
18 statements at face value, never bothering to evaluate the credibility of the information
19 provided to it. There is no more glaring example of Staff's apparent bias in this regard
20 than its statements that it investigated the availability of credible alternatives for water
21 service. While staff relies on the District's estimate, it makes no mention of my response
22 to Staff's request to my wife and me under DR's 2 and 3. Under those responses, I
23 provided a complete update on the status of my ability to secure (DR 2) as well as an
24 itemized cost estimate to complete (DR 3) an alternative water supply such as a water
25

1 supply system. A true copy of Intervenors' response to Staff's DR 2-5 is attached hereto
2 as Exhibit 307.

3 **Q: How much will it cost to complete a new water supply system to your home?**

4 A: \$75,000. Notably, Staff makes no mention of our itemized estimate in their testimony.

5 **Q: Staff indicates that you and your wife still may possess a shared well option with
6 Elizabeth Kelley. See Staff/100, Hari 12, Ln 15-18. Does such an option still exist?**

7 A: No option ever did necessarily exist with Ms. Kelley to complete and operate a shared
8 well. However, an option may exist to share a water supply with Ms. Kelley's successor-
9 in-interest and therefore current property owner, Nate Seamour. I say as much, however,
10 with the understanding it is our primary intention to deny the request for abandonment or,
11 in the alternative, to at a minimum retain an interest in the District's water system
12 necessary to provide water to our property. Whether Mr. Seamour possesses any interest
13 in receiving water from the water system as well is currently unknown.

14 **Q: Staff recommends that the District be required to provide service until August 1,
15 2017 or until the last customer has obtained alternate service prior to that date,
16 whichever is earlier. This timeline would ensure that the Krokers and Ms. Kelley, or
17 her successor(s), have adequate time to finalize the planning of their own wells or a
18 shared well, and to have time to drill the well/s and construct the infrastructure
19 when the ground is not saturated. Do you agree with the recommendation?**

20 A: With the understanding that I do not believe in the District being entitled to abandon the
21 water system or seek to terminate water service, I would agree to the recommendation in
22 principal so long as service continue until the latter of August 1, 2017 or such date that
23 my wife and I have obtained a permanent, operational alternative water service,
24 whichever is later.

25

1 **Q: Staff stated that hardship to customers must be viewed in the context of other**
2 **considerations, particularly the viability of alternative water sources and the**
3 **hardship faced by the District if it is required to continue providing service to a**
4 **single household. Do you agree with this statement in consideration of your prior**
5 **testimony that this District did not really possess any financing constraints?**

6 A: I do not because as I stated previously, the records show that the customers traditionally
7 paid their water service bills and also paid additional fees when necessary and as billed.
8 Staff is incorrect that the District is financially constrained. The debts incurred by the
9 District only exist because Dr. Ironside and then later his daughter as manager, failed to
10 take the steps necessary to bill the customers or where appropriate, seek approval from
11 the PUC to raise rates as needed. Such does not equate to a financially failed or failing
12 entity, but rather one which is mismanaged, or in the alternative is seeking to paint a
13 picture that it is not economically viable. Staff simply tries here to make the petitioner's
14 case without considering the real problem that is in the form of petitioner's simple
15 unwillingness to manage the District yet assume ownership of the District's assets. . As I
16 stated above previously in this testimony, the customers met with Dr. Ironside in 2010,
17 with the idea they all assume an equal interest in the water system. Subsequent to that
18 meeting, Dr. Ironside chose to withdraw from that approach as he decided to maintain
19 control of the water system himself.

20 **Q: Staff stated that if the PUC fails to grant the abandonment required, you would**
21 **likely be the sole remaining customer of the District and therefore could be assessed**
22 **the cost of a replacement well large enough to serve multiple customers as well as**
23 **could also be assessed a share of regulatory compliance costs associated with owning**
24 **a for-profit water District as well as higher regular service rates. Do you agree with**
25 **this statement?**

1 A: No. First, because there are currently four homes and two customers served by the
2 District, not one. Second, because my wife and I did not create the current circumstances
3 to become one of the two remaining customers. Again, the District owns the replacement
4 well, not Dr. Ironside.

5 But for Petitioner's desire to curtail our water service while seeking not to
6 abandon the water system, all homes would still be on the water system. Furthermore, as
7 of today, no grant of abandonment has been entered. Hence, all customers have legal
8 access and rights to the water system. If abandonment is denied, I only am responsible for
9 my share as if all 6 homes were receiving water. The PUC staff has provided no basis in
10 its testimony that I should assume the proportionate cost of all others that used to be on
11 the system. This process is not a race to leave the system but is meant to be a process by
12 which those receiving water are not denied their water service without sufficient cause
13 and consideration of equity with others and the public health.

14 **Q: Regarding the Staff's recommendations generally, do you have any additional**
15 **comments?**

16 A: I disagree with all such recommendations as they support approval of Petitioner's request
17 for abandonment to the extent they are inconsistent with my prior testimony in this case,
18 the testimony of John Lambie, other records and files in this matter. We object to any
19 such grant of approval. In the alternative, we would request that all elements of the water
20 system necessary to continue water service from the replacement well, or the original
21 well assuming it would be repaired at cost to the District, be conveyed to us.

22 **Q: Are you providing any exhibits with your testimony?**

23 A: Yes

24 **Q: Does this complete your cross answering testimony?**

25 A: Yes.

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on the date shown below, I filed the original and one (1) copy of the foregoing **Cross Answering Testimony of Mel Kroker** by electronic transmission and first class mail, postage prepaid, on:

Filing Center
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088
PUC.FilingCenter@state.or.us

I further hereby certify that on the date shown below, I served a true and correct copy of the foregoing **Testimony of Mel Kroker** by first class mail, postage prepaid, on:

Jennie L. Bricker
Jennie Bricker Land & Water Law
818 SW Third Ave, PMB 1517
Portland, OR 97204

Celeste Hari
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088

Sommer Moser
PUC Staff – Department of Justice
1162 Court St. NE
Salem, OR 97301

- by first class mail, postage prepaid.
- by facsimile transmission and first class mail, postage prepaid.
- by electronic transmission.
- by electronic transmission and first class mail, postage prepaid.

