

**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
City of Hillsboro, Washington 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. The City of Hillsboro submitted a Water Management and Conservation Plan (Plan) to the Water Resources Department (Department) on March 29, 2017. The required statutory fee for review of the plan was received by the Department on March 30, 2017. The plan was required by a condition set forth in the final order issued on July 31, 2015, approving an extension of time for Permit S-45565 (now S-55045 per transfer application T-12512).
2. The Department published notice of receipt of the plan on April 4, 2017, 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 June 12, 2017. In response, the City submitted a revised plan on July 28, 2017 then added a revision on August 7, 2017.
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 30.94 cfs of water available under Permit S-55045 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. Non-revenue water is estimated at 7.4 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 replacement of all old style meters with AMR meters by 2020 and utilization of the newly installed AMR meters as part of its currently implemented leak detection and repair program; inclusion of distribution system flushing estimates and metered bulk water consumption in its non-revenue water calculations; and the City will continue to budget for replacement of aging infrastructure and will inspect all three distribution reservoirs for cracks and leaks every five years.
8. The plan includes the continuation of the following required conservation measures:
 - a. Annual water audits;
 - b. System wide metering;
 - c. A meter testing and maintenance program;
 - d. A rate structure under which customers' bills are based, in part on the quantity of water metered at the service location, including a three-tiered rate structure for single-family residential customers and a higher cost per unit when base volume is exceeded for the commercial, public entities, and non-profit customer categories and;
 - e. A leak detection and repair program; and,
 - f. A robust public education program that includes bills inserts, city newsletters, water conservation information on the City's website, local community outreach events, and use of social media.
9. The plan identifies the main sources of the City's municipal water rights as being: the Tualatin River and its tributaries, which include a combination of natural flow and stored water released from Hagg Lake; Barney Reservoir in the Trask River watershed; and the Willamette River. The City also holds municipal water rights for Sain creek, Scoggins Creek, and the Middle Fork of the North Fork Trask River. The revised plan accurately and completely describes the listed fish species that occur in the Tualatin River, Willamette River, and Trask River in the vicinity of the City's points of diversion as well as the water quality parameters for which the City's water sources have been placed on the 303 (d) list by the Oregon Department of Environmental Quality. The City's non-municipal groundwater sources are not in a designated critical groundwater area.
10. 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.
11. The diversion of water under Permit S-55045 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 and #8, the final 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 the current population growth, the need to provide resiliency and redundancy in the water system, and that water savings alone from identified conservation and curtailment measures cannot fully meet the City's water demand projections, access to an increased diversion of water under Permit S-55045 is the most feasible and appropriate alternative to the supplier.
- c. The final plan identifies that, while the City is not currently required to take any mitigation actions under state or federal law the City is subject to conditions establishing flows in the Willamette River that are necessary to maintain the persistence of listed streamflow-dependent species, as set forth in the final order approving an extension of time for Permit S-55045.

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Hillsboro's Water Management and Conservation Plan is approved and shall remain in effect until **August 28, 2027**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under Permit S-55045 established by the extension of time approved on July 31, 2015, is removed and, subject to other limitations or conditions of the permit, the City of Hillsboro is authorized to divert up to **30.94 cfs** (*out of the total permitted 56.0 cfs for the City of Hillsboro*) under Permit S-55045.

Plan Update Schedule:

3. The City of Hillsboro shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within **10 years** and no later than **February 24, 2027**.

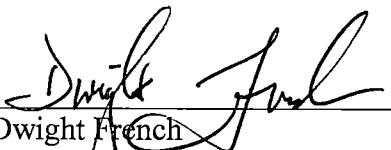
Progress Report Schedule:

4. The City of Hillsboro shall submit a progress report containing the information required under OAR 690-086-0120(4) by **August 28, 2022**.

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 City of Hillsboro 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 28 day of August, 2017.


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

Mailing date: AUG 31 2017

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>