

**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
Joint Water Commission, Washington) CONSERVATION PLAN
County

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 Joint Water Commission (JWC) submitted a Water Management and Conservation Plan (plan) and required statutory fee for review of the plan to the Water Resources Department (Department) on September 11, 2020. The plan was required by a condition set forth under the JWC’s previously approved plan (Sp. Or. Vol. 81, Pgs. 871 – 875) issued on September 14, 2010. The JWC is made up of four member agencies, which includes the Cities of Hillsboro, Forest Grove, and Beaverton, and Tualatin Valley Water District (TVWD).
2. The Department published notice of receipt of the plan on September 22, 2020, as required under OAR Chapter 690, Division 086. No public comments were received.
3. The Department provided written comments on the plan to the JWC on November 24, 2020. In response, the JWC submitted a revised plan on January 19, 2021.
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 **18.0 cfs** of water (for a total of 44.0cfs) available under **Permit S-54737** (formerly S-50879) to help meet overall projected 20-year demands. These projections are reasonable and consistent with the JWC’s land use plan.

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. The **City of Hillsboro's** system is fully metered and the rate structure includes a base rate and volumetric charge. Water loss is estimated at 0.7%
7. The plan includes 5-year benchmarks for continuation and/or implementation of the following benchmarks specific to the **City of Hillsboro**:
 - a. Annual Water Audits, and integration of an AWWA M36 water loss analysis into its water auditing practices; system-wide metering; a meter testing and maintenance program; a water rate structure based in part on the volume of water consumed to encourage conservation; leak detection surveys and inspections; budgeting specifically for replacement of high priority aging infrastructure; a public education program that focuses on water conservation; technical and financial assistance program; rebates to customers for replacement of high water use fixtures and/or devices and free water saving devices; actively seeking opportunities for water reuse and recycling; and continue membership in the Regional Water Providers Consortium, the Alliance for Water Efficiency, and the Conservation Committee of the Pacific Northwest Section of the AWWA.
8. The City of **Forest Grove's** system is fully metered and the rate structure includes a base rate and volumetric charge. Water loss is estimated at 15%
9. The plan includes 5-year benchmarks for continuation and/or implementation of programs specific to the **City of Forest Grove**:
 - a. Annual Water Audits; replacement of two master meters; explore switching the City to an Advanced Metering Infrastructure (AMI) system; regular meter testing and maintenance program; a water rate structure based in part on the volume of water consumed to encourage conservation; a public education program; evaluate the expansion of the current home energy audit program to include more water conservation consultation; continue a rebate program for low-water-use washing machines, dishwashers, and toilets and explore the feasibility of implementing a rebate program for weather based irrigation controllers; and continue to recycle backwash water and seek non-potable water use opportunities.
 - b. Because the City of Forest Grove's water loss is above 10%, they have set the following benchmarks:
 - i. Within two years of approval of this WMCP, the City shall provide the Department a description and analysis identifying potential factors for the water loss and selected actions for remedy.
 - ii. If the selected actions do not reduce water loss to less than 10 percent within five years of approval of the WMCP, the City will either develop and implement a regularly scheduled and systematic program to detect and repair leaks in the transmission and distribution system or develop and implement a water loss program consistent with AWWA standards.