DATED: November 18, 2016.

/s/ Peter D. Mohr
Peter D. Mohr, OSB # 013556
Attorney for Mel and Connie Kroker,
Intervenors

CASE: UM 1769
WITNESS: MEL KROKER

**PUBLIC UTILITY COMMISSION
OF
OREGON**

INTERVENOR'S
EXHIBIT 301

March 16, 2009

Correspondence from Dr. Ironside

November 18, 2016



COMMUNITY HEALTH DIVISION

PUBLIC SERVICES BUILDING, # 367
2051 KAEN RD OREGON CITY, OR 97045

March 16, 2009

Mr. Keith Ironside Jr., M.D.
Mountain Home Water Dist. PWS # 4105507
2323 S.W. Buckman Rd.
West Linn, Oregon 97068

Dear Keith,

This letter is to acknowledge the review and approval of your emergency response plan for this water system. Thank you for completing it in such a timely manner. We find the plan and security assessment to be substantially complete. We will review your Emergency Response Plan and your assessments during an upcoming routine sanitary survey of the water system. I will be contacting you in the near future to schedule a water system survey of the water system.

Information about water systems is available on the State's website, <http://oregon.gov/DHS/ph/dwp/index.shtml>

We hope that it will be a useful document and that you will keep it current. Please do not hesitate to contact me at 503-742-5367 if I can be of any assistance. Save this letter as proof that your ERP was reviewed.

To complete the ERP approval, you must complete the Proof of Completion form that I have included and send it to the address noted on the bottom of the form.

Sincerely,

Joel Ferguson, REHS
Environmental Health Specialist II
Clackamas County Environmental Health Department – Drinking Water Program

Emergency Phone Numbers

**FOR EMERGENCIES:
DIAL 9-1-1
FIRE – POLICE – MEDICAL**

TO REPORT A DRINKING WATER SYSTEM EMERGENCY:

**CLACKAMAS COUNTY ENVIRONMENTAL HEALTH
(M-F) 8:00am-5:00pm
(503) 655-8384, or (503) 655-8386**

**OREGON DEPT. OF HUMAN SERVICES – DRINKING WATER PROGRAM
(M-F) 8:00am-5:00pm
(971) 673-0405**

Outside of business hours:
**OREGON EMERGENCY RESPONSE SYSTEM
1-800-452-0311**

INFORMATION TO REPORT:

1. YOUR NAME, ADDRESS, PHONE NUMBER, CURRENT LOCATION.
2. TYPE OF INCIDENT.
3. EXACT LOCATION OF INCIDENT.
4. THE DATE AND TIME THE INCIDENT OCCURRED.
5. NATURE OF THREAT TO THE WATER SYSTEM.

1C- Emergency Contacts List (page 2 of 2)

EQUIPMENT/SUPPLIES VENDORS:

PHONE:

STEVE'S PUMP

503-807-3283

OTHER IMPORTANT CONTACTS:

DON RUSHMER 503-638-9674

IC - Emergency Contacts List (page 1 of 2)

EMERGENCY CONTACTS

WATER SYSTEM CHAIN OF COMMAND

Name & Position	Emergency Phone
1. <u>KEITH IRONSIDE</u> <u>OWNER</u>	<u>503-475-8463</u>
2. <u>VALERIE MEYER</u> <u>TRUSTEE</u>	<u>503-830-7610</u>
3. <u>JEREMY MEYER</u>	<u>503-970-8441</u>
4. _____	_____
5. _____	_____

UTILITY COMPANIES / EMERGENCY PHONE

Phone Company NONE in Well
Power Company 503-464-7777
Gas Company NONE in Well
Local Police Authority (non-emergency #): 503-635-0238

ALTERNATE WATER SUPPLIERS:

PHONE:

NONE
Power line relocation

503-736-5450

Section 2A – Water System Security

Instructions

Each water system must conduct a security vulnerability assessment as part of their emergency response plan to determine if there are areas needing improved security measures. The Security Assessment Form 2A included in this guidance template is a general checklist only.

Involve everyone in routine surveillance. Ask all water system users to watch for suspicious or unusual activity around water system facilities and provide them with phone numbers to report their observations.

Other good information to have:

- Is there any risk of flooding to any part of your water system? If so, where and how?
- Do you have a schematic/map of the water system showing water line location and size, also where valves are located?
- Can any portion of the distribution system be isolated in order to easily make repairs (i.e. valved off)?
- Do you have a well driller's report (well log) for each well? If not, do you know the depth of the well?

2A- Annual System Security Assessment Form
ANNUAL SYSTEM SECURITY ASSESSMENT

SYSTEM NAME Mountain Home Water District PWS # 41 _____

DATE OF REVIEW 03/02/09

ASSESSMENT BY KEITH IRONSIDE

WELLS, PUMPHOUSES, TREATMENT FACILITIES

	Yes	No	N/A	Comments	Initials
Locks on all doors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
All windows secured	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Adequate alarms, motion sensors, video cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Adequate security lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Entry restricted to authorized personnel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
"Employee only" signs posted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>No employees, well's community shown.</i>	

PRESSURE TANKS/RESERVOIRS

Fenced area around reservoir	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Locked gate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
adder guard locked	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
cess hatches locked	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Adequate security lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
"Employee only" signs posted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

DISTRIBUTION SYSTEM

Manholes, hydrants, and other access points secured	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
--------------------------------------------------------	--------------------------	--------------------------	-------------------------------------	--	--

PROCEDURES

All facilities locked and alarms set during prescribed times	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Background checks before hiring employees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Employees regularly trained/drilled regarding security program	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Access restricted to authorized persons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Visitors and contractors checking in and out	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Passcode/keys/access cards changed when an employee is dismissed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Keys never stored in equipment or vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



Cindy Becker
Interim Director

Community Health Division

Public Services Building
2051 Kaen Road #367 Oregon City OR 97045

February 23, 2009

**RE: EMERGENCY RESPONSE PLAN REQUIREMENT FOR VERY SMALL (Non-EPA)
PUBLIC WATER SYSTEMS**

Dear Public Water System Operator,

With funding from the Oregon legislature, the state Drinking Water Program (DHS-DWP) will now be able to more effectively administer drinking water regulations for all public water systems. This includes the very small Non-EPA or "State Regulated" water systems like yours (i.e. those systems that have 4 to 14 connections or serve 10 to 24 people at least 60 days a year). This provision from the legislature will help eliminate disparities in safety between large and small drinking water systems, extending safeguards to consumers whose supplies come from small and very small public systems.

