

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

In the Matter of the Proposed Water)	NOTIFICATION AND FINAL ORDER
Management and Conservation Plan for)	APPROVING WATER MANAGEMENT
South Fork Water Board, Clackamas)	AND CONSERVATION PLAN
County, Oregon)	

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.

Background

The South Fork Water Board (SFWB) submitted a Water Management and Conservation Plan (WMCP) to the Department on December 9, 2004. The plan was not required by permit extension final order or by condition of permit.

The Department published notice of receipt of the plan on December 14, 2004. Public comments were received by WaterWatch of Oregon.

The Department reviewed the draft plan and comments received. The Department notified the South Fork Water Board of the areas needing additional work in the Department's letter of January 27, 2005. The Department and the SFWB met to discuss an addendum to the plan to satisfy the requirements of OAR 690-086-0140. On July 19, 2005, SFWB submitted an amendment to the plan to satisfy requirements of OAR 690-086-0140.

On August 8, 2005 the Department issued a proposed final order. On October 14, 2005 the Agent of Record CH2MHill requested the Department to proceed with the Final Order from the Department.

On December 2, 2005 the Department issued an order intended to be the final order but was mislabeled Proposed Final Order.

<p>This is a final order in other than 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 either 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.</p>

Findings of Fact

1. The SFWB Water Management and Conservation Plan and addendum contain the plan elements required under OAR 690-086-0125.
2. The projections of future water needs in the plan demonstrate a need for over 46 cfs of water. These projections are reasonable and consistent with the County's land use plan.
3. The plan and addendum includes 5-year benchmarks for implementation. The system is fully metered and the rate structure includes a base rate and volumetric charge. System leakage is estimated at 15 percent.
4. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs to 2010.
5. The plan identifies the Clackamas River as the source of the SFWB water rights. The plan addendum accurately describes resource issues associated with this source and one of the future activities in the plan and addendum will be to identify limitations that may be encountered to protect listed fish under the Endangered Species Act.
6. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of four stages of alert with concurrent curtailment actions.
7. SFWB applied for permit extensions for S 3778 and S 22581. October 18, 2005 SFWB sent the Department notification that SFWB understands that any final order approving this plan will not address OAR 690-086-0915 and OAR 690-086-130 regarding the diversion of water under permits for which the Department has not issued a final order approving the extension.

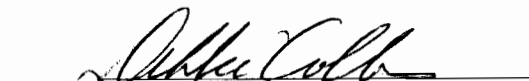
Conclusion of Law

The water management and conservation plan and addendum submitted by the SFWB are consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

1. The SFWB Water Management and Conservation Plan is approved and shall remain in effect until July 1, 2011 unless this approval is rescinded pursuant to OAR 690-086-0920.
2. Approval of this plan does not address any limitations on the diversion of water under any pending permit extension application.
3. The SFWB shall submit an updated plan no later than December 31, 2010

Dated at Salem, Oregon this 16th day of March 2006.


EOP Phillip C. Ward, Director

Appeals should be addressed to the attention of: Bill Fujii

Appeals deadline: MAY 19 2006

Mailing Date: MAR 21 2006