

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

In the Matter of the Proposed Water)	FINAL ORDER APPROVING WATER
Management and Conservation Plan for)	MANAGEMENT AND
City of Albany, Linn County, Oregon)	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 plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Background

On March 9, 2006, the City of Albany submitted a draft Water Management and Conservation Plan for review under OAR Chapter 690, Division 086 (November 2002). Submittal of the plan was required under permit extension for permit S 44388.

The Department published notice of receipt of the plan on March 14, 2006. No public comments were received.

The Department provided comments on the plan to the City on August 3, 2006 and, in response, the City submitted a revised plan on October 23, 2006.

Findings of Fact

1. The City of Albany Water Management and Conservation Plan contains all of the plan elements required under OAR 690-086-0125.
2. The projections of future water needs in the plan demonstrate a need for over 29 cfs of water available under permit S 44388 to meet demands for the population anticipated in 20 years. These projections are reasonable and consistent with the City's land use plan.
3. The plan includes 5-year benchmarks for implementation of use of new treatment plant, line replacement, public education and other required conservation elements. The system is fully

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.

metered and the rate structure includes a base rate and volumetric charge. System leakage is estimated at 15 percent or greater.

4. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs to annually audit all water use, reduce unaccounted water below 15% and evaluate the feasibility to below 10%, develop a water efficiency award program for business and increase water re-use.
5. The plan identifies the South Santiam River as the source of the City's water rights and accurately and completely describes Pacific Lamprey, Cut throat Trout, Steelhead, Chinook Salmon, Bull Trout and Oregon Trout as listed species.
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. The diversion of water under permit S 44388 will be initiated during the next 20 years and consistent with OAR 690-086-0130(7):
 - a. The plan meets OAR 690-086-0130(7) (a) by implementation of conservation measures as listed above.
 - b. The plan meets OAR 690-086-0130(7)(b), interconnect to or share water with the City of Millersburg and possibly with the Dumbeck Lane Water User Association.
 - c. The plan meets OAR 690-086-0130(7)(c), by implementation of coordinated water conservation outreach with the Cities of Corvallis, Salem and other local communities.


Conclusion of Law

The water management and conservation plan submitted by the City of Albany is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

1. The City of Albany Water Management and Conservation Plan is approved and shall remain in effect until December 31, 2016 unless this approval is rescinded pursuant to OAR 690-086-0920.
2. The limitation of the diversion of water under S 44388 established by the extension of time approved on January 26, 2005 is removed and, subject to other limitations or conditions of the permit, the City of Albany is authorized to divert up to 29 cfs under Permit S 44388.
3. The City of Albany shall submit an updated plan within ten years and no later than December 31, 2016 and shall submit a progress report containing the information required under OAR 690-086-0120(4) by December 31, 2016.

Dated at Salem, Oregon this 27th day of February 2007


Phillip C. Ward, Director

Mailing date: MAR 07 2007