This letter is being sent to you to explain and update you regarding regulation of State-Regulated water systems so that you are able to comply with the new requirements. Some of the important requirements are listed below:

- 1) **EMERGENCY RESPONSE PLANS:** The DHS-DWP adopted new rules (OAR 333-061-0064) that require all public water systems to have a written emergency response plan (ERP). In order to be in compliance, the completed ERP must be reviewed by Clackamas County to insure it meets the minimum requirements. Attached to this letter you will find ERP instructions and forms to fill out. Please do so and return to me by mail or fax it to me at **503-742-5343**.

After I review your ERP, I will return your ERP to you and send you an "**ERP PROOF OF COMPLETION**" form, which you need to sign and send to the DHS-DWP. ***You must complete this last step to get credit for completing the ERP!*** Please keep your ERP updated and available for review during the next sanitary survey.

Your Emergency Response Plan can be an effective tool during routine and non-routine emergencies that disrupts your water supply. I can provide you assistance and helpful information to complete your ERP.

- 2) **WATER QUALITY TESTING:** As a reminder, the law requires State-Regulated water systems to test on a quarterly basis for ***coliform bacteria*** and annually for ***nitrate***. ***This required testing will now be enforced.*** Testing must be performed by a state certified lab. A list of approved labs can be found at <http://oregon.gov/DHS/ph/orelap/docs/acclab.pdf>. I recommend reporting lab results directly to the State. Results must be reported on-time to count!

If you have any questions or concerns, please call me at (503) 742-5367. Your cooperation is appreciated; I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel Ferguson', with a large, sweeping flourish extending to the right.

Joel Ferguson, REHS
Environmental Health Specialist II
Clackamas County Environmental Health– Drinking Water Program
2051 Kaen Rd. Ste. 367
Oregon City, Oregon 97045

Encl: ERP Instructions
ERP form 1C – Emergency Contacts List
ERP form 2A – Annual System Security Assessment

cc: file

PWS NAME: MOUNTAIN HOME WATER DISTRICT PWS ID# 41 _____

EMERGENCY RESPONSE PLAN: SMALL WATER SYSTEMS

The Department of Human Services, Drinking Water Program (DHS-DWP) adopted new rules (OAR 333-061-0064) that require all public water systems to have a written emergency response plan (ERP). In order to be in compliance, the completed ERP must be reviewed by Clackamas County to insure it meets the minimum requirements. Below are ERP instructions and forms to fill out. Please do so and return to me by mail to:

CCCHD
ATTN: Joel Ferguson, R.E.H.S.
2051 Kaen Rd., Ste 367
Oregon City, OR 97045

or fax to: **503-742-5343.**

After I review your ERP, I will send you a "verification of ERP completion" form that you will need to sign and send to the DHS-DWP. You must complete this last step to get credit for completing the ERP!

Why should a public water system have an Emergency Response Plan?

In addition to the regulatory requirements, there are a number of reasons including the following:

- The plan prepares the water system for all kinds of emergencies – natural disasters, man-made events, and terrorist activities.
- The plan gives specific instructions about who to call if there is an emergency situation that may affect the water system.
- The plan helps you develop procedures for responding to events that affect the drinking water, such as a contaminated water source or reservoir.
- The emergency response plan addresses security measures for the water system.
 - The plan organizes a number of important management and operations procedures into one document.

It is recommended that the emergency response plan be placed in a three-ring binder or notebook, with tabs, to organize and store it along with related materials.

If an emergency event affects the water system, the regulatory agency will be working with you to safeguard the water supply and return the water system to normal operation as soon as possible.

To complete this plan you will need the following information:

Water System Authority: Who is the primary person responsible for the water system, next person responsible and third person responsible? You will need their day/evening phone #'s, cell phone #'s and addresses.

Utility Companies & Local Police: What are the phone #'s for all utilities providing service in the area of your water system? What is your local police departments non-emergency phone #?

Alternate Water Suppliers: Do you have a contact to purchase water from if you had to? If so, write down the name, address and phone # of the supplier.

Equipment/Supplies Vendors: Where do you purchase plumbing/well supplies from? Who is the pump person who works on your well? Write down name, address, phone #.

Other Important Contacts: Who does you trenching/digging? In case of a large line break, who would repair if other than you? Who does your water sampling & testing (lab)? Anyone else who might be contracted for services to your water system not mentioned above? Write in names addresses and phone #'s.

Emergency Phone Numbers

**FOR EMERGENCIES:
DIAL 9-1-1
FIRE – POLICE – MEDICAL**

TO REPORT A DRINKING WATER SYSTEM EMERGENCY:

**CLACKAMAS COUNTY ENVIRONMENTAL HEALTH
(M-F) 8:00am-5:00pm
(503) 655-8384, or (503) 655-8386**

**OREGON DEPT. OF HUMAN SERVICES – DRINKING WATER PROGRAM
(M-F) 8:00am-5:00pm
(971) 673-0405**

**Outside of business hours:
OREGON EMERGENCY RESPONSE SYSTEM
1-800-452-0311**

INFORMATION TO REPORT:

1. YOUR NAME, ADDRESS, PHONE NUMBER, CURRENT LOCATION.
2. TYPE OF INCIDENT.
3. EXACT LOCATION OF INCIDENT.
4. THE DATE AND TIME THE INCIDENT OCCURRED.
5. NATURE OF THREAT TO THE WATER SYSTEM.

