

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water)	FINAL ORDER APPROVING A
Management and Conservation Plan for)	WATER MANAGEMENT AND
Polk County)	CONSERVATION PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. Polk County (County) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on October 26, 2015. The required statutory fee for review of the plan was received by the Department on October 27, 2015. The plan was required by a condition set forth in the Final Order issued on February 24, 2014 approving an Extension of Time for Permit S-35819.
2. The Department published notice of receipt of the plan on November 3, 2015, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the County on January 21, 2016 and September 30, 2016. In response, the County submitted a revised plan on June 8, 2016 and November 30, 2017.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125.
5. The projections of future water needs in the revised plan demonstrate a need for 7.39 cfs of water available under Permit S-35819 to help meet overall projected 20 year demands. These projections are reasonable and consistent with the County's land use plan. The revised plan does not, however, request authorization to initiate diversion of water under Permit S-35819 at this time.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

6. Prior to division of any water under Permit S-35819, the distribution system will be fully metered and a rate structure that includes a base rate and volumetric charge will be developed.
7. The revised plan includes 5-year benchmarks for evaluation, development, and implementation of the following programs:
 - a. Annual Water Audit
 - i. The County will conduct the annual water audit when the first connection is made.
 - b. Full Metering of Systems
 - i. The County will install meters to the potential water providers and at its authorized diversion points.
 - ii. Meters will be installed at the time the diversion points are developed and when each connection is made to the existing systems.
 - c. Meter Testing and Maintenance
 - i. The County will provide annual meter testing of future system connections once the first water service connection is made. The County will recommend source meter testing on an annual basis for participating providers.
 - ii. Meter testing of the authorized diversion sites will occur annually once the initial water diversion is successful and annually thereafter.
 - d. Leak Detection
 - i. Prior to the County's first annual water audit, the County will develop a regularly scheduled and systematic program to detect leaks in the transmission and distribution system.
 - ii. Upon completion of the first annual water audit (or any subsequent water audit) if the results indicate system leakage exceeds 10 percent, the County will implement its leak detection program.
 - e. Rate Structure Based on the Quantity of Water Metered
 - i. No water from the diversion source authorized under Permit S-35819 will be delivered to service connections until a rate structure has been formalized.
 - ii. The County will implement a variable rate structure based on consumption in combination with a fixed cost for operations and maintenance.
 - f. Public Education
 - i. The County will work collaboratively with water providers who have existing public education requirements. The County will meet with the providers to review their public education practices and how to best implement a more supportive role in educating the public.

8. The revised plan correctly identifies the Willamette River as the source of the County's water rights. The revised plan also accurately and completely describes flow dependent species listed as Sensitive, Threatened, or Endangered present in the source as well as the parameters for which each source has been listed as water quality limited.
9. Prior to diversion of any water under Permit S-35819, the County will develop a water curtailment element that satisfactorily promotes water curtailment practices and includes a list of at least 3 stages of alert with concurrent curtailment actions.
10. The County's revised plan does not request to initiate diversion of water under Permit S-35819 at this time. Prior to the diversion of any water under Permit S-35819, the County must submit an updated plan that meets the requirements under OAR 690-086-0130(7).
11. Prior to the diversion of any water under Permit S-35819, the County shall incorporate the conditions identified in the Settlement Agreement for Permit S-35819 dated February 24, 2014. Specifically, the County shall incorporate conditions (1)(A) and (B) as identified in the Settlement Agreement.

Conclusion of Law

The Water Management and Conservation Plan submitted by Polk County is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The County's Water Management and Conservation Plan is approved and shall remain in effect until **March 23, 2028**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water established in the Final Order and as described in the Settlement Agreement approving the Extension of Time for Permit S-35819 (*issued on February 24, 2014*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the County is not authorized to divert any water under Permit S-35819 at this time.

Plan Update Schedule:

3. The County shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **September 23, 2027**.

Progress Report Schedule:

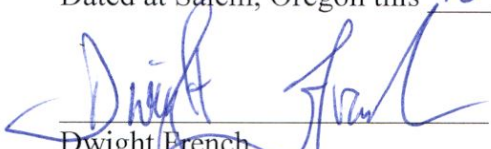
4. The County shall submit a progress report containing the information required under OAR 690-086-0120(4) by **March 23, 2023**.

Other Requirements for Plan Submittal:

5. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the County from any existing or future requirement(s) for submittal of a Water Management and

Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this 13th day of April, 2018.



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

Mailing date: APR 16 2018

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>