10. The **City of Beaverton's** system is fully metered and the rate structure includes a base rate and volumetric charge. Water loss is estimated at 6.7%
11. The plan includes 5-year benchmarks for continuation and/or implementation of programs specific to the **City of Beaverton**:
 - a. Annual Water Audits; system-wide metering, and conversion of all meters to an AMI system over the next seven years; a meter testing and maintenance program; a water rate structure based in part on the volume of water consumed to encourage conservation, and continued assessment of the City's water rate structure to adequately fund the operation and maintenance of the City's water system; leak detection surveys and inspections; budgeting specifically for replacement of high priority aging infrastructure; a public education program that focuses on water conservation; a technical and financial assistance program, and exploring the possibility of a free irrigation audit program for multi-family customers; a supplier financed rebate and incentive program to replace or retrofit inefficient fixtures; continued development and testing of a stormwater capture project and a purple pipe project; and continuing to be a member of the Regional Water Provider Consortium.
12. The **TVWD's** system is fully metered and the rate structure includes a base rate and volumetric charge. Water loss is estimated at 4.4%
13. The plan includes 5-year benchmarks for continuation and/or implementation of programs specific to the **TVWD**:
 - a. Annual Water Audits; system-wide metering and installing Automatic Meter Reading in all new meter installations or as metering devices fail; continue to evaluate the use of AMI for consideration in the development of a long-term meter reading strategy; a meter testing and maintenance program; a rate structure based in part on the volume of water used that encourages conservation; regular leak detection surveys and inspections; a public education program; a technical and financial assistance program; a rebate program for replacement of inefficient fixtures, equipment, and processes; continued support for regional efforts in developing methods for water reuse; continue to facilitate and engage customer participation in water conservation efforts; continue to market the use of advanced irrigation technology in landscape irrigation and promote water efficient landscaping practices using the Water Efficient Demonstration Garden.
14. The plan identifies the surface water rights held by the JWC and its members from the Tualatin, Trask and Willamette River Basins. Ground water sources, including aquifer storage and recovery (ASR) wells, are also identified in the plan. The plan also accurately and completely describes, for each surface water source, the appropriate listed fish species and water quality limitations in the Tualatin, Trask and Willamette River Basins. It also accurately describes that several of the JWC member agency ground water rights are within the boundaries of a designated critical ground water area (CGWA), being the Cooper Mountain-Bull Mountain CGWA.

15. The water curtailment element included in the plan for the JWC and its member agencies satisfactorily promotes water curtailment practices. The water curtailment element also includes a list of four (4) stages of alert with concurrent curtailment actions for the JWC, City of Hillsboro In-Town System and City of Hillsboro Upper System, City of Forest Grove, and Tualatin Valley Water District, and a list of five (5) stages of alert with concurrent curtailment actions for the City of Beaverton.
16. The diversion of water under Permit S-54737 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by the 5-year benchmarks described in Findings of Fact #7 through #13, the revised plan includes a schedule for the continuation and/or implementation of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;
 - b. Considering that water savings alone from identified conservation measures cannot fully meet the JWC's water demand projections, and that the JWC's current water sources cannot adequately meet the JWC's water demand projections, access to increased diversion of water under existing Permit S-54737 is the most feasible and appropriate alternative available to the JWC.
 - c. The JWC and its member agencies are not required to provide mitigation under Permit S-54737. There are, however, conditions in Permit S-54737 requiring the maintenance of seasonal bypass flows in Scoggins Creek from Scoggins Dam to the mouth.

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The JWC Water Management and Conservation Plan is approved and shall remain in effect until **February 24, 2031** unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under **Permit S-54737** (formerly Permit S-50879) established by the extension of time approved on September 9, 2010 and the subsequent WMCP Final Order dated September 14, 2010, is modified and, subject to other limitations or conditions of the permit, the JWC is authorized to divert up to **44.0 cfs (out of the total permitted 75.0 cfs)** under **Permit S-54737**.
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-54737** during review of the JWC's next plan update.
 - a. Water Loss Analysis (Finding of Fact # (9.b.i.))
 - b. Water Loss Analysis (Finding of Fact # (9.b.ii.))

Plan Update Schedule:

4. The JWC 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 **August 24, 2030**.

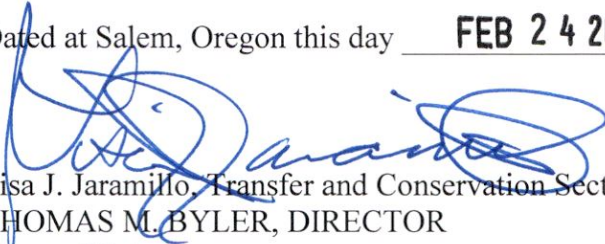
Progress Report Schedule:

5. The JWC shall submit a progress report containing the information required under OAR 690-086-0120(4) by **February 24, 2026**.

Other Requirements for Plan Submittal:

6. 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 JWC 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 **FEB 24 2021**


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources

Mailing date: **FEB 25 2021**

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.