1C – Emergency Contacts List (page 1 of 2)

EMERGENCY CONTACTS

WATER SYSTEM CHAIN OF COMMAND

Name & Position	Emergency Phone
1. <u>KEITH IRONSIDE OWNER</u>	<u>503-475-8463</u>
2. <u>VALERIE MEYER TRUSTEE</u>	<u>503-830-7610</u>
3. <u>JEREMY MEYER</u>	<u>503-970-8441</u>
4. _____	_____
5. _____	_____

UTILITY COMPANIES / EMERGENCY PHONE

Phone Company NONE in Well
Power Company 503-464-7777
Gas Company NONE in Well
Local Police Authority (non-emergency #): 503-635-0238

ALTERNATE WATER SUPPLIERS:

PHONE:

NONE
Power line relocation

503-736-5450

1C- Emergency Contacts List (page 2 of 2)

EQUIPMENT/SUPPLIES VENDORS:

PHONE:

STEVE'S PUMP

503-807-3283

OTHER IMPORTANT CONTACTS:

DON RUSHMER 503-638-9674

Section 2A – Water System Security

Instructions

Each water system must conduct a security vulnerability assessment as part of their emergency response plan to determine if there are areas needing improved security measures. The Security Assessment Form 2A included in this guidance template is a general checklist only.

Involve everyone in routine surveillance. Ask all water system users to watch for suspicious or unusual activity around water system facilities and provide them with phone numbers to report their observations.

Other good information to have:

- Is there any risk of flooding to any part of your water system? If so, where and how?
- Do you have a schematic/map of the water system showing water line location and size, also where valves are located?
- Can any portion of the distribution system be isolated in order to easily make repairs (i.e. valved off)?
- Do you have a well driller's report (well log) for each well? If not, do you know the depth of the well?

2A- Annual System Security Assessment Form
ANNUAL SYSTEM SECURITY ASSESSMENT

SYSTEM NAME Mountain Home Water District PWS # 41 _____

DATE OF REVIEW 03/02/09

ASSESSMENT BY KEITH IRONSIDE

WELLS, PUMPHOUSES, TREATMENT FACILITIES

	Yes	No	N/A	Comments	Initials
Locks on all doors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
All windows secured	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Adequate alarms, motion sensors, video cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Adequate security lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Entry restricted to authorized personnel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
"Employee only" signs posted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>No employees, well is community shared.</i>	

PRESSURE TANKS/RESERVOIRS

Fenced area around reservoir	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Locked gate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Trailer guard locked	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Access hatches locked	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Adequate security lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
"Employee only" signs posted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

DISTRIBUTION SYSTEM

Manholes, hydrants, and other access points secured	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
-----------------------------------------------------	--------------------------	--------------------------	-------------------------------------	--	--

PROCEDURES

All facilities locked and alarms set during prescribed times	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Background checks before hiring employees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Employees regularly trained/drilled regarding security program	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Access restricted to authorized persons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Visitors and contractors checking in and out	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Passcode/keys/access cards changed when an employee is dismissed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Keys never stored in equipment or vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

PWS NAME: MOUNTAIN HOME WATER DISTRICT PWS ID# 41 05507

RECEIVED

MAR 11 2009

PSB CH Admin

EMERGENCY RESPONSE PLAN: SMALL WATER SYSTEMS

The Department of Human Services, Drinking Water Program (DHS-DWP) adopted new rules (OAR 333-061-0064) that require all public water systems to have a written emergency response plan (ERP). In order to be in compliance, the completed ERP must be reviewed by Clackamas County to insure it meets the minimum requirements. Below are ERP instructions and forms to fill out. Please do so and return to me by mail to:

CCCHD
ATTN: Joel Ferguson, R.E.H.S.
2051 Kaen Rd., Ste 367
Oregon City, OR 97045

or fax to: 503-742-5343.

After I review your ERP, I will send you a "verification of ERP completion" form that you will need to sign and send to the DHS-DWP. You must complete this last step to get credit for completing the ERP!

Why should a public water system have an Emergency Response Plan?

In addition to the regulatory requirements, there are a number of reasons including the following:

- The plan prepares the water system for all kinds of emergencies – natural disasters, man-made events, and terrorist activities.
- The plan gives specific instructions about who to call if there is an emergency situation that may affect the water system.
- The plan helps you develop procedures for responding to events that affect the drinking water, such as a contaminated water source or reservoir.
- The emergency response plan addresses security measures for the water system.
 - The plan organizes a number of important management and operations procedures into one document.

It is recommended that the emergency response plan be placed in a three-ring binder or notebook, with tabs, to organize and store it along with related materials.

If an emergency event affects the water system, the regulatory agency will be working with you to safeguard the water supply and return the water system to normal operation as soon as possible.

To complete this plan you will need the following information:

Water System Authority: Who is the primary person responsible for the water system, next person responsible and third person responsible? You will need their day/evening phone #'s, cell phone #'s and addresses.

Utility Companies & Local Police: What are the phone #'s for all utilities providing service in the area of your water system? What is your local police departments non-emergency phone #?

Alternate Water Suppliers: Do you have a contact to purchase water from if you had to? If so, write down the name, address and phone # of the supplier.

Equipment/Supplies Vendors: Where do you purchase plumbing/well supplies from? Who is the pump person who works on your well? Write down name, address, phone #.

Other Important Contacts: Who does your trenching/digging? In case of a large line break, who would repair if other than you? Who does your water sampling & testing (lab)? Anyone else who might be contracted for services to your water system not mentioned above? Write in names addresses and phone #'s.

