

**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
Clackamas River Water, Clackamas 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 plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. Clackamas River Water submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on April 20, 2011. The plan was required by a condition set forth in the final order approving an extension of time for Permit G-6728.
2. The Department published notice of receipt of the plan on April 26, 2011, as required under OAR Chapter 690, Division 086. No comments were received in response to the Department's public notice.
3. The Department provided written comments on the plan to CRW on August 12, 2011, and in response CRW submitted plan revisions on December 12, 2011. CRW's final revised plan was submitted to the Department on December 23, 2011.
4. The Department reviewed the revised plan and finds that the revised plan 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 8.9 cfs of water available under Permit G-6728 to help meet overall demands of 40.6 cfs (26.1 million gallons per day) anticipated in 20 years. These projections are reasonable and consistent with available land use plans.
6. CRW's system is fully metered and the rate structure includes a base rate and volumetric charge (i.e., an inclining block rate structure). Unaccounted-for water is estimated at 5.32 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 implementation of the following water conservation programs and activities: including outdoor watering conservation advice inserts with customer billings in June of each year; promoting the value of low flow toilet fixtures, washing machines and dishwashers while directing and helping facilitate customer access to existing state and federal energy rebate incentives; providing technical assistance regarding implementation of water conservation measures to CRW's residential and industrial/commercial customers; and conducting youth water conservation education by directly employing professional companies to conduct public school class and assembly presentations.
8. The plan documents the continuation of the following water conservation activities and programs: Public education activities through participation in and financial support of the Regional Water Providers' Consortium; utilizing an inclining block rate structure; requiring meters for all new customers; requiring metering of hydrant water used by contractors; annual testing and repair of production meters and all meters 3-inches and larger; an annual leak detection and waterline repair/replacement program; providing graphical 12-month water use histories on customer bills so that customers can compare current with past water use; making indoor conservation kits available to CRW rate payers; and maintaining CRW's website to include household leak detection and water conservation information and resources.
9. The plan includes a 5-year benchmark for the development of an improved water audit process that reflects the multiple District Metered Zones already established within CRW boundaries.
10. The plan identifies the Clackamas River and ground water as the sources of CRW's water rights. The plan accurately and completely describes Fall Chinook salmon, Spring Chinook salmon, Coho salmon, Winter steelhead, Coastal cutthroat, Chum salmon, Coastal cutthroat trout and Pacific lamprey as listed species, and identifies that the Clackamas River is 303(d) listed for multiple water quality parameters. The plan also described instream flows to be maintained in the Clackamas River for supporting aquatic life under instream water right Certificate 59491. CRW's ground water source is not designated as a critical ground water area or a ground water management 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-6728 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 and continuing conservation measures described in Findings of Fact #7 through #9 above, the plan includes a schedule for 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. There are reliability and resource issues associated with obtaining any new water rights from the Clackamas River. Additionally, there is the potential for future reliability issues with water currently being purchased to supply CRW's southern service area. Having full access to CRW's ground water source to serve the southern service area provides a reliable redundant or primary source that can potentially reduce environmental impacts on the Clackamas River. Considering these factors,

increased use from CRW's ground water source is the most feasible and appropriate water supply alternative to the supplier at this time; and

- c. CRW is currently not required to provide mitigation to address limitations or restrictions on the development of Permit G-6728, as no resource issues pertaining to the permit have been identified under OAR 690-086-0140(5)(i).

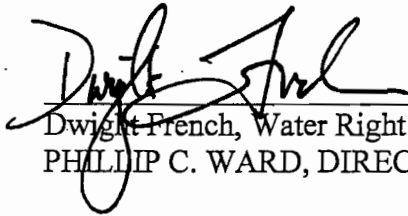
Conclusion of Law

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

Now, therefore, it is ORDERED:

1. The Water Management and Conservation Plan submitted by Clackamas River Water is approved and shall remain in effect until January 31, 2022, unless this approval is rescinded pursuant to OAR 690-086-0920.
2. The limitation of the diversion of water under Permit G-6728 established by the permit extension of time approved on December 15, 2009, is removed and, subject to other limitations or conditions of the permit, Clackamas River Water is authorized to divert up to 8.9 cfs under Permit G-6728.
3. Clackamas River Water 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 July 30, 2021.
4. Clackamas River Water shall submit a progress report containing the information required under OAR 690-086-0120(4) by January 31, 2017.

Dated at Salem, Oregon this 30 day of January, 2012.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing date: FEB 01 2012