# 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 the	)	WATER MANAGEMENT AND
City of Milton-Freewater, Umatilla 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.

## **Findings of Fact**

- 1. The City of Milton-Freewater (City) submitted a draft Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on November 30, 2010. The required statutory fee for review of the plan was received by the Department on December 20, 2010. The plan was required by the final order issued on March 24, 2005, approving the City's last plan.
- 2. The Department published notice of receipt of the plan on December 28, 2010, as required under OAR Chapter 690, Division 086. Timely comments were received from Stoel Rives, LLP on behalf of Joe Frazier and Les Peterson on January 27, 2011.
- 3. The Department provided comments on the plan to the City on March 4, 2011 and April 27, 2011. In response to the Department's comments, the City submitted revisions to the plan on April 18, 2011 and May 31, 2011.
- 4. Statements made in the revised plan indicate the City may request certification of water use Permits G-4924 (Well No. 1) and G-12582 (Well No. 9) for purposes of redundancy within their water distribution system. Upon review of these permits, the Department found that the last authorized date for the complete application of water to beneficial use under these permits is October 1, 1999.

Without the issuance of a final order approving an extension of time for these permits, the issuance of any water right certificate would be limited to the maximum instantaneous rate of diversion, consistent with the permit conditions, in which water was appropriated for beneficial use for not less than 4 hours within an 8 hour period between the dates that the permits were issued and October 1, 1999.

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.

5. The Department reviewed the revised plan, as well as the comment received, and finds that the plan is consistent with the relevant requirements under OAR Chapter 690, Division 086.

#### Conclusion of Law

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

## Now, therefore, it is ORDERED:

- 1. The City of Milton-Freewater Water Management and Conservation Plan is approved and shall remain in effect until June 17, 2021, unless this approval is rescinded pursuant to OAR 690-086-0920.
- 2. The City of Milton-Freewater shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective November 1, 2002) within 10 years and no later than June 17, 2020.
- 3. The City of Milton-Freewater shall submit a progress report containing the information required under OAR 690-086-0120(4) by June 17, 2016.

Dated a	Salem	, Oregoi	n this 💆	0_0	day of J	une, 2011	۱.
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Mailing date: JUL 0 8 2011