1C - Emergency Contacts List (page 1 of 2)

EMERGENCY CONTACTS

WATER SYSTEM CHAIN OF COMMAND

Name & Position	Emergency Phone
1. <u>KEITH IRONSIDE OWNER</u>	<u>503-475-8463</u>
2. <u>VALERIE MEYER TRUSTEE</u>	<u>503-830-7610</u>
3. <u>JEREMY MEYER</u>	<u>503-970-8441</u>
4. _____	_____
5. _____	_____

UTILITY COMPANIES / EMERGENCY PHONE

Phone Company NONE in Well

Power Company 503-464-7777

Gas Company NONE in Well

Local Police Authority (non-emergency #): 503-635-0238

ALTERNATE WATER SUPPLIERS:

PHONE:

NONE

Power line relocation

503-736-5450

1C- Emergency Contacts List (page 2 of 2)

EQUIPMENT/SUPPLIES VENDORS:

PHONE:

STEVE'S PUMP

503-807-3283

OTHER IMPORTANT CONTACTS:

DON RUSHMER 503-638-9674

Del Ferguson, R.E.M.S. 503-742-5367

Keith IRONSIDE

⁴
MT. Home Water

2A- Annual System Security Assessment Form
ANNUAL SYSTEM SECURITY ASSESSMENT

SYSTEM NAME Mountain Home Water District PWS # 41 05507

DATE OF REVIEW 03/02/09

ASSESSMENT BY KEITH IRONSIDE

WELLS, PUMPHOUSES, TREATMENT FACILITIES

	Yes	No	N/A	Comments	Initials
Locks on all doors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
All windows secured	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Adequate alarms, motion sensors, video cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Adequate security lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Entry restricted to authorized personnel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
"Employee only" signs posted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>No employees, well is community shared.</i>	

PRESSURE TANKS/RESERVOIRS

Fenced area around reservoir	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Locked gate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Trailer guard locked	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Access hatches locked	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Adequate security lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
"Employee only" signs posted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

DISTRIBUTION SYSTEM

Manholes, hydrants, and other access points secured	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
--------------------------------------------------------	--------------------------	--------------------------	-------------------------------------	--	--

PROCEDURES

All facilities locked and alarms set during prescribed times	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Background checks before hiring employees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Employees regularly trained/drilled regarding security program	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Access restricted to authorized persons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Visitors and contractors checking in and out	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Passcode/keys/access cards changed when an employee is dismissed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Keys never stored in equipment or vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

CASE: UM 1769
WITNESS: MEL KROKER

**PUBLIC UTILITY COMMISSION
OF
OREGON**

INTERVENOR'S
EXHIBIT 302

August 1, 2009

Correspondence from Dr. Ironside

November 18, 2016

Dear Neighbors:

Recent consultation regarding water usage cost has determined that Mt. Home Water Dist. is undercharging for water use by at least 50%. And, this does not take into account the increased summer demand of sprinkler systems. Therefore, beginning August 1, 1999, the monthly water charge will increase to \$60/mo. A 30% additional charge will be made for those who regularly water with a sprinkler system during the months of July through September.

We have recently completed the installation of a second well, which will serve as a backup for the main well, and we are investigating the possibility of obtaining a generator for the smaller well. We will keep you informed.

Sincerely,

Gladys & Keith Ironside

August 01, 1999

CASE: UM 1769
WITNESS: MEL KROKER

**PUBLIC UTILITY COMMISSION
OF
OREGON**

INTERVENOR'S
EXHIBIT 303

February 13, 2007

Correspondence from Dr. Ironside

November 18, 2016

Robert Wiest
2375 SW Buckman Road
West Linn, Or 97068

Don Rushmer
2391 SW Buckman Road

Mel Kroker
2333 SW Turner Road

Jeff Kelley
2385 SW Buckman Road

Everett Lorenzen
2351 SW Buckman Road

Regarding: Neighborhood Well: (aka Mountain Home Water District)

A report of the activities involving the well for the past year will help you know about plans for well maintenance.

At the beginning of 2006, a branch ripped the entire electrical service off the building. With the help of Three Phase Electric and the fantastic PGE, working in the rain on a nasty day, we were able to get the power back. The cost was about \$1000. PGE does trim branches by their power lines, but would not trim these because they said these were local, to the well, thus another \$400 was paid. The proximity to the transformers and high power made professional help mandatory. (General Tree Service)

For some time, Steve's Pump Service has advised that the pipes and tank in the well house be replaced. The system is approaching 40 years old, if you look, you might agree. (When the pump was pulled and replaced, Steve said that it was about two weeks away from sudden death. The estimate to replace the tanks and pipes in the house is \$5,132.97. I would have had enough cash in the well account to repair earlier except for the electrical damage. The cash from the current cycle of billing should allow the account to get to the magic number. Most of you are paid up to date. Please complete your payments, if not already done.

Last year, I placed the electrical service to the well on automatic payment, but PGE does not allow a private customer to have more than one bank to withdraw from (!), so I have been paying this bill. Good thing, because it will allow the account to rise to the magic number to repair the infrastructure, sooner. The electrical payments to PGE can get back to an accrual system when this repair is finished and subsequent billings occur.

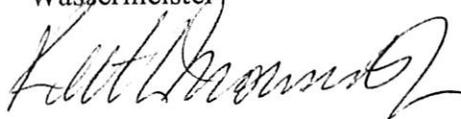
When the pump was replaced, the well shaft collapsed at the bottom, but the Pete's Mountain Aquifer is so good under our well, that we have not had to re-bore below the pump. The roof shingles need to be replaced before long, but I have not replaced the roofing because Steve said that re-boring the well will require that the roof and corner of the building be removed. (I have been holding my breath on this dilemma, but we have been lucky so far.) The well should not have been put inside the building when it was constructed in about 1974.

February 13, 2007 (1)

Power outages could be solved, mostly, with a generator. I looked into this solution several years ago. The pump requires 60 amps to start and 30 amps to run. A 30 amp generator is a couple of thousand dollars, but a 60 amp is the better part of \$10,000! With it, we could run the needs of the neighborhood. If you try to start the pump with 30 amps, it will trip the safety switch because 30 amps will burn the motor out if it is not already started. That is why restarting the water service two months ago took so long. There were two transformers on our PGE service, one burned out with the power outage. So there was 30 amps to run your household, but not 60 amps to start the well pump. We had to wait until PGE could get another transformer in line. However, there was confusion about why water could not flow when the lights were on. Steve came out and discovered that the well was fine during the outage. We also have to thank Everett Lorenzen for helping with this crisis. He is often available and is appreciated, please thank him if you see him.

