

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

In the Matter of the Proposed Water)
Management and Conservation Plan for)
City of Salem, Marion County) **FINAL ORDER APPROVING A
WATER MANAGEMENT AND
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 Salem submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on July 25, 2014. The plan was required by a condition set forth under the City’s previously approved plan (Sp. Or. Vol. 78, Pg. 83 issued on June 8, 2009) and by a condition set forth in the final order issued on March 7, 2014, approving an extension of time for Permit G-734.
2. The Department published notice of receipt of the plan on August 5, 2014, 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 October 14, 2014. In response, the City submitted the final revised plan on November 20, 2014.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125.
5. The projections of future water needs in the plan demonstrate a need for 30.0 cfs of water available under Permit G-734 to help meet the City’s overall projected 20-year demands. These projections are reasonable and consistent with the City’s land use plan.
6. The City’s water system is fully metered and their rate structure includes a base rate and volumetric charge.

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 City's unaccounted-for water (*Fiscal Year 2011-2012*) is estimated at 22.9 percent. In order to reach its goal of reducing the leakage rate to below 10 percent, the City established a leak repair/line replacement program that includes surveying 10 percent of the system annually (*resulting in the entire system being surveyed every ten years*), repairing all detected and reported leaks in a timely manner, and replacing aging pipes as needed.
8. The plan includes 5-year benchmarks for implementation and/or continuation of the following water conservation actions: annual water audits; coordination with other City departments and divisions to better account for unmetered, authorized water use; require all new connections to be metered; test and repair or replace large meters annually, and small meters upon request; bill customers monthly based, in part, upon the metered quantity of water used; include water use histories on customers' bills and periodically include water conservation-themed bill inserts and messages; survey 10 percent of the system annually (*resulting in the entire system surveyed every ten years*); repair all detected and reported leaks in timely manner; replace aging pipes as needed; provide public educational materials on water conservation; provide water audit kits and individual conservation tools upon request; provide residential indoor and outdoor conservation kits upon request; and use untreated groundwater to irrigate a driving range and two City parks.
9. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs to: periodically review the rate structure to determine the size and timing of future rate increases; once installed, evaluate performance of new leak loggers in reducing water loss and investigate the feasibility of purchasing and installing additional equipment for this purpose; investigate additional internal and external coordination opportunities to increase cost-effectiveness of leak detection; evaluate the feasibility of resuming cost share programs for replacing inefficient fixtures for commercial/industrial customers or multi-family property owners; and consider requiring the City's wholesale customers to develop/update water management and conservation plans before renewing those wholesale agreements.
10. The plan identifies the North Santiam River, Willamette River, ground water and ASR (*aquifer storage and recovery*) wells as the sources of the City's water rights. The plan also accurately and completely describes the listed fish species for the North Santiam and Willamette Rivers (*i.e., Oregon chub, winter steelhead, spring chinook, fall chinook, Bull trout, Pacific lamprey and Western Brook lamprey*), as well as the parameters for which these sources have been identified as being water quality limited (*i.e., E. coli, temperature, bacteria and mercury for the Willamette River; and dissolved oxygen, temperature, mercury and flow modification for the North Santiam River*). In addition, the plan correctly indicates that the City's ground water sources are not located within the boundaries of any designated critical ground water area.
11. 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.

12. The diversion of water under Permit G-734 will be initiated 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, #8 and #9, the revised plan includes a schedule for the continuation and/or development 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 City's demand projections nor can it provide the redundant supply that is necessary when high turbidity in the North Santiam River precludes the City from using its primary surface water source, and that the City's interconnections with the Cities of Keizer and Stayton would only provide a limited amount of water when surplus supplies from those cities are available, access to water under the City's ground water Permit G-734 is the most feasible and appropriate water supply alternative available to the supplier at this time; and
 - c. The plan identifies that, while it is not currently required to take any mitigation actions under state or federal law, the City is subject to conditions establishing flows in the North Santiam River (*identified by the Oregon Department of Fish and Wildlife*) that are necessary to maintain the persistence of listed streamflow-dependent species, as set forth in the Final Order issued on March 7, 2014, approving an extension of time for Permit G-734.

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Salem Water Management and Conservation Plan is approved and shall remain in effect until November 24, 2024, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation on the diversion of water under Permit G-734 established by the extension of time approved on March 7, 2014, is removed and, subject to other limitations or conditions of the permit, the City of Salem is authorized to divert up to 30.0 cfs under Permit G-734.

Plan Update Schedule:

3. The City of Salem shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than May 24, 2024.

Progress Report Schedule:

4. The City of Salem shall submit a progress report containing the information required under OAR 690-086-0120(4) by November 24, 2019.

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 Salem 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 25 day of November, 2014.



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

Mailing date: DEC 05 2014