BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of the Proposed Water Management and Conservation Plan for City of Sutherlin, Douglas 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 Sutherlin (City) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on June 30, 2017. The required statutory fee for review of the plan was also received by the Department on June 30, 2017. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol. 73, Pg. 47) issued on August 8, 2007, a condition set forth in the Final Order issued on November 14, 2014 approving an Extension of Time for Permit S-55041, and a condition set forth in the Final Order issued on April 29, 2016 approving an Extension of Time for Permit S-32426.

2. The Department published notice of receipt of the plan on July 11, 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 September 27, 2017. In response, the City submitted a revised plan on January 11, 2018.

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 5.0 cfs of water from Cooper Creek and 500.0 acre feet of stored water in Cooper Creek Reservoir available under Permit S-32426 to help meet overall projected 20 year demands. These projections are reasonable and consistent with the City'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 system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 10.6 percent.

7. The plan includes 5-year benchmarks for implementation of the following measures: annual water audits; require meters on all new connections; meter testing and maintenance program; continue to bill customers based, in part, on the quantity of water metered at the service connections; leak detection and repair program; and, public education program.

8. The plan includes 5-year benchmarks for evaluation, development, and implementation of the following programs:

    a. Annual Water Audit Program

        i. In the next year, the City will adjust its billing program to begin retaining metered consumption records for 6 years instead of 3 years.

    b. Leak Detection and Repair Program

        i. If the 2017 water audit reveals that non-revenue water is greater than 10 percent, the City will conduct additional leak detection surveys in areas identified as having higher frequency of leaks in 2018; and,

        ii. In the next year, the City will begin keeping records of the number of leaks repaired annually.

    c. Public Education Program

        i. In the next two years, the City will add indoor and outdoor water conservation content to its website;

        ii. In the next year, the City will make indoor and outdoor water conservation flyers developed by OWRD available at City Hall; and,

        iii. In the next two years, the City will add a bill insert promoting outdoor water conservation at the beginning of each summer.

9. The plan identifies the Calapooya River, Cooper Creek / Cooper Creek Reservoir, and the North Umpqua River as the sources of the City's water rights. Additionally, the plan accurately and completely describes the streamflow-dependent sensitive, threatened, and endangered species in the Calapooya River, Cooper Creek, and North Umpqua River watersheds as well as the water quality parameters for which the stream reaches below each of the City's PODs on the Calapooya River, Cooper Creek, and North Umpqua River have been listed as water quality limited by the Oregon Department of Environmental Quality.

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-32426 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. After evaluating alternative sources, the need to provide resiliency and redundancy in the water system, and that water savings alone from identified conservation cannot fully meet the City's water demand projections, the Department has determined that access to an increased diversion of water under Permit S-32426 is the most feasible and appropriate alternative to the supplier; and,

c. The Final Orders approving Extensions of Time for Permit S-32426 and S-44926 include Conditions to Maintain the Persistence of Listed Fish. The City is not legally required to provide mitigation to address the resource issues identified under OAR 690-086-0140(5)(i) at this time.

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Sutherlin's Water Management and Conservation Plan is approved and shall remain in effect until **January 30, 2028**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under Permit S-32426 established by the extension of time approved on April 29, 2016 is removed and, subject to other limitations or conditions of the permit, the City of Sutherlin is authorized to divert up to **5.0 cfs** (*out of the total permitted 5.0 cfs*) from Cooper Creek and up to **500.0 AF** (*out of the total permitted 500.0 AF*) of stored water in Cooper Creek Reservoir under Permit S-32426.

3. The limitation of the diversion of water under Permit S-44926 (now S-55041) established in the Final Order approving an Extension of Time *(issued on November 14, 2014)* remains unchanged. Subject to other limitations or conditions of the permit, therefore, the City of Sutherlin is not authorized to divert any water under Permit S-55041 at this time.

Plan Update Schedule:

4. The City of Sutherlin shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **July 30, 2027**.

Progress Report Schedule:

5. The City of Sutherlin shall submit a progress report containing the information required under OAR 690-086-0120(4) by **January 30, 2023**.

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 City of Sutherlin 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 2 day of February, 2018.

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

Mailing date: FEB 05 2018

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