If you have other questions about the well please let me know. If you want additional water quality testing, such as more frequent testing for coliforms, etc., my phone number is 503 475-8463. However this requires that a specimen be collected and carried to the testing site, so volunteers are welcome. The well cap is covered with concrete and the pipe is in basaltic rock which has been cemented to a depth of 100 feet, it is almost impossible for bacteria to get into the well water.

Keith Ironside Jr.
Wassermeister



02/13/07

February 13, 2007 (2)

CASE: UM 1769
WITNESS: MEL KROKER

**PUBLIC UTILITY COMMISSION
OF
OREGON**

INTERVENOR'S
EXHIBIT 304

May 8, 2008

Correspondence from Dr. Ironside

November 18, 2016

- Jeffrey Kelley
- Mel Kroker
- Don Rushmer
- Robert Wiest

Re: Mountain Home Water System: May 08,2008

Greetings,

That is how we were addressed by the Department of Human Services, Public Health Division in a letter this past month. Today, I was able to talk to Steve Dahl, who explained that the state has funded money for enforcement of rules and regulations pertaining to water systems. Ours is small, but is still covered. We will be required to furnish, at our expense, a quarterly coliform test and yearly, a nitrate test.

Last year, the well system had to be rebuilt in the well house. The tank was 35 years old and the pipe system was rusting. The year started in January when a tree branch took the electrical box and the wires off the building. We spent the day in the rain fixing this, which cost \$1000. Then in the summer, the inside of the well was rebuilt, the hardware cost \$5,132.97. Since the end of the building had to be cut out to get the tank out, a repair of the wall was another \$1000. In addition, the roof was shingled for \$700. This did not include the cost of electricity which was largely paid for by the monthly water fees. At the end of the year, I had paid almost \$8000 to keep the water going.

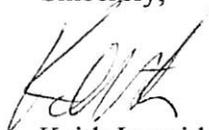
However, that was not the only expense. Don Rushmer had a sieve for a pipe going into his water meter, which he replaced for \$2000. Thank you very much for that repair which you handled, Don. In addition, there were two other leaks, one to my house, the other to the rental house.

As a result of finding these leaks, I dug up all of your water meter boxes to see if there were leaks there. I did not find any leaks. However, that does not mean that they are not there. The new well has a system that is sensitive to leaks in a generic manner, it does not say where they are, just that the water flow is too much. I think that there are still leaks, which will increase the cost of electricity.

In addition, the Clackamas County auditor wants information, the PUC has a huge amount of paper work to complete. 30 years ago, all we did was pump the water, there is no regulation or oversight.

I propose that we have a meeting to discuss the water and how to keep it going. For all practical purposes, the water system is bankrupt at this moment. Please call me at 503-475-8463 to discuss how we can make this well work for all of us.

Sincerely,



Keith Ironside Jr.
klijr@aol.com

*Called Keith 6/13/08
He will set up meeting*

May 08, 2008

CASE: UM 1769
WITNESS: MEL KROKER

**PUBLIC UTILITY COMMISSION
OF
OREGON**

INTERVENOR'S
EXHIBIT 305

January 15, 2009

Invoice from Dr. Ironside

November 18, 2016

Invoice

MOUNTAIN HOME WATER DISTRICT

c/o Keith Ironside
2323 SW Buckman Road
West Linn, OR 97068

DATE	INVOICE #
1/15/2009	1201

BILL TO
MEL KROKER 2333 SW Turner Road West Linn, OR 97068

DESCRIPTION	AMOUNT
Water Service for the Month of OCTOBER 2008	80.00
Water Service for the Month of NOVEMBER 2008	80.00
Water Service for the Month of DECEMBER 2008	80.00
Repair costs	253.59
<i>Repair Cost outside of monthly bill.</i>	
Note: At the meeting to fix the well, we agreed to split the cost of the repair between members of the group who support the well. The total cost of the repair, divided for each of us is \$253.59. I have already paid the bills. I appreciate your willingness to participate in this. You have asked me about an association of the well participants. Let's meet at the well in February. Please call me and give me your available dates. The second Saturday in the month would be good. Let me know what time is best. 503-475-8463. Keith Ironside.	
<i>Past due please pay</i>	
Total	\$493.59

January 15, 2009

CASE: UM 1769
WITNESS: MEL KROKER

**PUBLIC UTILITY COMMISSION
OF
OREGON**

INTERVENOR'S
EXHIBIT 306

April 15, 2009

Invoice from Dr. Ironside

November 18, 2016

Invoice

MOUNTAIN HOME WATER DISTRICT

c/o Keith Ironside
2323 SW Buckman Road
West Linn, OR 97068

DATE	INVOICE #
4/15/2009	1205

BILL TO
MEL KROKER 2333 SW Turner Road West Linn, OR 97068

DESCRIPTION	AMOUNT
Water Service for the Month of JANUARY 2009	100.00
Water Service for the Month of FEBRUARY 2009	100.00
Water Service for the Month of MARCH 2009	100.00
<p>To Mountain Home Water Customers:</p> <p>Thanks to Robert Wiest & Don Rushmer for helping with the work of fixing the power line in December and sharing the costs. That is appreciated. Next, we need to pull the pipes and put in some new check valves plus a sounding tube REQUIRED by the state. That will cost \$2070.85. Then in late summer, we need to put the power line under ground so that we do not have another loss of power/water as we have had for two years. I have consulted with the power company, they have given me the name of the 'inexpensive' contractor. What the cost will be is yet to be determined. Mel Kroker is helping me with location of the pipes, thanks Mel.</p> <p>In addition, the state now requires a quarterly testing of the water, which must be received by the tester in half a day so that it can be run in the 24 hrs from the time the water was pulled from the well. <u>If we do not test, there are penalties.</u> That water has to be pulled, packaged, and carried to Fed Ex in late afternoon to catch the 5pm pickup so the water can be received by the next am at the test site. <u>This costs \$70 each time with mailing and testing.</u> Plus, once a year a nitrate test will be done for another cost, <u>as yet to be determined.</u></p> <p>As you know, the well is deeply behind in what it earns and what it costs to run the system. In order to catch up with the costs, the monthly bill is being increased to \$100. <u>If I can catch up with the costs, I will reduce the bill in the future.</u> At this moment, there is enough in the fund to pay for the pipe pulling, if I receive this quarter's billings before the end of the month.</p> <p>The state now requires that the well be locked. So, I have given keys to Don Rushmer, there are keys in my garage, and also at the house of my daughter, Valerie in West Linn.</p> <p>Thank you for your support. Keith Ironside. 503-475-8463</p>	
<p>Total <i>Check for \$793.59</i></p> <p><i>Paid May 7, 2009</i></p> <p><i>#2389 along with previous quarter and repair share of 493.59</i></p> <p><i>\$300.00</i></p>	

