

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

In the Matter of the Proposed Water            )     FINAL ORDER APPROVING A WATER  
Management and Conservation Plan for        )     MANAGEMENT AND CONSERVATION  
City of Ashland, Jackson County             )     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. The City of Ashland submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on December 28, 2023. The required statutory fee for review of the plan was received by the Department on January 3, 2024. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol. 91, Pgs. 892-893) issued on March 3, 2023.
2. The Department published notice of receipt of the plan on January 9, 2024, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the City on March 25, 2024. In response, the City submitted a revised plan on April 29, 2024.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The projections of future water needs in the plan demonstrate a need for an additional **449.4 AF** of water available under **Permit S-54337** to help meet overall projected 20-year demands. These projections are reasonable and consistent with the City's land use plan.
6. The system is fully metered, and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 14.1 percent.

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.

7. The plan includes 5-year benchmarks for continuation of an annual water audit, maintaining a fully metered system, a meter testing and maintenance program, a rate structure that encourages conservation, a leak detection and repair program, a pipe replacement program, a robust public education program, a city code that encourages water wise landscaping program, a technical and financial assistance program, promotion of reuse of graywater, a rebate program for replacement of inefficient fixtures, and supplier financed replacement low water use fixtures.
8. The plan includes benchmarks for evaluation, development, and implementation of the following Conservation Measures:
  - a. Annual Water Audit
    - i. Within two years of approval of this plan, the City shall provide the Department with their annual water loss for the years 2023 and 2024.
    - ii. If the above identified annual water loss does not demonstrate a consistent annual water loss of 10% or less; within five (5) years of approval of this plan, the City shall continue to implement a water loss control program as required per OAR 690-086-0150(4)(e)(B)(i).
9. The plan identifies the Ashland Creek and water impounded in Lost Creek Reservoir as the source of the City's water rights and accurately and completely describes the listed fish species that occur in Ashland Creek. The plan also accurately and completely identifies the water quality parameters for which Ashland Creek has been 303(d) listed by the Oregon Department of Environmental Quality.
10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of five (5) stages of alert with concurrent curtailment actions.
11. The diversion of water under Permit S-54337 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
  - a. As evidenced the benchmarks described in Findings of Fact #7 and #8, the plan includes a schedule for development of conservation measures that would provide the water at a cost that is equal to or lower than the cost of other identified sources of water.
  - b. Considering that water savings generated by the already implemented robust conservation measures established in the plan cannot fully meet the City's projected demands, increased diversion under Permit S-54337 is the most feasible and appropriate water supply alternative available to the City.
  - c. The City is not required to provide mitigation for increased diversion under Permit S-54337.

## Conclusion of Law

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

Now, therefore, it is **ORDERED**:

### Duration of Plan Approval:

1. The City of Ashland Water Management and Conservation Plan is approved and shall remain in effect until **June 4, 2034**, unless this approval is rescinded pursuant to OAR 690-086-0920.

### Development Limitation:

2. Limitation of the diversion of water under **Permit S-54337** established by the Extension of Time approved on August 26, 2022, is removed and, subject to other limitations or conditions of the permit, the City of Ashland is authorized to divert up to **1000 AF** (*out of the total permitted 1000 AF*) under **Permit S-54337**.
3. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under **Permit S-54337** during review of the City's next plan update.
  - a. Annual Water Audit (Finding of Fact #(8)(a))

### Plan Update Schedule:

4. The City of Ashland shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective December 23, 2018) within **10 years** and no later than **December 4, 2033**.

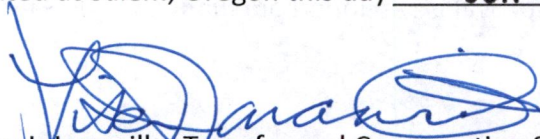
### Progress Report Schedule:

5. The City of Ashland shall submit to the Department the results of their annual water loss for the years 2023 and 2024, as required under OAR 690-086-0150(4), by **June 4, 2026**.
6. The City of Ashland shall submit a progress report containing the information required under OAR 690-086-0120(4) by **June 4, 2029**.

**Other Requirements for Plan Submittal:**

7. 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 City of Ashland 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 day JUN 11 2024

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources

Mailing date: JUN 12 2024

**Notice Regarding Servicemembers:** Active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act, 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.