April 15, 2009

CASE: UM 1769
WITNESS: MEL KROKER

**PUBLIC UTILITY COMMISSION
OF
OREGON**

INTERVENOR'S
EXHIBIT 307

May 15, 2010

Meeting Notes

November 18, 2016

Mountain Home Water District

May 15, 2010 Meeting Notes

The following notes are from an informal gathering of property owners participating in the Mountain Home Water District (MHWD) meeting at Don Rushmer's house at 10:00 AM on May 15, 2010

1. There are currently 5 property owners participating in the Mountain Home Water District: Ironside, Kelley, Rushmer, Wiest, and Kroker.
2. There is consensus between the parties that everyone will benefit by better communication. It was suggested that meeting at least twice a year would be a reasonable goal for the group, or more often if the need arises or if a more formal organization is formed.
3. The purpose of the meeting was to open the dialog about whether or not to form a Limited Liability Corporation and have the 5 property owners be Members of the LLC.
4. Don Rushmer mentioned he has had previous experience being part of a larger but similar Water Board Corporation when living on the Oregon coast.
5. Don said (and everyone concurred) that if we elected to go this route there would be a need to set up the LLC legally and we all would share in that expense.
6. The Public Utility Commission regulations exempt water districts with fewer than 3 users from having to form a public or nonprofit board. When I contacted the PUC several years ago they said the MHWD is listed as an "Investor owned utility" not a water district.
7. Everyone agreed that due to the importance and value of the water supply coming to our properties a more formal arrangement should be in place that passes through the rights and obligations of the water district to future heirs and or property owners. We need to do some research into the county records and those of the PUC to determine what steps to look for and or to put in place if they are not in place.
8. The group agreed that with better communication and knowledge about the system we do not need to form an LLC at this time, opting instead to do more research into the systems status, learn more about its past maintenance history and to help the group understand what future maintenance issues may be coming. This should alleviate our "fear of the unknown" when special assessments are needed to maintain the system and to better understand what monthly fees are appropriate for the on-going operation and maintenance of the system.
9. Recently, Keith has reduced the monthly fee from \$100 back to \$80. Notwithstanding PUC average monthly fee of around \$34 (for far larger systems with thousands of users) the amount, while larger than average, is probably appropriate to enable rebuilding the reserves for future maintenance of the system.
10. The original well system was designed for a 25 lot subdivision of plus or minus one acre lots to be developed by Dale Belford, the original land owner. The first phase of the distribution system was sized for the 25 lots but only a portion of it was installed. It originally served 6 lots including 2 Belford lots (now Ironside), 2 original structures on the property, and one each for Renz (now Kelley) and Kroker lots. A 7th unidentified lot was included in the original application to the State Health Department in March of 1974. About that time, Belford developed 2 additional lots that are now the Weist and Rushmer properties and connected them to the well. One of the original structures and its well connection was removed by Renz when he built a new home on an adjacent site and drilled his own well, leaving 7 connections to the MHWD well. The well has an 8" casing that originally went down 650'. Keith said he heard it was the deepest well in the county. It originally tested at 95 gallons a minute with zero draw down. The top 100 feet or so are encased in concrete. A 102 foot long 6" diameter #1120 160 psi PVC pipe carries the water from the pump house to a "T" in the private drive at the NW corner of the Kelley property. The 6" PVC distribution system continues in the private drive

May 17, 2010 (1)

that becomes Keith's driveway going east 570 feet to a water meter for his house located due south of his barn ending with a 2" PVC "Blow off Unit" near the edge of his driveway. At the pump house and at the "T" in the water main there were connections for the existing structures. It is unclear if these included water meters. There are Water meters stubbed out to the original Renz property (now Kelley), Kroker property through an easement across Kelly property, Ironside guest house, and Ironside main house. The Ironside property is 15 acres that were originally 15 separate lots. It is believed the Wiest and Rushmer properties are serviced from a smaller pipe coming from the top of the hill near the pump house where the 6" main is connected. If a decision is made to proceed with forming an LLC in the future, we should go to Clackamas County to find out what engineering documents they have for the installed system.

11. Due to pump replacement and a partial collapse of the lower portion, the well is now approximately 600 feet deep and provides approximately 80 gallons a minute with zero draw down.

12. As indicated above, the original care taker's house is connected to the MHWD well but there is also an original well on the site that Keith has been maintaining. The Ironside guest house has its own service and water meter.

13. Water quality samples are being taken quarterly per the State's requirements and have no contamination issues. Thanks to Don Rushmer for being the courier for this process.

14. Keith recited from memory many of the maintenance and improvements he has done over the 30 plus years since the beginning with the most recent one being undergrounding the electric service to the pump house.

15. The well has its own electric meter but Keith has been paying the electric bill as part of the service to his house. The electricity to run the pump costs approximately \$1000 annually with a heavier use in the summer months over the winter months. Obviously the pump is substantially larger than that which would be required to serve 7 one inch water lines to our houses.

16. Mailing of the quarterly statements for the MHWD has been done without reimbursement by the same person for all these years. There has been no bookkeeping or accounting of the past maintenance and repair expenses of the system. If we formed a separate LLC this would be an expense the new organization would have to bear.

17. There is approximately \$2000 in the MHWD account at this time which is a separate account from Keith's other bank accounts.

18. Don and Keith said the EPA now has new regulations for water systems that we would do well to monitor. Since this water system does not have a reservoir (primary focus of the new EPA regulations) it is not clear that we would be affected by the regulations at this time.

Respectfully submitted

Mel Kroker
2333 SW Turner Road
West Linn, Or 97068
(503) 638-7755

mkarch@email.com

May 17, 2010 (2)

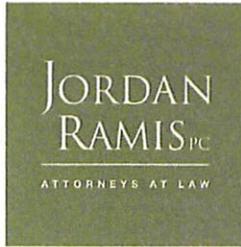
CASE: UM 1769
WITNESS: MEL KROKER

**PUBLIC UTILITY COMMISSION
OF
OREGON**

INTERVENOR'S
EXHIBIT 308

Intervenor's Response
to Staff DR 2-4

November 18, 2016

**Lake Oswego**

Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
503-598-7070
www.jordanramis.com

Vancouver

1499 SE Tech Center Pl., #380
Vancouver, WA 98683
360-567-3900

Bend

360 SW Bond St., Suite 510
Bend, OR 97702
541-550-7900

VIA E-MAIL & FIRST CLASS MAIL

October 12, 2016

Public Utility Commission of Oregon
Filing Center
PO Box 1088
Salem OR 97308-1088

Re: **PUC Docket No. UM 1769**
Response to Data Request Nos. DR 2-5

What follows are responses by Mel and Connie Kroker (hereinafter "Intervenors") in this docket to Staff Data Request Nos. 2-4, dated September 27, 2016, and Staff Data Request No. 5, dated October 4, 2016.

- 2. Please provide a status update regarding the viability of a well located on your property.**

Intervenors provided status updates regarding the viability of a well located on the property in response to Mountain Home Water Districts DR Nos 10 and 12.

Public Utility Commission of Oregon
October 12, 2016
Page 2

3. Please provide a description, and include any relevant documentation, of all of the options considered regarding obtaining private water service for your property. Documentation should include the most current contractor bids showing all parts of the water system/s (drilling, electric, pumps, etc.), as well as other options that may have been considered. Please state the reasons those options were not selected.

Intervenors considered the options of a shared well with Elizabeth Kelley and construction of a private well on Intervenors' land.

Option 1: Completion of a Shared Well

Elizabeth Kelley elected to construct a private well on her own property and informed Intervenors of her decision. As a result, Intervenors have concentrated on construction of their own private water system. A detailed description of the feasibility of sharing a well with Ms. Kelley was supplied pursuant to Mountain Home Water District's DR 08.

Option 2: Completion of a New Well

Intervenors' previously supplied the name and bid information for the Orenco AdvanTex ATT System Installer in response to Mountain Home Water District's DR No. 04. Intervenors previously supplied information relating to contractors and their respective bids, in response to Mountain Home Water District's DR Nos. 05-07, and 09, and all previously acquired bids were attached thereto as Exhibits 5.1 and 7.1 through 7.7. These previously supplied bids were only valid for 30 days.

An overview of the cost estimate is as follows:

A summary of the well completion estimates is as follows: Application for soil evaluation at Clackamas County and digging/refilling test pits	Paid	1,350
Site prep clearing, removal of two apple trees, and general labor during construction	Est	1,500
Well site access road, pits for drilling, cistern, and trenching for water to house (Exhibit 5.1)	Bid	6,550
Three week rental for 8X10 steel plates for crossing existing 40 year old drain field with drill rigs	Est	3,700
Drill 500 feet deep well with 6" steel casing (Exhibit 7.2)	Bid	27,950
Well Pmp system 3HP 15 GPM, 1-1/4" SS drop pipe (Exhibit 7.5)	Bid	11,850
1500 gallon concrete cistern, 25 GPM cistern pump to 81 gallon pressure tank (Exhibit 7.6)	Bid	11,900
Pump house	Est	3,000
Directional bore water pipe and electrical conduit from pump house to residence	Est	2,500
Plumbing connection to existing water line at residence foundation	Est	700
Electrical 60 Amp sub panel in pump house from modified main panel in house 170 feet wire length	Est	3,000
Permits and fees	Est	1,000
Estimated cost of water system	Total	75,000

Public Utility Commission of Oregon
October 12, 2016
Page 3

4. Please provide documentation showing any payments above the normal service rate to the Company for repairs and maintenance. Examples of documentation may include redacted copies of canceled checks, bank statements, receipts, and bills or requests for payment from the Company.

Intervenors located two payments made above the normal service rate. In June 1994, an overpayment was made in the amount of \$466.00. Correspondence from Keith Ironside detailing such overpayment is attached hereto as Exhibit 1. In April 2009, an overpayment was made in the amount of \$493.59. An invoice detailing this amount is attached hereto as Exhibit 2.

JORDAN RAMIS PC
ATTORNEYS AT LAW

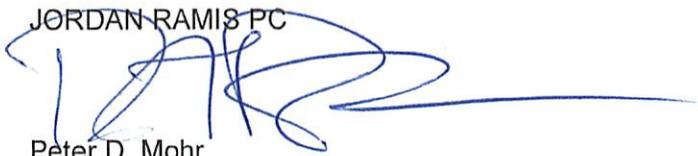
Public Utility Commission of Oregon
October 12, 2016
Page 4

5. **Please provide copies of the Krokors' responses to all Data Requests and inquiries submitted by all other parties in this proceeding. This is an ongoing request.**

Intervenor's response to Mountain Home Water Districts DR Nos. 01-09 were supplied to Staff on August 8, 2016, and Intervenors' response to Mountain Home Water Districts DR Nos. 10-19 were supplied to Staff on October 11, 2016.

Sincerely,

JORDAN RAMIS PC



Peter D. Mohr
Admitted in Oregon, Washington, and Colorado
Peter.Mohr@jordanramis.com
OR Direct Dial (503) 598-5529

Enclosures

cc: UM 1769 Service List (by electronic mail)